

FLAGS AND COATS OF ARMS ACT

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FLAGS AND COAT OF ARMS ACT

An Act to regulate the display and use of the National Flag, certain other flags and the National Coat of Arms.

[1960 No. 48.]

[1st October, 1960]

[Commencement.]

1. Short title

This Act may be cited as the Flag and Coats of Arms Act.

2. Interpretation

In this Act, unless the context otherwise requires-

"the National Flag" means the National Flag of the Federal Republic of Nigeria;
[L.N. 139 of 1965.]

"public place" means any highway, wharf, street, bridge and thoroughfare, and includes every place (including any foreshore or any beach or open space belonging to the State) to which the public under ordinary circumstances have the right of legal access, whether with or without payment of any entrance fee or gate money, and also includes all land and land covered with water contiguous to a public place from which an act

constituting an offence against this Act would ordinarily be viewable by persons in such public place.

3. Restriction on flying certain flags

(1) Any person who otherwise than in conformity with the terms of a licence granted by the Minister or under other lawful authority, flies or exhibits in any public place any of the following flags, that is to say-

(a) the Royal Standard or the personal standard of royal as Head of the Commonwealth when in Nigeria;

[L.N. 139 of 1965.]

(b) any flag for the time being appointed to be flown by the President;

[L.N. 139 of 1965.]

(c) any flag appointed to be flown only on ships of the Nigerian Navy, or in connection with establishments of the armed forces of Nigeria or the armed forces of any member State of the Commonwealth;

[L.N. 139 of 1965.]

(d) any flag for the time being appointed to be flown by a department, or any branch of a department, of the Government of the Federation;

(e) any flag so closely resembling any such flag as aforesaid that it might reasonably be taken to be that flag,

shall be guilty of an offence against this Act.

(2) Any person who, except otherwise than in conformity with the terms of a licence granted by the Minister or under other lawful authority, flies or exhibits in any public place-

(a) the National flag; or

(b) the flag of any member State of the Commonwealth,

[L.N. 139 of 1965.]

if the flag so flown or exhibited bears thereon any addition, or is in any way modified or defaced, shall be guilty of an offence against this Act:

Provided that nothing in this subsection shall be deemed to restrict the flying or exhibiting of the flag of any State in so far as the National Flag forms part thereof.

4. Flying of National Flag in public

(1) Subject to the provisions of this section, if in any public place in Nigeria the National Flag is to be exhibited or flown for any purpose, it shall not be exhibited with or be flown on the same staff or cross bar with the flag of any State, or the flag of any Commonwealth or foreign country; and the National Flag or any other flag when exhibited or flown shall not appear in a defaced or tattered condition; but the National Flag shall not be deemed to be defaced by reason only of the fact that it is embodied in or forms part of a State flag.

[1962 No. 36.]

(2) Where the flag of any State is flown in the State to which it relates or elsewhere than in the Federal Capital Territory Abuja, it shall not be necessary for the National Flag to be flown at the same time; but if the flag of a State and the National Flag are to be

trown at the same time in a public place in that State or elsewhere in Nigeria, the National Flag of at least the same size as the State flag shall fly above that of any State flag.

(3) The Minister charged with responsibility for internal affairs may, from time to time, by notice either generally or specially authorise the flying of the flag of any Commonwealth country or of any foreign country in any public place, either alone or at the same time as the National Flag, and upon such terms and conditions as he thinks fit; but for the avoidance of doubt and to give effect to any diplomatic convention, no embassy, high commission, or consulate shall be a public place, and no means of transport when used by members of any embassy, high commission, or consulate shall, for the purposes only of this subsection, be deemed to be operating in a public place.

(4) Nothing in this section shall be construed so as to prohibit the flying by any ship other than a Nigerian ship, of the flag of the country where the ship is registered, or the flying of the National Flag by any ship entering or leaving a port in Nigeria.

(5) The failure to comply with the requirements of this section shall be an offence against this Act.

5. Power to fly certain flags without a licence

For the avoidance of doubt, nothing in this Act shall be construed so as to require a licence to exhibit or fly any flag within the meaning of subsection (2) of section (3) of this Act, if the person flying or exhibiting any such flag in a public place is actuated by no other motive than that of patriotism, the proof whereof shall lie upon such person.

6. Restrictions on using National Flag, National Coat of Arms and Royal Coat of Arms

Any person who, otherwise than in conformity with the terms of a licence granted by the Minister or under other lawful authority, uses or displays-

(a) in connection with the carrying on of any business, trade, profession or calling;

or

(b) in connection with the activities of any body of persons, whether corporate or unincorporate,

the National Flag, the National Coat of Arms or the Coat of Arms of royalty as Head of the Commonwealth, or any flag or arms so closely resembling that flag or either of those coat of arms that they might reasonably be taken to be that flag or coat of arms, shall be guilty of an offence against this Act.

[L.N. 139 of 1965.]

7. National Flag not to be displayed in faded or bad condition

Any person who flies or exhibits the National Flag in a defaced or bad condition shall be guilty of an offence against this Act.

8. Power of police to seize and remove flags

Any police officer may seize and remove any flag in respect of which any offence against this Act has occurred, and may cause any flag so seized and removed to be dis-

posed of in such manner as the Minister may direct.

9. Licences may be subject to terms and conditions

(1) Licences issued by the Minister under the provisions of this Act shall contain such terms and conditions as the Minister may deem fit and may at any time be revoked, amended or altered by the Minister.

(2) All applications for such licences shall be in writing addressed to the Permanent Secretary of the Ministry having authority in matters to which this Act relates, and shall contain such information as the Minister may, from time to time, require.

10. Penalty

Any person guilty of an offence against this Act shall be liable to a fine of one hundred naira and in the case of a continuing offence to a fine of ten naira for every day or part of a day during which the offence is continued after the day on which such person is first convicted.

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