

L.N. 71 of 1962

EMERGENCY POWERS ACT, 1961
(1961, No. 1)

Emergency Powers (Statutory Corporations Inquiries)
Regulations, 1962

Commencement : 16th June, 1962

WHEREAS in pursuance of section sixty-five of the Constitution of the Federation a resolution of both Houses of Parliament is in force declaring that a state of public emergency exists :

NOW THEREFORE in exercise of the powers conferred on me by the Emergency Powers Act, 1961, and of all other powers enabling me in that behalf, I, NNAMDI AZIKIWE, Governor-General of the Federation, acting in accordance with the advice of the Council of Ministers, hereby make the following regulations :—

1. These regulations may be cited as the Emergency Powers (Statutory Corporations Inquiries) Regulations, 1962, and shall apply throughout the Federation.

Short title
and extent.

2.—(1) There shall be a commission which shall consist of not less than three members appointed by the Prime Minister ; and the Prime Minister shall designate one of the members as the chairman of the commission.

Establish-
ment of
commission
of inquiry.

(2) The quorum of the commission shall be two, of whom the chairman shall be one, and the chairman shall have a second or casting vote ; and subject to the foregoing provisions of this subparagraph the commission may regulate its own procedure.

(3) If it appears to the Prime Minister that the chairman or any other member of the commission is unable to act as a member of the commission at any meeting thereof, he may appoint another person to act in the place of that member either at that meeting or at that meeting and at subsequent meetings of the commission.

(4) The Prime Minister may appoint a secretary to the commission, and the commission may appoint such persons as it thinks fit for the purpose of assisting the commission in the performance of its functions.

(5) Such expenses of the commission as may be approved by the Minister of the government of the Federation responsible for finance shall be defrayed out of such funds as that Minister may direct.

3.—(1) It shall be the function of the commission to enquire into the following matters, that is to say—

Functions of
the commis-
sion.

(a) the financial and investment policies and practices, the management (including staff matters and staff relations), and the business operations of each of the following statutory corporations since 1st October, 1954—

(i) The Western Region Marketing Board ;

(ii) The Western Nigeria Development Corporation ;

(iii) The Western Region Finance Corporation ;

(iv) The Western Region Housing Corporation ;

(v) The Western Nigeria Government Broadcasting Corporation ;
and

(vi) The Western Nigeria Printing Corporation ;

(b) the extent to which, the purposes for which and the conditions under which each of the said statutory corporations has made monies available either by way of investment, loans, guarantees or otherwise, to any private individual, corporation, company, firm, political party or other association of persons ;

(c) the manner and circumstances in which any monies so made available have been used by any such individual or body as aforesaid ;

(d) the relationship and dealings, financial and otherwise, since the date aforesaid between any of the said statutory corporations, its chairman, executive directors, members and officers or any of them or any Minister of the government of Western Nigeria responsible for the affairs of any of the said statutory corporations on the one hand, and on the other hand—

(i) any corporation, company, firm, group or association of persons in which at least fifty per cent of the share capital is held by one or more of the said statutory corporations or to which any monies referred to in clause (b) above have been made available ;

(ii) any political party, group or association, or any persons, corporation, company, firm or other association of persons acting on behalf of any political party, group or association ;

(e) to what extent (if any) party political considerations or associations have at any time since the date aforesaid influenced any of the said statutory corporations in deciding whether or not to participate in any particular venture ;

(f) in what respect (if any) the functions, operations, business and affairs of any of the said statutory corporations have not been discharged or conducted since the date aforesaid in accordance with the provisions of the law regulating the corporation ; and

(g) whether, in respect of any of the matters mentioned above, any Minister of the government of Western Nigeria or any chairman, executive director, member or officer of any of the said statutory corporations has since the date aforesaid failed to adhere to the standards of conduct or propriety appropriate for a person holding that office, and if so in what respect.

(2) Any reference in the foregoing subparagraph to a statutory corporation includes a reference to any statutory predecessor of that corporation.

Supplemen-
tary provi-
sions as to the
commission.

Cap. 23.

4.—(1) The provisions of the Commissions of Inquiry Law of Western Nigeria referred to in the next following subparagraph are hereby incorporated in these regulations and, accordingly, shall apply for the purposes of these regulations as if specifically set out therein.

(2) The aforesaid provisions are—

(a) section seven, with the omission in paragraph (d) of the words following the word “commissioners” ;

(b) sections eight to twelve inclusive ;

(c) section thirteen, with the omission of paragraph (a) and of the words following the word “justice” ;

(d) sections fourteen and fifteen ;

(e) section sixteen, with the omission of so much of that section as follows the words “one hundred pounds” in subsection (1) ; and

(f) section twenty and the Schedule, except forms C and D.

(3) For the avoidance of doubt, it is hereby declared that the powers of the commission to carry out its functions extend to the whole of the Federation ; and the provisions mentioned in the last foregoing subparagraph shall have effect accordingly.

MADE this 16th day of June, 1962.

NNAMDI AZIKIWE,
Governor-General