

L.N. 13 of 1967

THE CONSTITUTION (SUSPENSION AND MODIFICATION) DECREE 1966

(1966 No. 1)

The Delegation of Statutory Functions (Amendment) (No. 2) Order 1967

Commencement : 1st December 1966

In exercise of the powers conferred by section 9 (3) of the Constitution (Suspension and Modification) Decree 1966 and section 3 of the Ministers' Statutory Powers and Duties (Miscellaneous Provisions) Act, as modified by the Constitution (Suspension and Modification) Decrees (Nos. 1 to 10), and of all other powers enabling it in that behalf, the Federal Executive Council hereby make the following Order—

1.—(1) The functions conferred on the Federal Executive Council by the provisions of the Military Pensions Act set out in the first column of the Schedule hereto (which functions are, for convenience of reference only and without prejudice to this paragraph, described in the second column of that Schedule) are hereby delegated to the persons respectively specified in relation to those provisions in the third column of that Schedule.

Delegation
of certain
statutory
functions.

Cap. 119.

(2) Any person to whom any function is delegated by this Order shall in deciding whether or how to exercise that function have regard to any directions on matters of policy which may from time to time be given by the Federal Executive Council.

(3) Nothing in this Order shall prevent the Federal Executive Council from exercising any of the functions delegated thereby.

2.—(1) This Order may be cited as the Delegation of Statutory Functions (Amendment) (No. 2) Order 1967 and shall be deemed to have come into force on 1st December 1966.

Citation,
commence-
ment and
extent.

(2) This Order shall apply throughout Nigeria.

SCHEDULE

STATUTORY FUNCTIONS DELEGATED

<i>Provision of Cap. 119</i>	<i>Function delegated</i>	<i>Person to whom function is delegated</i>
Section 6(2)	To withhold or reduce the pension or gratuity of an officer or other rank who is guilty of negligence, irregularity or misconduct.	Nigerian Army Council.
Section 7(1) (d)	To be satisfied as respects medical evidence that an officer holding a regular commission is incapable by reason of an infirmity of mind or body of discharging his military duties and that such infirmity is likely to be permanent.	Nigerian Army Council.

SCHEDULE—continued

Provision of
Cap. 119

Function delegated

Person to whom
function is
delegated

Section 7(3) (b)	To be satisfied as respects medical evidence that an other rank is incapable, by reason of an infirmity of mind or body, of discharging his military duties and that such infirmity is likely to be permanent ; and to grant a pension to an other rank who has not completed twelve years' qualifying military service, in a case where the other rank has been injured without his own default in circumstances specifically attributable to the nature of his duty if satisfied on medical evidence that as a result of the injury the other rank is incapable of discharging his military duties and that the injury is likely to be permanent.	Nigerian Army Council.
Section 8	To grant such proportionate pension or gratuity as it may think just and appropriate in a case where an officer is removed from the military service on the ground of his inability to discharge his duties efficiently.	Nigerian Army Council.
Section 9	To require an officer holding a regular commission to retire from the military service at any time after he attains the age of forty years.	Nigerian Army Council.
Section 12(3)	To direct that all or any part of any pension forfeited as a result of the bankruptcy of any person to whom a pension has been granted be applied for the maintenance of his family.	Permanent Secretary, Federal Ministry of Establishments.
Section 13(1)	In a case where a person to whom pension has been granted is sentenced to a term of imprisonment to direct that the pension shall forthwith cease.	Permanent Secretary, Federal Ministry of Establishments.
Section 13(3)	To direct that the pension forfeited under section 13(1) or (2) be paid to the family of the pensioner.	Permanent Secretary, Federal Ministry of Establishments.
Section 15	To grant pension to the dependant of an officer or other rank who, while in the military service, is killed without his own default, in circumstances specifically attributable to the nature of his duty.	Permanent Secretary, Federal Ministry of Establishments.

DATED at Lagos this 27th day of January 1967.

H. A. EJUEYITCHIE,
Acting Secretary to the Federal
Military Government