

## TRADE DISPUTES (EMERGENCY PROVISIONS) DECREE 1968



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# TRADE DISPUTES (EMERGENCY PROVISIONS)

DECREE 1968

## Decree No. 21

[See section 23 (2)]

Commence-  
ment.

Whereas it is expedient during the present state of emergency in Nigeria to make transitional provisions for the settlement of trade disputes arising within the period of such emergency :

THE FEDERAL MILITARY GOVERNMENT therefore hereby decrees as follows :—

### PART I

#### PROCEDURE FOR SETTLING TRADE DISPUTES

1.—(1) Where a trade dispute exists the provisions of this Decree shall apply in relation to the dispute.

Preliminary.

(2) For the purposes of this Decree a trade dispute shall be deemed to exist in any case, when—

(a) it is declared by either party to the dispute under section 4 below ; or  
(b) the dispute is apprehended by the Commissioner,  
and in this Decree, unless the context otherwise requires—

(i) “the Commissioner” means the Federal Commissioner for Labour ;

(ii) “the dispute” means the trade dispute in question ; and

(iii) “party” means a party to the dispute and includes an employer or organisation representing the interests of employers, the trade union directly concerned in the dispute, and where there is no such trade union, then, the representatives of the workers directly engaged in the undertaking.

2.—(1) Where there exists any collective agreement for the settlement of a trade dispute, at least three copies of the said agreement shall be deposited by the parties thereto with the Commissioner—

Obligation  
to deposit  
collective  
agreements  
with the  
Commis-  
sioner.

(a) in the case of a collective agreement entered into before the date of commencement of this Decree, within thirty days of that date ; and

(b) in the case of a collective agreement entered into on or after the date of commencement of this Decree, within thirty days of the execution thereof,

and any person who fails to deposit copies of the said agreement within the period prescribed in the foregoing provisions of this subsection, shall be guilty of an offence under this Decree.

(2) Subject to the provisions of this Decree, the Commissioner may, upon receipt of copies of a collective agreement deposited in accordance with subsection (1) above, make an order, the terms of which may in respect of that agreement specify that the provisions of the agreement or any part thereof as may be stated in the order shall be binding on the employers and workers to whom they relate.

(3) If any person fails to comply with the terms of the said order he shall be guilty of an offence under this Decree.

(4) In this section and hereafter in this Decree, "collective agreement" means any agreement in writing for the settlement of disputes and relating to terms of employment and physical conditions of work concluded between—

(a) an employer, a group of employers or one or more organisations representing employers, on the one hand, and

(b) one or more trade unions or organisations representing workers, or the duly appointed representative of any body of workers, on the other hand.

Procedure before dispute is reported.

3.—(1) Where there is any dispute between employers and workers or between workers and workers both parties to the dispute shall meet within seven days of the existence of the dispute with a view to resolving the dispute.

(2) The parties may at that meeting adopt any procedure stipulated in any collective agreement for the settlement of the dispute in so far as that procedure is not inconsistent with the provisions of this Decree.

(3) In this section the reference to "any dispute" includes, in so far as the dispute is in connection with the employment or non-employment or the terms of employment and physical conditions of work of workers employed in any undertaking, a reference to any disagreement connected therewith.

Obligation to report declaration of trade dispute.

4.—(1) Within a period of seven days of the failure to resolve any dispute in accordance with section 3 above either party to the dispute wishing to pursue the matter further shall declare a trade dispute and notify the Commissioner of the declaration accordingly.

(2) Any notification for the purposes of subsection (1) above shall be in writing and shall record the points on which the parties disagree and describe the steps already taken by the parties to reach a settlement.

(3) The failure to give notice of a declaration as required by this section shall be an offence under this Decree.

Discretionary powers of the Commissioner.

5.—(1) Within fourteen days of the date of receipt of the notification of declaration of the dispute in the circumstances prescribed under section 4 above, the Commissioner may take such steps as he deems necessary to effect a settlement.

(2) Where a trade dispute is apprehended by the Commissioner, he shall in writing inform the parties or their representatives of his apprehension and of the steps he proposes to take for the purpose of resolving the dispute.

(3) Such steps as the Commissioner may, pursuant to the foregoing provisions of this section, take may include—

(a) the appointment of a conciliator under section 7 below ; or

(b) a reference of the dispute or any matter relating thereto to a board of inquiry appointed under section 9 below ; or

(c) a reference of the dispute or any matter relating thereto to arbitration by an arbitration tribunal appointed under section 11 below.

(4) Without prejudice to the foregoing provisions of this section, the Commissioner may in his discretion refer any matter pertaining to industrial conditions in Nigeria to a board of inquiry appointed by him under section 9 below for the purpose, and the provisions of this Decree as to the appointment, powers and proceedings of a board of inquiry, and other related matters, shall with any necessary modifications apply in relation to any reference under this subsection as they apply in relation to a reference for the purposes of that section.

6.—(1) Without prejudice to the powers conferred on him by section 5 of this Decree, if it appears to the Commissioner that employers or workers as the case may be have failed to comply with the requirements of section 3 or 4 of this Decree, he may make any order appearing to him to be necessary to ensure due compliance with those requirements or any of them.

Supplementary powers of the Commissioner.

(2) An order made under this section shall be published in one issue of each of at least three national newspapers on the same date and the parties to the dispute shall within seven days of the publication thereof comply with the order.

(3) The failure to comply with the requirements of an order under this section shall be an offence against this Decree.

7.—(1) The Commissioner may for the purposes of section 5 above appoint a fit person to act as conciliator for the purpose of effecting a settlement of the dispute.

Appointment of a conciliator.

(2) Any person appointed under subsection (1) of this section shall inquire into the causes and circumstances of the dispute and by negotiation with the parties endeavour to bring about a settlement.

(3) If a settlement of the dispute is reached the conciliator shall report the fact to the Commissioner and shall within fourteen days thereof forward to the Commissioner a memorandum of the terms of settlement signed by the representatives of the parties.

(4) The Commissioner may by order confirm the terms of settlement as contained in the memorandum, and as from the date on which the memorandum is confirmed (or such earlier or later date as may be specified therein), the terms recorded therein shall be binding on the employers and workers to whom those terms relate. If any person fails to comply with the terms of settlement as confirmed, he shall be guilty of an offence under this Decree.

(5) Where the conciliator fails to settle the dispute, he shall within seven days of the date on which the failure occurs submit a report of the circumstances to the Commissioner.

## PART II

### PROVISIONS RELATING TO APPOINTMENT AND CONSTITUTION ETC. OF A BOARD OF INQUIRY AND AN ARBITRATION TRIBUNAL

8. This Part applies in relation to the following bodies, that is to say—

- (a) a board of inquiry ; and
- (b) an arbitration tribunal.

Application of this Part.

9.—(1) Where there exists any trade dispute, the Commissioner may cause an inquiry to be made into the causes and circumstances of the dispute and, if he thinks fit, may refer any matter appearing to him to be connected with or relevant to the dispute to a board of inquiry appointed for the purpose under this Decree.

Reference of disputes to a board of inquiry.

(2) The board of inquiry to which subsection (1) above relates shall be appointed and constituted in accordance with the provisions of Part I of Schedule 1 to this Decree.

Schedule 1.

Reports of  
board of  
inquiry.

10.—(1) A board of inquiry appointed under section 9 above may, if it thinks fit, make interim reports.

(2) Every report of such a board of inquiry including any interim report and any minority report, shall be submitted to the Commissioner.

(3) Subject to subsection (4) below the Commissioner may cause to be published, at such time or times and in such manner as he thinks fit, any information obtained or conclusions reached by any such board of inquiry in the course of or as a result of its inquiry.

(4) Except with the consent required by this subsection there shall not be included in any report made by such a board of inquiry, or in any publication authorised by the Commissioner under this section, any information obtained by the board in the course of its inquiry—

(a) with respect to any trade union ; or

(b) with respect to any particular business or undertaking, whether carried on by a particular individual, a firm or a company or other body corporate,

being in either case information which is not available otherwise than through evidence given at the inquiry.

(5) The consent required by subsection (4) above is, in the case of information with respect to a trade union, consent given on behalf of the union by an official thereof authorised by the union to give that consent and, in the case of information with respect to an individual business or undertaking, consent given by or on behalf of the individual, firm, company or other body corporate carrying on the business or undertaking.

(6) If any individual member of a board of inquiry appointed under section 9 of this Decree, or any other person concerned in the inquiry, discloses any such information as is mentioned in subsection (4) above without the consent required by that subsection, he shall be guilty of an offence and be liable on summary conviction to a fine not exceeding one hundred pounds.

(7) The Commissioner may, on receipt of the final report of a board of inquiry pursuant to the preceding provisions of this section, accept the recommendations made to him by the board, and may on such recommendations, make such order in relation to the dispute as may have the same effect as an order of the Commissioner made in respect of an award by an arbitration tribunal under section 11 below.

(8) Where any order is made under subsection (7) above, the parties thereto shall comply with the order, and if any person fails to comply thereto he shall be guilty of an offence under this Decree.

(9) The Commissioner may, instead of making an order under subsection (7) above, in his discretion, refer the recommendations to an arbitration tribunal appointed under section 11 below.

11.—(1) Where there exists a trade dispute, the Commissioner may refer the dispute to arbitration by an arbitration tribunal appearing to him to be appropriate having regard to the circumstances of the dispute and the means by which an attempt to settle the dispute was made pursuant to this Decree.

Reference  
of disputes  
to an  
arbitration  
tribunal.



(2) An arbitration tribunal to which subsection (1) above relates shall be appointed and constituted in accordance with Part II of Schedule 1 to this Decree.

Schedule 1.

12.—(1) An arbitration tribunal appointed under this Decree—

Award by  
an arbitra-  
tion tribunal.

(a) shall make its award within 21 days of its appointment or such longer period as the Commissioner may in any particular case allow; and

(b) on making its award shall forthwith send a notification thereof to the Commissioner.

(2) The Commissioner, on receipt of the notification under subsection (1) above, may refer the award back to the tribunal for a reconsideration or may by order confirm the award, and the award as confirmed by the Commissioner shall be final and shall be binding on the employers and workers to whom it relates as from the date of the award (or such earlier or later date as may be specified therein).

(3) In so far as the terms of employment and physical conditions of work of workers to be observed by an employer in accordance with any award under this section are more favourable than any statutory provisions affecting the terms of employment and physical conditions of work of the workers concerned, the award shall prevail.

In this subsection "statutory provisions" means provisions contained in any written law in force in Nigeria or any part thereof, or in any instrument made in the exercise of any power conferred by any such law.

(4) If after an award of an arbitration tribunal has become binding on the workers and employers to whom it relates any question arises as to the interpretation of the award, the Commissioner or any party to the award may make an application to the arbitration tribunal that made the award in the first instance for a decision on that question.

(5) On an application under subsection (4) above the arbitration tribunal shall decide the matter after hearing the parties to the award or, after the prior consent of the parties, without hearing them, and the decision of the tribunal shall be notified to the Commissioner.

(6) The Commissioner may, on receipt of such notification, by order confirm the decision and notify the parties accordingly.

(7) Where any decision has been confirmed pursuant to the foregoing provisions of this section the decision, which shall be final shall be deemed to form part of the original award and the parties shall comply thereto.

(8) Any person who fails to comply with the decision as confirmed shall be guilty of an offence under this Decree.

13. The supplementary provisions in Part III of Schedule 1 to this Decree relating to the powers and proceedings of bodies to which this Part of this Decree relates shall apply accordingly.

Provisions  
as to  
powers, etc.  
of a board  
of inquiry  
and an arbit-  
ration  
tribunal.  
Schedule 1.

## PART III

SUPPLEMENTARY PROVISIONS  
AS TO PROCEDURE FOR SETTLEMENT OF  
TRADE DISPUTES

Disagree-  
ment as to  
right of  
representa-  
tion.

14.—(1) Where there exists any disagreement about the right of any person or representatives of the workers engaged in the undertaking directly concerned in the dispute to represent the interests of workers or employers, such disagreement shall be referred by the parties thereto to the Commissioner for a ruling and it shall be sufficient for the purposes of this subsection if the disagreement is referred by any party thereto.

(2) The decision of the Commissioner shall be final and shall be accepted by the parties concerned for the purpose of a reference of the dispute to a conciliator under section 7 above or for the purpose of any reference of the dispute under this Decree to the Commissioner or a board of inquiry or an arbitration tribunal.

Persons  
who may  
give notices  
or make  
reports, etc.

15.—(1) Where any notice is required to be given or made under this Decree by a party to the dispute, the notice shall be given or made, as the case may be—

(a) in the case of an employer which is a body corporate, by the director, manager, secretary or other official of that body, and in the case of an unincorporated body by a proprietor or a representative of that body duly authorised in that behalf ;

(b) in the case of a trade union or where there is no trade union but there is an organisation of workers directly engaged in the undertaking concerned in the dispute, then, by the president or secretary of that union or organisation, if any, or by a member of that union or organisation.

(2) In any case where any function apart from any of those specified in subsection (1) above is required under this Decree to be performed it shall be sufficient for the purposes of this Decree if the function is performed by any representative or official of the employer or in respect of the trade union or organisation in question, of the workers.

Restrictions  
as to lock-  
outs or  
strikes,  
etc.  
Schedule 2.

16.—(1) During the continuance of this Decree and without prejudice to the provisions of any enactment or Law mentioned in Schedule 2 to this Decree, an employer shall not take part in a lock-out and a worker shall not take part in a strike after the date of notification of a declaration of a trade dispute to the Commissioner in accordance with section 4 of this Decree, or as the case may be, after the time when the Commissioner has notified the parties or their representatives of his apprehension of a trade dispute under section 5 (2) of this Decree.

(2) Any person, who contravenes subsection (1) above shall be guilty of an offence under this Decree.

Appoint-  
ment of  
officers and  
servants for  
purposes of  
this Decree.

17. Subject to the provisions of this Decree the Public Service Commission of the Federation may appoint at such remuneration and on such terms and conditions as it may determine such officers and servants as may be necessary for carrying this Decree into effect.

Expenses.

18. Any expenses incurred in carrying this Decree into effect shall so far as they are approved by the Federal Executive Council be paid out of such fund of the Federation as the Federal Commissioner for Finance may direct.

19.—(1) Any person guilty of an offence under this Decree for which no special penalty is provided shall be liable, on conviction—

Offences  
and  
penalties.

(i) in the case of an individual, to a fine not exceeding £50 or to a term of imprisonment not exceeding six months or to both ;

(ii) in the case of a body corporate, to a fine not exceeding £500.

(2) Where an offence has been committed in relation to the provisions of this Decree requiring the giving of any notice or the making of a report or the performance of any other function under this Decree by a party to the dispute, the offence shall be deemed to have been committed by the person required to give the notice or make the report or perform the function, or as the case may be, by the person liable to do any of those things under this Decree or by operation of law, or by any person purporting to act in the capacity of such person.

(3) Where an offence under this Decree which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other official of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(4) For the purposes of this section, references in this Decree,—

(a) to any organisation representing employers or workers ; or

(b) to any duly appointed representative of any body of workers, shall be construed as references—

(i) as respects paragraph (a) above, to an organisation duly appointed to represent the employers concerned or to any official of the organisation representing the workers concerned ; or

(ii) as respects paragraph (b) above, to any official of the body of workers concerned, or to any person duly appointed by that body itself, or purporting to act as such official or representative.

(5) No proceedings shall be instituted for any criminal offence under this Decree unless such proceedings are authorised in writing by the Attorney-General of the Federation.

#### PART IV

##### GENERAL AND MISCELLANEOUS

20.—(1) In this Decree the following expressions have the meanings hereby assigned to them respectively, that is to say—

Interpre-  
tation.

“collective agreement” has the meaning given in section 2 above ;

“lock-out” means the closing of a place of employment, or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him in consequence of a dispute, done with a view to compelling those persons, or to aid another employer in compelling persons employed by him, to accept terms of employment and physical conditions of work ;

“public officer” means a member of the public service of the Federation or of a state ;

“state” means a state created under the States (Creation and Transitional Provisions) Decree 1967 ;

1967  
No. 14.



"strike" means the cessation of work by a body of persons employed acting in combination, or a concerted refusal or a refusal under a common understanding of any number of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling their employer or any person or body of persons employed, or to aid other workers in compelling their employer or any person or body of persons employed, to accept or not to accept terms of employment and physical conditions of work ; and in this definition—

(a) "cessation of work" includes deliberately working at less than usual speed or with less than usual efficiency ; and

(b) "refusal to continue to work" includes a refusal to work at usual speed or with usual efficiency ;

"trade dispute" means any dispute between employers and workers or between workers and workers, which is connected with the employment or non-employment or the terms of employment and physical conditions of work of any person ;

Cap. 200.

"trade union" has the same meaning as in section 2 of the Trade Unions Act ;

"worker" means any employee, that is to say, any individual (other than any category of public officers mentioned in section 21 below) who has entered into or works under a contract with an employer, whether the contract is for manual labour, clerical work or otherwise, is expressed or implied, oral or in writing, and whether it is a contract of service or of apprenticeship.

(2) Where it is provided by this Decree that an award or the terms of a settlement shall be binding on the employers and workers to whom the award or terms relate, then, as from the date of the award or settlement (or such earlier or later date, if any, as is specified therein), the contract between the employers and workers in question shall be deemed to include a provision that the rate of wages to be paid and the conditions of employment to be observed under the contract shall be in accordance with the award as confirmed by the Commissioner or terms of settlement until varied by a subsequent agreement, settlement or award ; and accordingly the provisions of that contract shall be read subject to the award as confirmed or terms of settlement, and any failure to give effect to the award or terms of settlement shall constitute a breach of contract.

(3) Any reference in this Decree to a period of days reckoned from a particular event shall be construed as excluding the day on which the event occurs.

21.—(1) Subject to subsection (2) below, this Decree shall apply to workers employed by or under the Government of the Federation or of a state as it applies to persons employed by a private person.

(2) This Decree shall not apply to—

(a) members of any of the armed forces of the Federation ; or

Application  
to Federal  
and State  
Govern-  
ment  
workers  
other than  
armed  
forces, etc.

(b) members of the Nigeria Police Force or any police force maintained by any native authority or local government authority ; or

(c) any officer of whatever rank appointed to carry out duties in relation to any prison over which the Federal Director of Prisons or any native authority or local government authority has operational control ; or

(d) members of the fire services.

22.—(1) The enactments mentioned in Schedule 3 to this Decree to the extent specified in the third column of that Schedule shall be suspended and be subject to this Decree, so however that those enactments unless sooner repealed shall revive and continue in operation on the expiry of this Decree.

Enactments  
suspended  
and  
savings.  
Schedule 3.

(2) Nothing in this Decree shall affect the appointment of any persons who was before the commencement of this Decree appointed as a conciliator, arbitrator, assessor or member of a board of inquiry under any enactment suspended by this Decree, and any person so appointed may complete the task which he was appointed to perform as if this Decree had not come into force.

(3) Any award made, whether before or after the date of commencement of this Decree, by an arbitration tribunal appointed at any time before that date under section 4 of the Trades Disputes (Arbitration and Inquiry) Act shall be treated for the purposes of this Decree as having been made by an arbitration tribunal appointed under this Decree and confirmed by the Commissioner.

Cap. 201.

23.—(1) This Decree may be cited as the Trade Disputes (Emergency Provisions) Decree 1968 and shall apply throughout the Federation.

Citation,  
extent and  
commence-  
ment.

(2) This Decree shall come into force on such date as the Commissioner may by order published in the Federal Gazette appoint.

(3) This Decree shall, unless sooner repealed, continue in force for a period of 12 months from the appointed date aforesaid and shall then expire.

## SCHEDULES

### SCHEDULE 1

#### PART I

#### Section 9

#### CONSTITUTION OF A BOARD OF INQUIRY

1. The Commissioner may for purposes of this Decree appoint a board of inquiry which shall consist of a chairman and such other persons as he thinks fit to appoint.

2. A board of inquiry consisting of two or more persons may act notwithstanding any vacancies in the number of members.

3. The Commissioner may, with the consent of the Commissioner for Finance pay to any member of a board of inquiry appointed under this Decree such remuneration as he thinks fit :

Provided that no remuneration, fees or allowances shall be paid to any public officer other than such allowances for expenses as may be expressly authorised for the purposes of this Decree by the Public Service Commission of the Federation or of the state in question, as the case may be.

## PART II

## Section 11

## CONSTITUTION OF AN ARBITRATION TRIBUNAL

4. An arbitration tribunal to which the Commissioner may refer a trade dispute under this Decree shall consist of—

- (a) a sole arbitrator appointed by the Commissioner ; or
- (b) a single arbitrator appointed by the Commissioner assisted by assessors appointed in accordance with paragraph 5 below ; or
- (c) one or more arbitrators nominated by or on behalf of the employers concerned and an equal number of arbitrators nominated by or on behalf of the workers concerned, and an independent chairman, all of whom shall be appointed by the Commissioner.

5. The assessors for an arbitration tribunal which is to consist of a single arbitrator assisted by assessors shall be appointed by the Commissioner as follows—

- (a) one or more shall be persons nominated by or on behalf of the employers concerned ; and
- (b) an equal number shall be persons nominated by or on behalf of the workers concerned :

Provided that if, after being afforded a reasonable opportunity of doing so, the employers or workers concerned, or their representatives, fail to make a nomination for the purposes of any appointment falling to be made in accordance with this paragraph, the Commissioner may appoint such person or persons as he thinks fit.

6. The award of an arbitration tribunal consisting of a single arbitrator assisted by assessors shall be made and issued by the arbitrator only ; and if, in the case of an arbitration tribunal consisting of more than one arbitrator, all the members of the tribunal are unable to agree as to their award, the matter shall be decided by the chairman as sole arbitrator.

Cap. 13. 7. The Arbitration Act shall not apply to any proceedings of an arbitration tribunal appointed under this Decree or to any award made by such a tribunal.

8. Where an arbitration tribunal appointed under this Decree consists of a single arbitrator assisted by assessors and any vacancy occurs in the number of assessors, the tribunal may, at the discretion of the arbitrator, either—

- (a) act notwithstanding the vacancy ; or
- (b) consent to the vacancy being filled by another assessor nominated and appointed in accordance with paragraph 5 above.

9. Where an arbitration tribunal appointed under this Decree consists of more than one arbitrator and any vacancy occurs in their number the tribunal may, with the consent of the parties, act notwithstanding the vacancy.

10. An act, proceeding or determination of an arbitration tribunal appointed under this Decree shall not be questioned on the ground that a member or assessor was not validly appointed or on the ground of any unfilled vacancy authorised by paragraphs 8 and 9 above.

11. The Commissioner may, with the approval of the Commissioner for Finance, pay to any arbitrator or assessor appointed under this Decree such remuneration as he thinks fit :

Provided that no remuneration, fees or allowances shall be paid to any public officer other than such allowances for expenses as may be expressly authorised for the purposes of this section by the Public Service Commission of the Federation or of the state in question, as the case may be.

### PART III

### Section 13

#### SUPPLEMENTARY PROVISIONS

##### *Board of Inquiry and Arbitration Tribunals*

12. A board of inquiry or, as the case may be an arbitration tribunal, shall in respect of any trade dispute or other matter before it have the powers set out in this paragraph, so however that evidence taken under item (a), (b) or (c) below, if otherwise inadmissible in a court of law shall likewise be inadmissible against any person in criminal proceedings (unless the charge is one of giving false evidence before a board or tribunal) that is to say, power to—

(a) require any person to furnish, in writing or otherwise, such particulars relating to the matter referred to it as it may require ;

(b) require any person to attend before the board or tribunal and give evidence, on oath or affirmation or otherwise, with respect to any matter relevant to the matter referred to it ;

(c) compel the production before the board or tribunal of books, papers' documents and other things for the purpose of enabling it to be examined or referred to so far as may be necessary in order to obtain information relevant to the matter referred to it ;

(d) consider and deal with the matter referred to it in the absence of any party who has been duly summoned or served with a notice to appear ;

(e) admit or exclude the public or the press, or both, from any of its sittings ;

(f) adjourn from time to time ; and

(g) give generally all such directions and do all such things as are necessary or expedient for dealing speedily and justly with the matter referred to it.

13. For the purpose of enforcing any summons, directions or order issued, given or made by virtue of paragraph 12 above, a board of inquiry or an arbitration tribunal shall have the like powers as are exercisable by any High Court in Nigeria.

14. Any person who commits an act of contempt, whether the act is or is not committed in the presence of the members of the board or the tribunal as aforesaid sitting in the exercise of its functions under this Decree, shall be guilty of an offence and liable on summary conviction before a High Court to a fine of one hundred pounds or to imprisonment for a term of three months.

*Practice and Procedure*

15. Subject to the provisions of this Decree a board of inquiry or an arbitration tribunal—

(a) may regulate its procedure and proceedings as it thinks fit, and shall not be bound to act in any formal manner; and

(b) shall not be bound by any rules of evidence but may inform itself on any matter in such manner as it thinks just.

*Restriction on Publication of Report of Proceedings*

16. Where, in the case of any sitting or part of a sitting of a board of inquiry or an arbitration tribunal, the press have been admitted thereto, but not otherwise, a fair and accurate report or summary of the proceedings during that sitting or part (including any evidence heard in the course thereof) may be published, but until the result of an inquiry or the award of the arbitration tribunal has been officially published, no comment shall be published in respect of the proceedings or the evidence.

17. Any person who contravenes paragraph 16 above shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term of three months.

## SCHEDULE 2

## Section 16

## ENACTMENTS SAVED IN OPERATION

Cap. 42	The Criminal Code in its application to the former Federal territory .. .. .	Section 305A.
E.N. Cap. 30	The Criminal Code of the territory formerly known as Eastern Nigeria .. .. .	Section 305A.
W.N. Cap. 28	The Criminal Code of the territory formerly known as Western Nigeria, as it applies in any part of Nigeria .. .. .	Section 243.
N.N. Cap. 89	The Penal Code of the territory formerly known as Northern Nigeria .. .. .	Section 195.

## SCHEDULE 3

## Section 22

## ENACTMENTS SUSPENDED IN OPERATION

<i>Chapter or number</i>	<i>Short Title or other description</i>	<i>Extent of suspension</i>
Cap. 201	The Trades Disputes (Arbitration and Inquiry) Act.	The whole Act.
Cap. 202	The Trades Disputes (Arbitration and Inquiry) (Federal Application) Act.	The whole Act.
No. 31 of 1958	The Civil Aviation (Fire and Security Measures) Act 1958.	Section 24 (2).



SCHEDULE 3—*continued*ENACTMENTS SUSPENDED IN OPERATION—*continued*

<i>Chapter or number</i>	<i>Short Title or other description</i>	<i>Extent of suspension</i>
L.N. 50 of 1961	The Transfer of Functions (Labour) Order 1961.	So much of Schedule 1 as relates to the Trade Disputes (Arbitration and Inquiry) Act (Cap. 201).  So much of Schedule 2 as relates to the Trade Disputes (Arbitration and Inquiry) (Federal Application Act) (Cap. 202).
L.N. 112 of 1964.	The Adaptation of Laws (Miscellaneous Provisions) Order 1964.	So much of Schedule 1 as relates to the Trade Disputes (Arbitration and Inquiry) (Federal Application) Act (Cap. 202).  So much of Schedule 2 as relates to the Trade Disputes (Arbitration and Inquiry) Act (Cap. 201).

DATED at Lagos this 2nd day of May 1968.

MAJOR-GENERAL Y. GOWON,  
*Head of the Federal Military Government,  
Commander-in-Chief of the Armed Forces,  
Federation of Nigeria*