

L.N. 36 of 1970

**TRADE DISPUTES (EMERGENCY PROVISIONS)
(AMENDMENT) (No. 2) DECREE 1969
(1969 No. 53)**

Industrial Arbitration Tribunal Regulations 1970

Commencement : 6th April 1970

In exercise of the powers conferred by section 3 (5) of the Trade Disputes (Emergency Provisions) (Amendment) (No. 2) Decree 1969, and of all other powers enabling me in that behalf, I hereby make the following regulations :—

1. Without prejudice to the generality of section 3 (6) of the Decree, the Tribunal in the exercise of its functions shall not be bound to act in any formal manner and in particular—

General principles.

(a) may at a hearing adopt such order of proceedings and allow such right of representation as appears to it suitable and convenient, 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.

2.—(1) Subject to regulation 5 (2) (f) below (which empowers the Tribunal to adjourn from time to time), sittings of the Tribunal shall be held at such times and places and on such days as the Chairman may decide.

Sittings.

(2) As directed by the Chairman, the Tribunal—

(a) may sit in two or more divisions, and

(b) may consist at a sitting of one or more than one member.

(3) Where the Tribunal at a sitting consists of more than one member, it shall be presided over by—

(a) the Chairman, or

(b) in the absence of the Chairman, the Vice-Chairman, or

(c) in the absence of the Chairman and the Vice-Chairman, such member as may be specified by the Chairman or, if there is no such specification, selected by the members present from among themselves.

(4) At the discretion of the Chairman, the Tribunal may sit with an assessor or assessors and may settle any matter wholly or partially with his or their assistance.

(5) If at any stage of proceedings before the Tribunal a member or an assessor is unable to take any further part, then, with the approval of the Chairman—

(a) he may be replaced by another member or, as the case may be, by another assessor, or

(b) the proceedings may continue notwithstanding the vacancy.

3. Where the Tribunal consists of more than one member, its decision on a matter referred to it shall be that of the majority of those members and, if there is an equality of votes, the person presiding shall have a casting vote.

Decisions.

Awards.

4.—(1) The Tribunal may correct in any award any clerical mistake or error arising from an accidental slip or omission.

(2) In so far as the terms of employment and physical conditions of work of workers to be observed by an employer in accordance with an award are more favourable than those provided by or under any enactment other than the Decree, the award shall prevail.

(3) If, after an award has become binding, any question arises as to its interpretation—

(a) the Commissioner may refer the question to the Tribunal for decision,

(b) the Tribunal shall decide the question as if it were an original reference and shall notify the Commissioner of its decision, and

(c) the Commissioner may then confirm the decision and, if he does so, it shall be deemed to form part of the original award.

Powers.

5.—(1) The Tribunal may in respect of any matter referred to it exercise all or any of the powers set out in paragraph (2) below, so however that evidence taken under sub-paragraph (a), (b) or (c) of the said paragraph (2), 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 the Tribunal).

(2) Pursuant to paragraph (1) above, the Tribunal may—

(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 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 Tribunal of books, papers, documents and other things for the purpose of obtaining 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.

Enforcement.

6.—(1) For the purpose of enforcing any summons, directions or order issued, given or made by virtue of regulation 5 above, the Tribunal shall have the same powers as are exercisable by any High Court in Nigeria.

(2) Any person who commits an act of contempt, whether the act is or is not committed in the presence of the Tribunal sitting in the exercise of its functions under the Decree, shall be guilty of an offence and on conviction shall be liable to a fine of £50 or to imprisonment for a period of six months, or to both.

Restriction on publication of proceedings, etc.

7.—(1) Where the press have been admitted to a sitting or part of a sitting of the Tribunal, but in no other case, 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 award of the Tribunal has been finally published, no comment shall be published in respect of the proceedings or the evidence.

(2) Any person who contravenes paragraph (1) above shall be guilty of an offence and on conviction shall be liable to a fine of £50 or to imprisonment for a period of six months, or to both.

8.—(1) The validity of any proceedings of the Tribunal shall not be affected by any vacancy in the membership of the Tribunal or by any defect in the appointment of a member of the Tribunal, or by reason that a person not entitled to do so took part in the proceedings.

Supplementary provisions.

(2) The Commissioner may, with the approval of the Commissioner for Finance, pay to any assessor such fees or allowances as he thinks fit :

Provided that no fees or allowances shall be paid under this paragraph to any public officer other than such allowances for expenses as may be expressly authorised for the purposes of this paragraph by the Public Service Commission of the Federation or the relevant State.

(3) The Arbitration Act shall not apply to any proceedings of the Tribunal or to any of its awards.

Cap. 13.

9. In these regulations, unless the context otherwise requires—

Interpretation.

“assessor” means an assessor appointed under regulation 2 (4) above ;

“award” means an award or determination of the Tribunal ;

“the Chairman” means the Chairman of the Tribunal and, as regards the functions of the Chairman under regulation 2 (1), (2), (4) and (5) above, includes the Vice-Chairman if the Chairman is incapacitated and a member nominated by the Commissioner if the Chairman and the Vice-Chairman are both incapacitated ;

“The Tribunal” means the Industrial Arbitration Tribunal established by section 3 of the Decree, or any division thereof ;

“the Vice-Chairman” means the Vice-Chairman of the Tribunal.

10. These regulations may be cited as the Industrial Arbitration Tribunal Regulations 1970 and shall apply throughout the Federation.

Citation and extent.

MADE at Lagos this 6th day of April 1970.

ANTHONY ENAHORO,
Federal Commissioner for Labour