

**TRADE DISPUTES (EMERGENCY PROVISIONS)
(AMENDMENT) DECREE 1970**



Decree No. 36

[17th June 1970]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1. The Trade Disputes (Emergency Provisions) (Amendment) (No. 2) Decree 1969 is amended in section 3 (2) (which relates to membership of the Industrial Arbitration Tribunal) by substituting for the word "five" the word "six".

Amendment
of section 3
of 1969
No. 53.

2. This Decree may be cited as the Trade Disputes (Emergency Provisions) (Amendment) Decree 1970 and shall apply throughout the Federation.

Citation
and extent.

MADE at Lagos this 17th day of June 1970.

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

**THE DIRECTORS OF AUDIT (CHANGE OF TITLE)
DECREE 1970**



Decree No. 37

[17th June 1970]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1.—(1) The Director of Audit of the Federation or of any State shall hereafter be called “Auditor-General” of the Federation or of the State in question; and accordingly in—

Change of
title to
“Auditor-
General”.

1963 No. 20.
N.N. No. 33
of 1963.
E.N. Law
No. 8 of
1963.
W.N. Law
No. 26 of
1963.
1964 No. 3
of Mid-
Western
Nigeria.
1966 No. 1.
1967 No. 14.
Cap. 17.

(a) the Constitution of the Federation 1963 or the Constitutions of the former Northern, Eastern, Western and Mid-Western Nigeria 1963 (as modified by the Constitution (Suspension and Modification) Decree 1966 and the States (Creation and Transitional Provisions) Decree 1967), and in particular, in the provisions relating to the creation of the office of the Director of Audit of the Federation or of any State, and his appointment and tenure of office respectively as set out in the Schedule hereunder;

(b) the Audit Act or any law relating to the auditing of public accounts of the Federation or of a State; and

(c) any other relevant enactment, law or instrument whatsoever, for any reference (as respects any such Federal or State enactment, law or instrument) to the title of the Director of Audit howsoever known or described and wherever the title occurs, there shall be substituted a reference to “Auditor-General”.

(2) The amendment effected by this Decree shall not affect—

(a) the previous operation of any enactment, law or instrument or anything duly done or purported to be done thereunder; and

(b) any right acquired or any obligation, liability, penalty, forfeiture or punishment incurred under any enactment, law or instrument or any legal proceedings or remedy pertaining thereto.

2. This Decree may be cited as the Directors of Audit (Change of Title) Decree 1970 and shall apply throughout the Federation.

Citation
and extent.

SCHEDULE

Section 1 (1) (a)

ENACTMENTS REFERRED TO IN SECTION 1 (1) (a)

- (1) Sections 134 and 150 of the Constitution of the Federation 1963 ;
- (2) Sections 64 and 70 of the Constitution of the former Northern Nigeria 1963 ;
- (3) Sections 61 and 69 of the Constitution of the former Eastern Nigeria 1963 ;
- (4) Sections 60 and 68 of the Constitution of the former Western Nigeria 1963 ;
- (5) Sections 59 and 67 of the Constitution of the former Mid-Western Nigeria 1963 ; and
- (6) Section 9 of the Lagos State (Interim Provisions) Decree 1968 (1968 No. 13.)

MADE at Lagos this 17th day of June 1970.

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

**THE EXTERNAL LOANS (REHABILITATION, RECONSTRUCTION
AND DEVELOPMENT) DECREE 1970**



Decree No. 38

[1st January 1969]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) The Commissioner may in any manner authorised by the General Loan and Stock Act or the Government Promissory Notes Act 1960 or in any other manner authorised (whether generally or in respect of any particular loan) by the Federal Executive Council raise loans outside Nigeria not exceeding in the aggregate—

Power to
raise loans
abroad for
the rehabili-
tation, etc.
projects.
Cap. 74.
1960 No. 6.
1965 No. 9.

(a) the sum of five hundred million Nigerian pounds ; and

(b) such other sums as may be necessary to defray any expenses incurred in connection with the raising of the loans.

(2) The proceeds of any loan raised by virtue of paragraph (a) of the foregoing subsection shall be paid to the Development Fund mentioned in the Finance (Control and Management) Act 1958 and notwithstanding the provisions of that Act relating to the purposes for which the fund may be used but subject to the other provisions of that Act shall be applied for both or either of the following purposes, that is to say—

1958 No. 33.

(a) the purposes of the rehabilitation, reconstruction and development programme ;

(b) for the making of loans to State governments on such terms as may be approved by the Commissioner.

(3) No loan shall be made to a State government by virtue of the last foregoing subsection unless there is in force a law made by the Military Governor of the State authorising that government to raise loans from the Federal Military Government and providing that the loans shall not be used otherwise than for the purposes of the rehabilitation, reconstruction and development programme by the Military Governor.

(4) In this Decree—

“the Commissioner” means the Federal Commissioner for Finance ; and

“State government” means the government of any State established under the States (Creation and Transitional Provisions) Decree 1967.

1967 No. 14.

Citation,
extent and
commence-
ment.

2.—(1) This Decree may be cited as the External Loans (Rehabilitation, Reconstruction and Development) Decree 1970 and shall apply throughout the Federation.

(2) This Decree shall be deemed to have come into operation on 1st January 1969.

MADE at Lagos this 23rd day of June 1970.

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

**EASTERN STATES INTERIM ASSETS AND
LIABILITIES AGENCY DECREE 1970**



Decree No. 39

[24th June 1970]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There is hereby established a body to be known as the Eastern States Interim Assets and Liabilities Agency.

The Agency.

(2) The Agency shall be a body corporate with perpetual succession and a common seal.

2.—(1) The Agency shall consist of the following members—

Composition
and pro-
ceedings.

(a) the Military Governor of the South-Eastern State,

(b) the Military Governor of the Rivers State, and

(c) the Administrator of the East-Central State,
who shall be members ex-officio.

(2) The office of chairman of the Agency shall be held by each member in rotation for such periods as the members may agree among themselves.

(3) Decisions of the Agency shall be unanimous, and the Agency shall otherwise have power to regulate its own proceedings subject to this Decree.

3.—(1) Subject to this Decree, all assets and liabilities of the former Government subsisting immediately before the relevant date shall be deemed to have vested in the Agency on the relevant date in trust for the Eastern States, to be apportioned and distributed by the Agency among those States in a just and equitable manner.

Devolution
of assets and
liabilities
of former
Government.

(2) For the avoidance of doubt it is hereby declared that "assets and liabilities" in subsection (1) above shall include the following—

(a) a former statutory corporation (that is to say, a body corporate directly established by law for the former Region of Eastern Nigeria), its assets and liabilities ;

(b) the University of Nigeria, Nsukka, its assets and liabilities ;

(c) assets and liabilities of the former Government consisting of, arising out of, or connected with any holding in—

(i) a former government controlled company (that is to say, a limited liability company controlled by the former Government by virtue of holding a controlling interest in the equity of the company),

(ii) a former jointly owned company (that is to say, a limited liability company jointly owned by the former Government and any person corporate or incorporate, by virtue of the former Government holding a number of shares or interests in the company).

(3) Nothing in subsection (2) above shall prevent the Agency from making recommendations to the Supreme Military Council as to the manner in which questions relating to the bodies mentioned in that subsection may most justly and equitably be settled.

Powers of
Agency and
Supreme
Military
Council.

4.—(1) For the purpose of exercising its functions of distribution and apportionment under section 3 of this Decree the Agency shall have power—

- (a) to sue and be sued,
- (b) to enter into contracts,
- (c) to administer, use, hold, manage and dispose of movable and immovable property and exercise any rights connected therewith, and
- (d) to exercise such other powers as may be necessary or expedient for the proper exercise of its functions.

(2) The Agency shall be under the general direction and control of the Supreme Military Council which may give the Agency directions (with which the Agency shall be bound to comply) for the better carrying out of the Agency's functions under this Decree.

Validation
of past acts,
etc.

5. Where before the commencement of this Decree the Military Governor or Administrator of any of the Eastern States, or any person acting on his behalf, has occupied or done any other act in respect of any asset which by virtue of section 3 of this Decree is deemed to have vested in the Agency, then—

(a) subject to paragraphs (b) and (c) below—

(i) the occupation or other act shall be deemed to have been carried out on behalf of the Agency and is hereby validated and confirmed, and

(ii) the State in question may continue to manage and control the asset pending a decision by the Agency as to its final disposal,

(b) the State shall be accountable to the Agency for the occupation or other act and any subsequent act of management or control, and

(c) the Agency may give directions to the State (with which the State shall be bound to comply) as to the management, control or final disposal of the asset.

Seal, etc.

6.—(1) The seal of the Agency shall be such as may be determined by the Agency and shall be affixed to any contract or instrument only pursuant to a resolution of the Agency.

(2) Subject as provided in subsection (1) above the fixing of the seal of the Agency shall be authenticated by the signature of the chairman or any member of the Agency authorised generally or specially by the Agency to act for that purpose.

(3) Any contract or instrument which, if made or executed by a person not being a body corporate, would not require to be under seal may be made or executed pursuant to a resolution of the Agency by the chairman in that behalf or by any person generally or specially authorised by the Agency to act for that purpose.

(4) The seal of the Agency shall be judicially noticed and any document purporting to be a document duly executed under the seal of the Agency shall be received in evidence and, unless the contrary is proved, be presumed to have been so executed.

7. The Agency shall—

(a) keep proper accounts and ensure that they are periodically audited by the Auditor-General of the Federation, or otherwise as directed by the Head of the Federal Military Government, and

(b) furnish the Head of the Federal Military Government with such reports, accounts or other information as the Head of the Federal Military Government may specify.

Accounts
and reports.

8. Notwithstanding any other provision of this Decree and subject as otherwise prescribed by or under any other Decree each of the Eastern States shall be responsible, and be deemed to have been responsible since the relevant date, for those officers in the public service of the former Eastern Region of Nigeria whose places of origin are in the particular State in question.

Respon-
sibility for
public
service of
former
Eastern
Region.

9. The Interim Administrative Councils Decree 1967, the Interim Administrative Councils (Amendment) Decree 1967 and the Interim Administrative Councils (Amendment) Decree 1968 are hereby repealed in so far as they apply to the Eastern States.

Repeals.
1967 No. 18
1967 No. 26
1968 No. 6.

10. In this Decree, unless the context otherwise requires—

“the Agency” means the Eastern States Interim Assets and Liabilities Agency established by this Decree;

Interpreta-
tion.

“assets” means all movable and immovable property and all rights (corporeal and incorporeal) arising therefrom or connected therewith or relating to any contract or arrangement;

“the Eastern States” means the South-Eastern State, the Rivers State and the East-Central State;

“the former Government” means the Government of the former Region of Eastern Nigeria, and includes the Military Governor of that Region acting on behalf of that Region or on behalf of its Government;

“liabilities” means all legal liabilities and obligations;

“the relevant date” means 27th May 1967.

11. This Decree may be cited as the Eastern States Interim Assets and Liabilities Agency Decree 1970 and shall apply throughout the Federation.

Citation and
extent.

MADE at Lagos this 24th day of June 1970.

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

**CENTRAL BANK OF NIGERIA (AMENDMENT)
DECREE 1970**



Decree No. 40

[6th August 1969]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The Central Bank of Nigeria Act (hereinafter in this Decree referred to as "the principal Act") shall be amended as prescribed in the following provisions of this Decree.

Sundry
amendments
of the
principal
Act.
Cap. 30.

2. In section 3 of the principal Act (which relates to the power of the Board to acquire and dispose of movable and immovable property), immediately after subsection (2) thereof there shall be inserted a new subsection as follows :—

Approval
required
before
award of
certain
contracts :
amendment
of section 3.

"(3) Notwithstanding anything contained in subsection (2) above, any contract relating to any project of a value of not less than fifty thousand pounds shall be referred to the Federal Executive Council for approval through the Commissioner before any award of such contract is made."

3. In section 5 of the principal Act (which refers to the location of the chief office of the Bank and power to open branches and appoint agents and correspondents), immediately after the word "may" there shall be inserted the words " , subject to the approval of the Commissioner, " .

Approval
required
for certain
banking
activities :
amendment
of section 5.

4. In section 8 of the Principal Act (which deals with the establishment and powers of the Board), in subsection (1) thereof, immediately after the words "which shall", there shall be inserted the words—

"subject to the provisions of section 3 of the Central Bank of Nigeria Act (Amendment) (No. 3) Decree 1968,"

and in section 3 of the Central Bank of Nigeria Act (Amendment) (No. 3) Decree 1968, immediately after subsection (3) thereof, there shall be inserted the following—

Issuing of
directives :
amendments
of section 8
of the
Principal Act
and section 3
of 1968
No. 50.

"(4) The foregoing provisions of this section shall apply in relation to any general policy pursued or intended to be pursued on any administrative matter (including staff, pensions, salaries and allowances and other similar matters) as they apply in relation to monetary and banking policy pursued or intended to be pursued by the Central Bank".

Determina-
tion of
salaries and
allowances :
amendment
of section 14.

5. In section 14 of the principal Act (which relates to appointments of officials and other employees of the Bank)—

(a) at the end of subsection (1) thereof, there shall be inserted the following—

“subject as prescribed by this section or otherwise provided for.” ;

(b) immediately after subsection (2) thereof, there shall be inserted the following—

“ (3) The salaries of the employees of the Bank (other than those of the Governor or his deputy shall be as stipulated from time to time by the Federal Executive Council, and the board shall accordingly be guided in terms of the scales of salary provided therefor ; and without prejudice to the generality of the foregoing the scales of salary set out in the Schedule to the
1968 No. 59. Statutory Corporations (Salaries and Allowances, etc.) Decree 1968 shall apply in relation to the employees of the Bank (subject as aforesaid) as they apply in relation to the staffs of statutory corporations affected by that Decree and by the Statutory Corporations (Salaries and Allowances, etc.) (Extended Applica-
1969 No. 11. tion) Decree 1969.

(4) The allowances and benefits, other than salaries and retiring benefits, as may from time to time be stipulated by the Federal Executive Council for members of the public service of the Federation shall in like manner apply to the employees of the Bank ; and the words ‘the public service of the Federation’ shall have the same meaning as in the Constitution of the
1963 No. 20. Federation 1963”.

Citation,
extent and
commence-
ment.

6.—(1) This Decree may be cited as the Central Bank of Nigeria (Amendment) Decree 1970 and shall apply throughout the Federation.

(2) This Decree shall be deemed to have come into operation on 6th August 1969.

MADE at Lagos this 24th day of June 1970.

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