

ARMED FORCES (SPECIAL PROVISIONS) DECREE 1972



Decree No. 15

[15th January 1970]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) Notwithstanding anything to the contrary in Chapter III of the Constitution of the Federation and in the appropriate service law, where the Supreme Military Council is satisfied that during the period between 15th January 1966 and 15th January 1970 any member of the armed forces—

Special
punishment
for rebellion
or other
hostile acts.

(a) was actively engaged in any hostile or subversive act or rebellion against the Federal Military Government ; or

(b) was actively engaged in counselling, aiding or abetting any person to engage in any hostile or subversive act or rebellion against the said Government ; or

(c) conducted himself in such a manner that his continued employment in the armed forces would not be in the public interest,
the Supreme Military Council may in respect of that member award one or more of the punishments specified in subsection (2) below.

(2) The punishments referred to in subsection (1) above are—

(a) imprisonment ;

(b) discharge with ignominy from the service ;

(c) dismissal from the service ;

(d) reduction to the ranks or any reduction in rank ;

(e) forfeiture of service.

2. Any punishment awarded by the Supreme Military Council under this Decree shall be final and shall have effect as if such punishment had been awarded under the appropriate service law.

Effect of
punishment.

3. In this Decree—

(a) “the appropriate service law” means

Interpreta-
tion.

(i) as respects a member of the Nigerian Army, the Nigerian Army Act 1960 ;

1960 No. 26.

(ii) as respects a member of the Nigerian Navy, the Navy Act 1964 ;
and

1964 No. 21.

1964 No. 11.

(iii) as respects a member of the Nigerian Air Force, the Air Force Act 1964;

(b) the reference to a member of the armed forces is a reference to a member of the Nigerian Army, the Nigerian Navy or the Nigerian Air Force.

Citation and
commence-
ment.

4.—(1) This Decree may be cited as the Armed Forces (Special Provisions) Decree 1972.

(2) This Decree shall be deemed to have come into operation on 15th January 1970.

MADE at Lagos this 16th day of May 1972.

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

EXPLANATORY NOTE

*(This note does not form part of the Decree but is intended
to explain its purpose)*

The Decree relates to the punishments awarded by the Supreme Military Council to certain officers of the Armed Forces who engaged in hostile and subversive activities during the period specified in the Decree.

PENSIONS (AMENDMENT) DECREE 1972



Decree No. 16

[1st April 1971]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) The Pensions Act is hereby amended as follows :—

Amendments
of the
Pensions Act.
Cap. 147.

(a) for all the references to "Minister", except as otherwise provided hereinafter, there shall be substituted references to "Commissioner"; and accordingly, in section 2 (1) the definition of "Minister" shall be deleted, and immediately after the definition of "approved service" there shall be inserted the following—

' "the Commissioner" means the Federal Commissioner for Establishments ; '

(b) in section 2 there shall be inserted immediately after the definition of "the Commissioner" the following—

' "competent authority" means the Public Service Commission of the Federation or any other person or authority empowered under the Constitution of the Federation to exercise disciplinary control over the officer concerned ; '

(c) in section 3 (1) there shall be inserted before the word "Pension" the words "Subject as hereinafter in this Act provided,"

(d) in section 6 (2) for the word "Commissioner" as substituted heretofore, there shall be substituted the words "competent authority", and there shall also be inserted after the word "withheld" the words "by the competent authority after consultation with the Commissioner," and


(e) in section 9 for the word "Commissioner" as substituted heretofore, wherever it occurs, there shall be substituted the words "competent authority".

Citation and
commence-
ment.

2.—(1) This Decree may be cited as the Pensions (Amendment) Decree 1972.

(2) This Decree shall be deemed to have come into force on 1st April 1971.

MADE at Lagos this 16th day of May 1972.



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

EXPLANATORY NOTE

*(This note does not form part of the Decree but is intended
to explain its purpose)*

The Decree amends the Pensions Act to vest the power to require an officer to proceed on compulsory retirement in the Public Service Commission of the Federation and other authorities empowered under the Constitution of the Federation to exercise disciplinary control over the officer concerned.

INTERNAL LOANS (REHABILITATION, RECONSTRUCTION AND DEVELOPMENT), DECREE 1972



Decree No. 17

[1st January 1969]

**Commence-
ment.**

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) The Commissioner may in any manner authorised by the Local Loans (Registered Stock and Securities) 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 in Nigeria the proceeds of which after deducting expenses incurred in raising the loans 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—

Power to
raise loans
in Nigeria
for develop-
ment, etc.
Cap. 111.
1960 No. 6.

1958 No. 33.

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

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

(2) No loan shall be made to a State government pursuant to subsection (1) above unless there is in force a law in that State authorising the government thereof 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 approved by that State government.

(3) In this section—

“the Commissioner” means the Federal Commissioner for Finance ;

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

1967 No. 14.

2.—(1) This Decree may be cited as the Internal Loans (Rehabilitation, Reconstruction and Development) Decree 1972.

Citation,
commence-
ment and
savings.

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

1962 No. 10.

(3) For the avoidance of doubt, it is hereby declared that any directions given or purported to be given by the Commissioner on or after the day aforesaid pursuant to the Internal Loans Act 1962 shall be deemed instead to have been validly given under the provisions of this Decree.

MADE at Lagos this 16th day of May 1972.

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

EXPLANATORY NOTE

*(This note does not form part of the above Decree but is
intended to explain its purport)*

The Decree authorises the raising of loans in Nigeria for the purposes of rehabilitation, reconstruction and the development plan.

MILITARY PENSIONS (AMENDMENT) DECREE 1972



Decree No. 18

[Section 7(2)]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Section 2 of the Military Pensions Act (hereinafter in this Decree referred to as the "principal Act") is hereby amended as follows, that is—

Amendment
of section 2
of principal
Act.
Cap. 119.

(a) in the definition of the word "officer", there shall be deleted the words "of African descent";

(b) in the definition of the expression "other rank", there shall be added the following words "and includes a rating in the Nigerian Navy and an airman in the Nigerian Air Force";

2. Section 7 of the principal Act is hereby amended as follows, that is—

Amendment
of section 7
of principal
Act.

(a) paragraph (a) of subsection (1) thereof shall be deleted;

(b) in subsection (1) (b) thereof, there shall be deleted the word "compulsory";

(c) in subsection (3) (a) thereof, for the word "eighteen" there shall be substituted the word "fifteen".

3. The existing section 9 of the principal Act shall be renumbered as section 9 (1) and there shall be added the following new subsection (2), that is—

Amendment
of section 9
of principal
Act.

"(2) An officer holding a regular commission may, in extreme compassionate circumstances, be allowed to retire from the military service at any time on application in writing to the Head of the Federal Military Government."

4. In sub-paragraph (ii) to section 15 (1) (a) and (b) of the principal Act, for the word "one-eighth" there shall be substituted the word "one-sixth".

Amendment
of
section 15(1)
of principal
Act.

5. The Schedule to the principal Act is hereby amended as follows, that is—

Amendment
of Schedule
to principal
Act.

(a) in regulation 3, and—

(i) in paragraph (1) (a) thereof, for the words "one sixth-hundredth" there shall be substituted the words "one four hundred and fiftieth";

(ii) in paragraphs (1) (b) and (2) thereof, for the word "eighteen" there shall be substituted the word "fifteen" in each case ;

(b) in regulation 4 (1), for the word "one-eighth" there shall be substituted the word "one-sixth" ;

(c) for regulation 5, there shall be substituted the following new regulation, that is—

"5.—(1) Every other rank who is not qualified for a pension but has completed twelve years' qualifying military service or more may be granted on retirement a gratuity calculated by multiplying one-tenth of such other rank's final pay by the number of completed months of his military service.

(2) In this regulation "final pay" in relation to an other rank whose service has terminated, means the amount payable to him for a month (or, if he is on a daily rate of pay, for thirty-one days) in respect of the substantive rank held by him immediately before the termination of his service, together with service and rank increments and the free services element within the meaning of this Act." ;

(d) in regulation 6, for the word "sixty" there shall be substituted the words "one hundred".

6.—(1) Any person who—

(a) as a dependant of any officer or other rank whose death occurred between 15th January 1966 and 15th January 1970 ; and

(b) has been in receipt of an interim award or other payment other than as specified under the provisions of the principal Act,

shall as from the appointed day cease to receive any such award or payment and instead shall thereafter be paid in accordance with the provisions of that Act.

(2) In this section, the "appointed day" means such day as the Federal Commissioner for Establishments may appoint by order published in the Federal Gazette.

7.—(1) This Decree may be cited as the Military Pensions (Amendment) Decree 1972.

(2) Except as provided in section 6 (2) of this Decree, the provisions of this Decree shall be deemed to have come into force on 27th May 1967.

(3) In this Decree "the principal Act" means the Military Pensions Act.

MADE at Lagos this 16th day of May 1972.

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

Interim
awards, etc.
to be
replaced by
payments
under
principal
Act.

Citation, etc.

Cap. 119.

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purport)

The Decree makes sundry amendments to the Military Pensions Act. It introduces the concept of retirement in extreme compassionate circumstances for commissioned officers while abolishing voluntary retirement on grounds of age for such officers.

**YABA COLLEGE OF TECHNOLOGY (AMENDMENT)
DECREE 1972**



Decree No. 19

[1st April 1970]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. For section 10 (2) of the Yaba College of Technology Decree 1969, as amended by the Yaba College of Technology (Amendment) Decree 1970, substitute the following—

Amendment
of section 10
of Yaba
College of
Technology
Decree.
1969 No. 23.
1970 No. 24.

“(2) The statements referred to in subsection (1) above shall, when certified by the Principal, be audited by an independent firm of auditors appointed by the Council, with the approval of the Commissioner, and shall be published in the annual report of the College.”

Citation, etc.

2.—(1) This Decree may be cited as the Yaba College of Technology (Amendment) Decree 1972.

(2) This Decree shall be deemed to have come into force on 1st April 1970.

(3) Section 1 (c) of the Yaba College of Technology (Amendment) Decree 1970 is hereby repealed.

(4) Nothing in this Decree shall affect any act, matter or thing done or purported to have been done under the Yaba College of Technology Decree 1969 before the date on which this Decree is made.

MADE at Lagos this 16th day of May 1972.

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

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its effect)

This decree removes the obligation to publish the statements of income and expenditure together with a statement of assets of the Yaba College of Technology in two widely circulated newspapers in Nigeria and in the *Federal Gazette*.

**NIGERIAN POOLS COMPANY LIMITED (TAKE-OVER)
DECREE 1972**



Decree No. 20

[16th May 1972]

Commence-
ment.

WHEREAS the Federal Military Government is satisfied that certain persons and organisations by various dubious and irregular means and without payment therefor acquired shares in the Nigerian Pools Company Limited and it is proper and just that the shares of such persons and organisations in the company be forfeited to the Federal Military Government :

NOW THEREFORE THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. All shares of whatever description and however held in the company known as Nigerian Pools Company Limited (other than shares in the company held by the Ministry of Finance Incorporated, the Interim Common Services Agency and the Eastern States Interim Assets and Liabilities Agency) are hereby forfeited to the Federal Military Government and such shares shall vest in the Federal Military Government free of all encumbrances without any further assurance apart from this Decree.

Vesting of
shares in
Nigerian
Pools
Company
Limited in
the Federal
Military
Govern-
ment.

2.—(1) The Commissioner shall cause a copy of this Decree to be served upon the secretary or other officer or agent of the company having charge of, or control over, the register of members of the company and the secretary or other officer or agent shall on the receipt thereof strike out the name of the holder of any share to which this Decree relates and substitute therefor the name of the Federal Military Government.

Rectifica-
tion of
registers,
etc.

(2) The Commissioner shall likewise cause a copy of this Decree to be served upon the Registrar of Companies who shall similarly rectify his records relating to the names of the members of the company accordingly.

3.—(1) All persons rectifying any register or other records of, or relating to, the company in pursuance of this Decree shall stand indemnified in respect thereof; and no suit or other legal proceedings shall lie at the instance of any person aggrieved for anything done in intended pursuance of this Decree.

Indemnity
and
exclusion
of rights.

(2) The question whether any provision of Chapter III of the Constitution has been, is being or would be contravened by anything done or proposed to be done in pursuance of this Decree shall not be enquired into in any court of law, and accordingly, sections 31, 32 and 117 (2) (d) of that Constitution shall not apply in relation to any such question.

Interpreta-
tion.

4. In this Decree—

“the Commissioner” means the Federal Commissioner for Internal Affairs ;

“the Company” means the Nigerian Pools Company Limited.

Citation.

5. This Decree may be cited as the Nigerian Pools Company Limited (Take-Over) Decree 1972.

MADE at Lagos this 16th day of May 1972.

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

EXPLANATORY NOTE

*(This note does not form part of the Decree, but is intended
to explain its purpose)*

The Decree takes over without compensation the shares held in the Nigerian Pools Company Limited by certain private persons and organisations.