

LOANS TO STUDENTS (RECOVERY) DECREE 1972



Decree No. 21

[see section 6 (2)]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) Without prejudice to any other method for the recovery of loans, any loan to which this Decree relates shall be recoverable in accordance with the following provisions of this section.

Power to
recover past
loans from
emoluments.

(2) If the Commissioner so directs, a loan under this section shall be recoverable from any emoluments or any payments payable on account of, or in respect of any benefits, to any person to whom such loan has been granted by the employer.

(3) Any direction under subsection (2) above shall be in writing under the hand of any officer authorised in that behalf by the Commissioner and shall specify the person to whom it refers and the amount or amounts of the outstanding loan to be deducted whether by reference to deduction tables issued for that purpose or otherwise.

(4) In arriving at the amount to be deducted from any payment of or on account of emoluments to a person under this section, the Commissioner shall ensure as far as is possible that the aggregate amount of such deductions made during any year shall not exceed one-third of those emoluments for that year.

(5) In this section the expression "loan to which this Decree relates" means any loan granted to any person by the Government of the Federation for the purpose of higher studies which loan or part thereof, on or after the date of the coming into force of this Decree—

- (a) has been or is due for repayment, and
- (b) has not been repaid, and
- (c) no satisfactory arrangement for its repayment has been entered into with the said Government.

2.—(1) Every employer required to make any deduction from emoluments or amounts on account of emolument paid by him to any person to whom section 1 above relates shall account to the Commissioner in such manner as he may direct, and in the event of failure by such employer to make such deduction or properly to account therefor, the amount thereof together with a penalty of ten per cent of such amount shall be recoverable as a debt due by such employer to the Federal Military Government :

Employer
to be
answerable
for
deductions
made.

Provided that no penalty shall be payable by any department of the Government of the Federation or of a State.

(2) The Commissioner may, for any good cause shown, remit the whole or any part of the penalty due under subsection (1) above.

Repayment
by self-
employed
persons.

3. Where a person from whom a loan is recoverable under this Decree is self-employed, he shall make repayment of every sum payable to the Commissioner subject to any terms and conditions as the Commissioner may direct, and such repayment, when made, shall be paid into the Consolidated Revenue Fund of the Federation. In the case of default, the Commissioner may recover any sum due in any manner he may deem appropriate or expedient in the circumstances.

Power to
obtain
information.

4.—(1) For the purposes of this Decree, the Commissioner or any officer duly authorised by him in that behalf, may by notice in writing, either generally or otherwise, require any employer to furnish information on such matters as may be specified by him.

(2) Any person required to furnish information pursuant to subsection (1) above shall within two months from the notice comply therewith.

(3) If any person required to furnish information under this section knowingly or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence and liable on conviction to a fine of five hundred pounds or imprisonment for twelve months or to both.

Interpreta-
tion.

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

“Commissioner” means the Federal Commissioner for Education ;

“emoluments” means any sums payable—

(a) by way of wages or salary (including any fees, bonus, commission, overtime pay or other sums payable in addition to wages or salary) ; or

(b) by way of pension, including—

(i) any annuity in respect of services, whether or not the services were rendered to the person paying the annuity ; and

(ii) periodical payments by way of compensation for the loss, abolition or relinquishment, or any diminution in the emoluments, of any office or employment, but does not include any pension in respect of injury, disablement or disability ;

“employer” means a person (including the Government of the Federation or of a State thereof as the case may be) by whom earnings are payable or are likely to be payable to a person to whom section 1 of this Decree relates.

Citation and
commence-
ment, etc.

6.—(1) This Decree may be cited as the Loans to Students (Recovery) Decree 1972.

(2) This Decree shall come into operation on a date to be appointed by the Commissioner by notice published in the Federal Gazette.

(3) It is hereby declared that the provisions of the Limitation Decree 1966 or any other similar law in force in any State in the Federation or of any rule of law relative to limitation of actions shall not apply in relation to any loan under this Decree.

1966 No. 88.

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 purpose)

The Decree provides for the recovery of loans from emoluments of persons to whom such loans have been granted. It makes an employer to be answerable for deductions made from emoluments and prescribes penalty in the event of failure by such employer to make such deductions or properly to account therefor. The Decree is also applicable to a person from whom a loan is recoverable who is self-employed.