

STATUTORY CORPORATIONS PENSIONABLE OFFICERS (RETIRING AGE LIMIT) DECREE 1972



Decree No. 38

[24th May 1972]

**Commence
ment.**

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) The retiring age limit for all pensionable officers of statutory corporations shall be 55 years.

**Age limit
for all
statutory
corporations'
pensionable
officers, etc.**

(2) It shall be lawful for any relevant authority by an instrument or in the manner prescribed (by the rules of any statutory corporation relating to the conditions of service of its staff) to require any pensionable officer of such corporation under its authority, or in relation to which it is empowered to deal with matters concerning the conditions of service of the staff of such corporation, to retire from the service of the corporation on his attainment of the age of 55 years.

(3) It is hereby declared that if before the commencement of this Decree a pensionable officer of a statutory corporation was retired compulsorily on his attainment of the age of 55 years and before his attainment of the age of 60 years without any grounds being specified for the retirement, the officer shall not be deemed to have retired from the service of the corporation nor be treated as having been retired in consequence of the abolition of his office, but shall instead be deemed to have retired from the service of the corporation at the age of 60 years; and accordingly, he shall be entitled to a grant of pension, gratuity, compensation, allowance or other superannuation benefit which shall be determined and calculated in accordance with the scheme provided by the corporation for such grant.

(4) The foregoing provisions of this section shall have effect notwithstanding anything whatsoever to the contrary, particularly anything to the contrary in any enactment, law, regulation, rule, bye-law, order or any other instrument prescribed in relation to the conditions of service of the staff of such corporation or otherwise provided for, and such enactment, law or instrument shall be construed subject as provided under this Decree with any necessary modifications.

Power to
extend
services
from year
to year.

2.—(1) Where the officer has attained the retiring age limit or immediately before his attainment of that age, on being satisfied—

(a) that the services of the officer are required by the statutory corporation after that age, and

(b) that the officer is certified by a medical officer approved by the relevant authority to be physically fit for the purposes of his duties,

the relevant authority may elect to continue or extend the services of the said officer thereafter from year to year or for such period or periods as it deems fit but not beyond the age of 60 years, and subject to such conditions as the relevant authority may at its discretion impose.

(2) The statutory corporation may, subject to the provisions of this Decree, by regulations, bye-laws, orders or other subsidiary instruments make provisions for the conditions under which the services of pensionable officers may, subject to the foregoing provisions of this Decree, be extended or continued beyond the retiring age limit.

Interpre-
tation.

3. In this Decree—

“statutory corporation” means a corporation established by or under any enactment ;

“pensionable officer” means any person employed as a member of the staff of a statutory corporation who under the conditions of service of the corporation or within the terms of his employment is entitled to a grant of pensions, gratuities, compensation, allowances, or other superannuation benefits by virtue of his employment ; and

“relevant authority” means the Statutory Corporations Service Commission or as the case may be the board or authority of the statutory corporation (howsoever named) empowered under any enactment or law or as the case may be authorised in that behalf to deal with matters concerning the conditions of service of the staff of the corporation.

Application.

4. This Decree—

(a) applies to all pensionable officers of a statutory corporation whether or not such officer was employed by the corporation by or under any contract, agreement or arrangement or under any instrument whatsoever, and anything under the terms of employment of the officer inconsistent with the provisions of this Decree shall to the extent of the inconsistency be void and of no effect ;

(b) applies to all persons who qualify for or become pensionable officers in the employment of any statutory corporation before, on or after the commencement of this Decree ;

(c) extends to any corporate body established under the Companies Decree 1968 which is owned or partially owned by the Government of the Federation or of a State in the Federation, or as respects which the Government of the Federation or of such State owns any shares, stocks or debentures ;

(d) shall not be so construed as to affect any action or proceedings begun, instituted or pending before a court of law at the commencement of this Decree ; and any action or proceedings begun or instituted after that date shall, accordingly, abate.

5.—(1) This Decree may be cited as the Statutory Corporations Pensionable Officers (Retiring Age Limit) Decree 1972.

Citation and
commence-
ment.

(2) This Decree shall be deemed to have come into operation on 24th May 1972.

MADE at Lagos this 4th day of October 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 only)

Section 1 of the Decree limits the retiring age of pensionable officers of statutory corporations to 55 years. By virtue of section 2, the relevant authority as defined in the Decree may, subject to the conditions stated therein, extend the retiring age limit from year to year. A statutory corporation may, by regulations, prescribe other conditions for the extension or continuance of the services of the officers affected by the Decree beyond the retiring age limit.

The Decree will not affect any action or proceedings begun, instituted or pending before a court of law at the date of its commencement, but any action or proceedings begun or instituted after that date will abate.