

TRADE UNIONS DECREE 1973



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Decree No. 31

(See section 57 (2))

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

PART I

TRADE UNIONS

Registration of trade combinations as Trade Unions

1.—(1) In this Decree—

“trade union” means any combination of workers or employers, whether temporary or permanent, the purpose of which is to regulate the terms and conditions of employment of workers, whether the combination in question would or would not, apart from this Decree, be an unlawful combination by reason of any of its purposes being in restraint of trade, and whether its purposes do or do not include the provision of benefits for its members.

Meaning of
“trade
union” in
this Decree.

(2) The fact that a combination of workers or employers has purposes or powers other than the purpose of regulating the terms and conditions of employment of workers shall not prevent it from being registered under this Decree; and accordingly, subject to the provisions of this Decree as to the application of funds for political purposes, a trade union may apply its funds for any lawful purpose for the time being authorised by its rules, including in particular, if so authorised, that of providing benefits for its members.

(3) A trade union within the meaning of this Decree shall not be treated as having been formed by reason only of—

(a) any agreement between an employer and persons employed by him as to the terms and conditions of that employment; or

(b) any agreement for the instruction of any person in a profession trade or handicraft; or

(c) any agreement between partners as to their own business or any trading agreement between employers; or

(d) any agreement imposing restrictions in connection with the sale of the goodwill of a business.

2.—(1) A trade union shall not perform any act in furtherance of the purposes for which it has been formed unless it has been registered under this Decree:

Unregis-
tered trade
union
prohibited
from
functioning.

Provided that nothing in this subsection shall prevent a trade union from taking any steps (including the collection of subscriptions or dues) which may be necessary for the purpose of getting the union registered.

(2) Where a trade union registered under this Decree ceases to be so registered it shall not thereafter perform any act in furtherance of its purposes:

Provided that nothing in this subsection shall prevent a trade union from taking any steps which may be necessary for the purpose of dissolving the union.

(3) If any act which is prohibited by subsection (1) or (2) above is performed by a trade union, then—

(a) the union and every official thereof; and

(b) any member thereof who, not being an official thereof, took any active part in the performance of that act,
shall each be guilty of an offence against this Decree.

Application
for
registration
of trade
union.

3.—(1) An application for the registration of a trade union shall be made to the Registrar in the prescribed form and must be signed—

(a) in the case of a trade union of workers, by at least fifty members of the union :

Provided that where the number of persons in respect of which an application is made is less than fifty and the persons are employed in an undertaking and are not members of an industrial or general union, the Commissioner may authorise a lesser number of signatories to an application to be accepted by the Registrar.

(b) in the case of a trade union of employers, by at least two members of the union.

(2) Every such application shall state the name under which it is proposed that the trade union to which it relates shall be registered and the address of the office which, if the union is registered, is to be the registered office.

(3) Every such application shall be accompanied by two copies of the rules of the union, and by a list showing—

(a) the name, address, age and occupation of each of the persons by whom the application is signed ; and

(b) the official title, name, address, age and occupation of each official of the union.

Matters to
be provided
for in
registered
rules.

4.—(1) Every trade union must have registered rules, which must contain provisions with respect to the various matters mentioned in Schedule 1 of this Decree.

(2) Accordingly, the Registrar—

(a) shall not register a trade union unless it has rules which contain such provisions as aforesaid ; and

(b) if he registers a trade union, shall at the same time register its rules.

Procedure
on receipt of
application
for registra-
tion.

5.—(1) Where an application for the registration of a trade union is received by the Registrar, the following provisions of this section shall apply :

Provided that if the application appears to the Registrar to be defective in any respect, he shall notify the applicant accordingly and shall take no further action in relation thereto until the application has been amended to his satisfaction or a fresh application is made in place thereof.

(2) The Registrar shall cause a notice of the application to be published in the *Gazette*, stating that objections to the registration of the trade union in question may be submitted to him in writing during the period of three months beginning with the date of the *Gazette* in which the notice is published.

(3) Within three months after the end of the said period of three months the Registrar shall consider any objections submitted to him during that period and, if satisfied—

(a) that no proper objection has been raised ;

(b) that none of the purposes of the trade union is unlawful ; and

(c) that the requirements of this Decree and of the regulations with respect to the registration of trade unions have been complied with, shall, subject to subsection (4) below and to section 6 of this Decree, register the trade union and its rules.

(4) The Registrar shall not register the trade union if it appears to him that any existing trade union is sufficiently representative of the interests of the class of persons whose interests the union is intended to represent.

(5) If the Registrar refuses to register the union—

(a) he shall forthwith send to the applicants a notice in the prescribed form to that effect, stating the grounds of the refusal and specifying the date from which the time for appealing against the refusal is to run, and shall publish a notice to the like effect in the *Gazette* ; and

(b) any official or member of the union may within the period of thirty days beginning with the date so specified appeal to the appropriate High Court against the refusal.

(6) The Registrar on registering a trade union shall issue a certificate of registration which, unless it is proved that the registration of the union has been cancelled, shall (except in any proceedings for the cancellation of the registration of the union on the ground that its registration was obtained by fraud or as the result of a mistake) be conclusive evidence that the requirements of this Decree and the regulations with respect to the registration of trade unions have been complied with, and that the trade union is authorised to be registered and is a trade union for the purposes of this Decree.

6.—(1) A trade union shall not be registered under a name identical with that of any existing trade union or so nearly resembling the name of any existing trade union as to be likely to deceive the members or the public.

Restrictions
as regards
names of
trade
unions.

(2) A trade union shall not be registered under a name containing any words which, in the opinion of the Registrar, are deceptive or objectionable in that they contain a reference (direct or indirect) to any personage, practice or institution, or are otherwise unsuitable as a name for a trade union.

(3) If the Registrar refuses to register a trade union on the ground that the name under which it desires to be registered is, by virtue of subsection (2) above, not one under which it should be registered, any official or member of the union may require the matter to be referred to the Commissioner ; and the decision of the Commissioner on such a reference shall be final.

(4) Where on a reference under subsection (3) above the Commissioner decides that a particular trade union may be registered under a certain name, the union may be registered under that name notwithstanding subsection (2) above.

(5) The foregoing provisions of this section shall, with the necessary modifications, apply in relation to—

(a) any proposed alteration of the name of a trade union ; and

(b) any proposal to form a new trade union by the amalgamation of two or more existing trade unions,
as they apply in relation to the original registration of a trade union.

Cancellation
of
registration.

7.—(1) Subject to the provisions of this section and of section 10 (2) of this Decree, the Registrar shall cancel the registration of a trade union if it is proved to his satisfaction—

(a) that the registration of the union was obtained by fraud or as the result of a mistake ; or

(b) that any of the purposes of the union is unlawful ; or

(c) that, after receipt of a warning in writing from the Registrar, the union has deliberately contravened or continued to contravene any provision of this Decree or the regulations ; or

(d) that the principal purpose for which the union is in practice being carried on is a purpose other than that of regulating the terms and conditions of employment of workers ; or

(e) that the union, though still in existence, has ceased to function ; or

(f) that the union has ceased to exist.

(2) Where the Registrar proposes to cancel the registration of a trade union under subsection (1) above, he shall send to the trade union at its registered office a notice in the prescribed form—

(a) stating that he proposes to cancel the registration of the union, and specifying briefly the ground or grounds on which he proposes to do so ;

(b) specifying a date not less than two months after the date of the notice and stating that unless before that date he is satisfied that the registration ought not to be cancelled, he will proceed to cancel the registration on the expiration of the period of thirty days beginning with that date unless an appeal against the proposed cancellation is brought within that period.

(3) Where—

(a) the Registrar has sent a notice under subsection (2) above to a trade union ; and

(b) the trade union is still in existence on the date specified in the notice ; and

(c) the Registrar has not withdrawn the notice before that date, any official or member of the trade union may within the period of thirty days beginning with that date appeal to the appropriate High Court against the proposed cancellation.

(4) The Registrar shall not cancel the registration of a trade union under this section before the expiration of the period of thirty days beginning with the date specified in the notice under subsection (2) above ; and if an appeal against the proposed cancellation is brought during that period, he shall not cancel the registration unless the appeal is abandoned or the proposed cancellation is confirmed on the final determination of the appeal.

(5) A trade union whose registration is cancelled under this section shall, as from the date of the cancellation, cease to enjoy the privileges conferred by this Decree on trade unions ; but any liability incurred by the union before that date shall not be affected by the cancellation and may be enforced against the union on or after that date as if the cancellation had not taken place.

(6) On cancelling the registration of a trade union under this section the Registrar shall send to the address at which, immediately before the cancellation, the registered office of the union was situated, a notice in the prescribed form stating the date on which the registration was cancelled and the grounds for the cancellation, and shall also cause a notice to the like effect to be published in the *Gazette*; and the original certificate of registration of the union shall be delivered to the Registrar not more than thirty days after the date of the cancellation.

(7) If a certificate which is required by subsection (6) above to be delivered to the Registrar is not delivered to the Registrar within the time prescribed by that subsection, every person who on the date of the cancellation was an official or member of the union shall be guilty of an offence against this Decree.

(8) The foregoing provisions of this section shall, with the necessary modifications, apply in relation to the registration of federations of trade unions and central labour organisations as they apply in relation to trade unions.

8.—(1) On an appeal under section 5 (5) or 7 (3) of this Decree the High Court in question may make such order as it thinks proper; and without prejudice to the generality of the foregoing provision, in any proceedings on such an appeal—

Proceedings
on appeal
against
refusal or
cancellation
of
registration.

(a) the court shall have all the powers vested by this Decree in the Registrar, and may make any order which might or ought to have been made by the Registrar; and

(b) the costs of and incident thereto, including the costs of and incident to any proceedings before the Registrar, shall be in the discretion of the court.

(2) An appeal from an order of a High Court under this section shall lie to the Supreme Court of Nigeria.

(3) Any power to make rules of court conferred by any law relating to the practice and procedure of the High Court of any State shall include power to make rules of court with respect to appeals under sections 5 (5) and 7 (3) of this Decree.

(4) Where notice of appeal is given for the purposes of any appeal under the said section 5 (5) or 7 (3) or under subsection (1) above, a copy thereof shall be sent to the Registrar; and the Registrar shall be entitled to appear and be heard on any such appeal.

9.—(1) Where—

(a) an application for the registration of a trade union is finally refused; or

(b) the registration of a trade union is cancelled under section 7 of this Decree,

Compulsory
dissolution
of trade
union
in certain
circum-
stances.

the trade union in question shall be dissolved in accordance with its rules within the period of three months beginning with the date of the final refusal or cancellation, as the case may be.

(2) For the purposes of this section an application for the registration of a trade union shall be taken to be finally refused—

(a) if no appeal from the Registrar's refusal is brought under section 5 (5) of this Decree within the period of thirty days mentioned in the said section 5 (5), at the end of that period; or

(b) if such an appeal is brought within the said period and on the final determination thereof the Registrar's refusal is confirmed, on the date of that final determination ; or

(c) if the matter has been referred to the Commissioner under section 6 (3) of this Decree and the decision of the Commissioner confirms the refusal, on the date of that decision.

(3) If a trade union which is required to be dissolved by subsection (1) above within a particular period is not dissolved within that period, the union and every official thereof shall be liable on summary conviction to a fine of ₦10 for each day on which the union remains undissolved after the end of that period.

10.—(1) Where a trade union is voluntarily dissolved in accordance with its rules, there shall be delivered to the Registrar not more than thirty days after the date on which the union ceases to exist—

(a) a notice in the prescribed form signed by a person who immediately before the dissolution was an official of the union stating that the union has been dissolved ; and

(b) the original certificate of registration of the union.

(2) Where a notice under this section is received by the Registrar, section 7 of this Decree shall not apply, and the Registrar, when satisfied that the trade union to which the notice relates has been duly dissolved, shall cancel the registration thereof, and shall notify the person by whom the notice was signed that the registration of the union has been cancelled.

(3) If either the notice or the certificate of registration mentioned in subsection (1) above is not delivered to the Registrar as required by that subsection, every person who immediately before the dissolution of the trade union in question was an official thereof shall be guilty of an offence against this Decree.

General provisions affecting trade unions

11.—(1) This section applies in relation to the following establishments, that is to say—

(a) the Nigerian Army, Navy or Air Force ;

(b) the Nigeria Police Force ;

(c) the Prisons Department of Nigeria ;

(d) the Customs Preventive Service ;

(e) the Nigerian Security Printing and Minting Company Limited ;

(f) the Central Bank of Nigeria ;

(g) the Nigerian External Telecommunications Limited ;

(h) every Federal or State Government establishment the employees of which are authorised to bear arms ; and

(i) such other establishments as the Commissioner may from time to time by order specify.

(2) It shall not be lawful for persons employed in any of the establishments to which subsection (1) above relates to combine, organize themselves, or to be members of a trade union, for purposes of employment, but nothing in this section shall be construed as preventing the setting up of joint consultative committees in the establishments concerned.

Voluntary
dissolution
of trade
union.

Members
of armed
forces,
police, etc.
prohibited
from
forming or
joining
trade
union.

(3) As from the date of commencement of this Decree every trade union, which was in existence or which would have continued to be in existence as from that date but for the provisions of this Decree, shall cease to exist and the certificate of registration of such trade union shall, within 30 days of the coming into operation of this Decree, be surrendered by the trade union to the Registrar, who shall take such steps in relation to the distribution of the assets of the trade union as he deems necessary or in accordance with its rules.

12.—(1) A person who is otherwise eligible for membership of a particular trade union shall not be refused admission to membership of that union by reason only that he is of a particular community, tribe, place of origin, religion or political opinion.

Membership of trade union not to be restricted on discriminatory grounds.

(2) If any person is refused admission to membership of a trade union in contravention of subsection (1) above, the union and every official thereof shall be guilty of an offence against this Decree.

(3) If any provision in the rules of a trade union is inconsistent with subsection (1) above, that provision shall, to the extent of the inconsistency, be void.

13.—(1) Subject to the provisions of this section, a person who has been convicted of any of the offences mentioned in subsection (3) below shall be disqualified from holding office as an official of a trade union during the whole of the period of disqualification applicable to him in accordance with subsection (4) below :

Persons convicted of certain offences disqualified from holding office in a trade union.

Provided that a person shall not be disqualified under this section by reason only of his having been convicted of an offence in respect of which he has been granted a free pardon.

(2) For the purposes of this section a conviction which occurred before the commencement of this Decree shall be taken into account in determining whether a person is disqualified under this section.

(3) The offences referred to in subsection (1) above are as follows—

(a) the offences mentioned in the Schedule to the Parliament (Disqualification) Act 1965 (whether committed before or after the commencement of that Act); and

(b) any offence under section 50 or 51 of this Decree.

1965 No. 25.

(4) The period of disqualification applicable to a person convicted of any such offence as aforesaid shall begin with the date of his conviction thereof and—

(a) if he is sentenced to imprisonment for that offence, shall end with the expiration of the period of five years beginning with the date on which he is discharged from prison; or

(b) if he is not sentenced to imprisonment for that offence, shall end with the expiration of the period of five years beginning with the date of his conviction.

(5) Where a person is convicted of any such offence as aforesaid and an appeal lies against the conviction, he shall not be treated for the purposes of this section as having been convicted thereof unless and until either—

(a) the time for bringing an appeal against the decision has expired without such an appeal having been brought; or

(b) such an appeal has been brought and abandoned or has been finally determined by the upholding of the conviction, and the reference in subsection (3) above to the date of his conviction of the offence shall be construed accordingly.

(6) Subject to subsection (7) below, where any person holding office as an official of a trade union becomes disqualified under this section, he shall forthwith vacate that office; and any person who, at any time after the commencement of this Decree, purports to act as an official of a trade union at any time while he is so disqualified shall be guilty of an offence against this Decree and be liable on summary conviction to a fine of ₦100.

(7) A person holding office as aforesaid at the commencement of this Decree who, apart from this subsection, would become disqualified under this section as from the date of the commencement of this Decree by virtue of a conviction which occurred before that date shall be exempted from the operation of subsection (6) above until the end of the period of three months beginning with that date, and accordingly need not vacate his office until the end of that period unless lawfully required to do so apart from this section.

(8) Nothing in this section shall be construed as affecting the validity of anything done by an official of a trade union before the date of the commencement of this Decree or as rendering unlawful anything done by any such official before that date.

(9) It is hereby declared that the reference in subsection (3) (a) above to the Schedule to the Parliament (Disqualification) Act 1965 is a reference to that Schedule as amended from time to time, and that if that Act is repealed without another Act being substituted therefor, the reference in subsection (3) (a) above shall thereafter be construed as a reference to the said Schedule as in force immediately before the repeal of that Act.

Restriction on the number of trade unions of which a person may be an official.

14.—(1) Subject to subsection (2) below, no person shall at the same time—

(a) hold office as president, treasurer or executive member in more than one trade union;

(b) hold office as secretary in more than three trade unions.

(2) Nothing in subsection (1) above shall prevent a person who is an official of a trade union from being at the same time an official of a federation of trade unions or of a central labour organisation, or of all three.

(3) Any person who contravenes subsection (1) above shall be guilty of an offence against this Decree.

Trade union dues not to be applied for political purposes.

15.—(1) Unless the rules of a trade union otherwise provide, in so far as the funds of a trade union represent payments which the members are required to make under the rules, whether by way of subscriptions, dues or otherwise, those funds shall not be applied (whether directly, or through any other union, association or body, or in any other indirect manner) to the furtherance of any political objective.

(2) If any of the funds of a trade union are applied to the furtherance of political objective in contravention of section 1 above the trade union and every official thereof shall be guilty of an offence under this Decree.

(3) The following objectives, and no others, are political objectives for the purposes of this section, that is to say—

- (a) the making of contributions towards the funds of any political party ;
- (b) the payment of any expenses incurred (whether directly or indirectly) by a candidate or prospective candidate for election to any political office in Nigeria or any part of Nigeria, being expenses incurred before, during or after the election in connection with his candidature or election ;
- (c) the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate ;
- (d) the maintenance of any person while he holds in Nigeria or any part of Nigeria a political office to which he has been elected ;
- (e) the registration of electors in Nigeria or any part thereof ;
- (f) the holding of a political meeting of any kind or the distribution of political literature or political documents of any kind, unless the main purpose of the meeting or distribution is to further the regulation of the terms and conditions of employment of workers.

16.—(1) Without prejudice to the right of any person having a sufficient interest in the relief sought to apply for an injunction to restrain any unauthorised or unlawful application of the funds of a trade union, an injunction restraining any such application of the funds of a trade union may be granted by the appropriate High Court upon the application of the Attorney-General of the Federation or of the Registrar, or of any five or more members of the union.

Injunction to restrain misapplication of funds of trade union.

(2) On an application under this section the appropriate High Court may, in addition to or instead of granting an injunction, order that the whole or any part of the funds of the trade union be paid over to the Public Trustee to be administered or disposed of in accordance with the rules of the union.

17.—(1) A person under the age of sixteen shall not be capable of being a member of a trade union, and a person under the age of twenty-one shall not be capable of being an official of a trade union.

Membership of persons under 21 years of age.

(2) A person of or above the age of sixteen but under the age of twenty-one may be a member of a trade union unless the rules of the union provide otherwise, and, subject to subsection (1) above and to the rules of the union, may enjoy all the rights of a member and may effectually sign any agreement or other document and give any receipt which may be required to be signed or given by the rules of the union or for the purposes of this Decree or the regulations.

18.—(1) Every trade union shall have a registered office to which all communications and notices may be addressed.

Registered office of trade union.

(2) On registering a trade union the Registrar shall record as its registered office the office whose address is stated in the application for registration.

(3) Notice of any change in the situation of the registered office of a trade union shall be given to the Registrar within thirty days after the date of the change, and the change shall be recorded by the Registrar.

(4) If any trade union continues for more than thirty days without having a registered office, the trade union and every official thereof shall be liable on summary conviction to a fine of ₦10 for every day during which, after the end of the thirty days, it continues as aforesaid.

Copies of
rules to be
sold on
demand.

19.—(1) A trade union shall, on being so requested by any person, deliver or send to him a copy of the rules of the union subject to payment therefor of a sum not exceeding 50 kobo.

(2) Where a copy of the rules of a trade union is sent by post, the cost of the postage may be charged in addition to the sum paid for the copy.

(3) If a trade union contravenes subsection (1) above, the trade union and every official thereof who knowingly caused or permitted the contravention shall be liable on summary conviction to a fine of ₦10 for each offence.

Benefits of registration

Trade unions
not unlawful
as such.

20.—(1) The purposes of a trade union shall not, by reason only that they are in restraint of trade, be unlawful so as to render void or voidable any agreement or trust relating to the union; but nothing in this subsection shall enable any court to entertain any legal proceedings instituted for the purpose of directly enforcing any agreement mentioned in subsection (2) below, or of recovering damages for any breach of any agreement so mentioned.

(2) The said agreements are the following—

(a) any agreement between the members of a trade union as such relating to the terms and conditions on which members of the union shall or shall not employ persons or be employed;

(b) any agreement for the payment by any person of any subscription or penalty to a trade union;

(c) any agreement for the application of the funds of a trade union—

(i) to provide benefits to its members; or

(ii) to make payments to any employer or worker who is not a member of the union in consideration of his acting in conformity with the rules or resolutions of the union; or

(iii) to discharge any fine imposed upon any person by a court;

(d) any agreement such that every party thereto is one or other of the following, that is to say a trade union, a federation of trade unions or a central labour organisation;

(e) any bond to secure the performance of any agreement mentioned in paragraphs (a) to (d) above.

(3) Nothing in this section shall render unlawful any agreement mentioned in subsection (2) above.

(4) Without prejudice to section 2 (1) of this Decree, the foregoing provisions of this section shall apply in relation to an unregistered trade union as they apply in relation to a trade union, subject to the following restrictions, that is to say—

(a) if the trade union has not been registered, the said provisions shall apply only as regards—

(i) the agreement whereby the union is formed or any agreement whereby a person joins the union;

(ii) any trust on which any funds of the union are to be held; and

(iii) any agreement for the use of any premises as the office of the union;

and if an application for the registration of the union is finally refused (within the meaning of section 9 of this Decree), the said provisions shall cease to apply at the end of the period of three months beginning with the date of the final refusal; and

(b) if the union has become unregistered in consequence of its registration being cancelled under section 7 of this Decree, the said provisions shall apply only during the period of three months beginning with the date of the cancellation.

21.—(1) An action against a trade union (whether of workers or employers) in respect of any tortious act alleged to have been committed by or on behalf of the trade union in contemplation of or in furtherance of a trade dispute shall not be entertained by any court in Nigeria.

Prohibitions of actions in tort against trade unions.

(2) Subsection (1) above applies both to an action against a trade union in its registered name and to an action against one or more persons as representatives of a trade union.

22.—(1) Subject to this section, where there is a trade union of which persons in the employment of an employer are members and there is no rival trade union claiming to represent those persons, that trade union shall be entitled to recognition by the employer in accordance with the terms of a recognition agreement voluntarily entered into by the employer and the union or, in default of such an agreement, in accordance with a compulsory recognition order made by the Commissioner under subsection (2) below.

Recognition of a trade union without a rival union.

(2) If a trade union claims to be entitled to recognition by an employer by virtue of this section but the employer refuses to recognise the union, the union may refer the question to the Commissioner who, after taking into account all facts and circumstances appearing to him to be relevant, may make an order (in this section referred to as a compulsory recognition order)—

(a) declaring that the trade union is entitled to recognition under this section; and

(b) specifying ways in which the employer must accord recognition to the union.

(3) If an employer deliberately contravenes any provision of a recognition agreement entered into in pursuance of subsection (1) above or of a compulsory recognition order made under subsection (2) above, he shall be guilty of an offence and be liable on summary conviction to a fine of ₦1,000.

(4) A trade union which is recognised by the employer by virtue of this section shall continue to be so entitled until such time as the Commissioner, on application by the employer, determines that there is another trade union claiming to represent some or all of the members previously claimed to be represented by the union recognised under this section and that therefore the provisions of this section ought no longer to apply; and if the Commissioner determines as aforesaid then, as from the date of the determination—

(a) the trade union in question shall cease to be entitled to compulsory recognition by virtue of this section; and

(b) the agreement entered into in pursuance of subsection (1) above or the compulsory recognition order made under subsection (a) above, as the case may be, shall cease to have effect,

without prejudice to any civil or criminal proceedings arising out of any contravention of the agreement or order which occurred before the date of the determination.

Employers required to recognise duly representative trade unions.

23.—(1) Subject to this section, where it is accepted by an employer (or decided by the Commissioner under subsection (6) below) that, of the persons in the employment of that employer who are members of rival trade unions sixty per cent or more are members of a particular union, that union shall be entitled to recognition by the employer in accordance with the terms of a recognition agreement entered into voluntarily by the employer and the union or, in default of such an agreement, in accordance with a compulsory recognition order made under subsection (3) below.

(2) If, in the circumstances described in subsection (1) above, a recognition agreement between the employer and the trade union is not entered into within a period of three months from the date on which it is accepted by the employer (or decided by the Commissioner under subsection (6) below) that the union is entitled to recognition by virtue of this section, the union may apply to the Commissioner for a compulsory recognition order under subsection (3) below.

(3) If on an application under subsection (2) above the Commissioner—

(a) is satisfied that the membership of the trade union is sufficient to entitle it to recognition by virtue of this section; and

(b) after taking into account all other facts and circumstances appearing to the Commissioner to be relevant, is of the opinion that an order under this subsection ought to be made,

the Commissioner may make an order (in this section referred to as a "compulsory recognition order") specifying the ways in which the employer must accord recognition to the union.

(4) If an employer deliberately contravenes any provisions of a recognition agreement entered into in pursuance of subsection (1) above or of a compulsory recognition order made under subsection (3) above, he shall be guilty of an offence and be liable on summary conviction to a fine of ₦1,000.

(5) A trade union which has become entitled to recognition by an employer by virtue of this section shall continue to be so entitled until such time as the Commissioner, on an application by the employer, determines that, over a period of six months ending not more than two months before the date of the determination, the average number of persons in his employment who were members of the union was less than sixty per cent of the average number of persons in his employment who were eligible for membership thereof; and if the Commissioner determines as aforesaid then, as from the date of the determination—

(a) the trade union in question shall cease to be entitled to recognition by virtue of this section; and

(b) the agreement entered into in pursuance of subsection (1) above, or the compulsory recognition order made under subsection (3) above, as the case may be, shall cease to have effect,

without prejudice to any civil or criminal proceedings arising out of any contravention of the agreement or order which occurred before the date of the determination.

(6) If a trade union claims to be entitled to recognition by an employer by virtue of this section, but the employer refuses to recognise the union on the ground that less than sixty per cent of the persons in his employment who are eligible for membership of the union are in fact members thereof, the union may refer the question to the Commissioner, whose decision shall, subject to subsection (3) (a) above, be final.

(7) If on an application under subsection (2) above the Commissioner, although satisfied as mentioned in subsection (3) (a) above, refuses to make a compulsory recognition order, the trade union shall, notwithstanding subsection (1) above, be treated for the purposes of this section as not entitled to recognition by that employer throughout the period of one year from the date of the refusal.

24.—(1) Subject to the provisions of this section, a member of a trade union may, as regards any money payable by the union on his death, nominate any person (except one who is disqualified under subsection (4) below) as the person to whom that money is to be paid on the death of the nominator; and on receiving satisfactory proof of the death of a nominator, the trade union shall pay to the nominee so much of the amount due by reason of the death of the nominator as is covered by the nomination.

Right of member to nominate recipients of sums payable on death.

(2) A nomination under this section—

(a) must be in writing and be signed by the nominator, but may be partly printed;

(b) must be delivered by hand or through the post at the registered office of the trade union concerned; and

(c) may be revoked or varied from time to time by a notice in writing, as to which paragraphs (a) and (b) above shall apply as they apply in the case of a nomination.

(3) In the case of any particular member of a trade union, the maximum amount which can be covered by nominations under this section is N100 and accordingly—

(a) any nomination which would bring the total amount so covered above N100 shall be of no effect; and

(b) not more than N100 shall be paid to nominees under this section on the death of any particular member of a trade union.

(4) A person is disqualified for nomination under this section if he is an official of the same trade union as the nominator:

Provided that a person who is the husband, wife, father, mother, child, brother, sister, nephew or niece of the nominator can be validly nominated even if he is an official of the same trade union as the nominator.

Change of name, amalgamation, and alteration of rules of trade unions

25.—(1) Subject to this section, a trade union may change its name if, but only if, not less than two-thirds of all its members have in a secret ballot voted in favour of the proposed change; but a change of name shall not take effect until it is registered.

Change of name of trade union.

(2) Where a trade union proposes to change its name and the requirements of subsection (1) above have been complied with, the union must send to the Registrar—

(a) a notice in the prescribed form of the proposed change of name, signed by seven members of the union and countersigned by the secretary of the union; and

(b) a statutory declaration by the secretary of the union that the requirements of subsection (1) above have been complied with.

(3) On receipt of a notice under subsection (2) above together with the necessary statutory declaration the Registrar shall if satisfied that the requirements of this Decree and the regulations have been complied with, register the change of name.

(4) Where a trade union changes its name, the change of name shall not affect any right or obligation of the union or of any of its members, and any pending legal proceedings may be continued by or against the trade union or any person as a representative thereof, notwithstanding its change of name.

26.—(1) Subject to this section, two or more trade unions may amalgamate and become one trade union, but shall not do so unless—

(a) the rules proposed for the amalgamated union, and the terms of the proposed amalgamation (which must include provisions as to the disposal of the funds and other property of each of the amalgamating unions), have both been approved by the Registrar; and thereafter

(b) in the case of each of the amalgamating unions, a majority of all the members of the union have in a secret ballot voted in favour of the amalgamation on the terms so approved.

(2) An amalgamation of two or more trade unions under this section shall not take effect until it is registered.

(3) Where two or more trade unions propose to amalgamate, and the requirements of subsection (1) above have been complied with, there must be sent to the Registrar—

(a) a notice in the prescribed form of the proposed amalgamation, signed by seven members of each one of the amalgamating unions and countersigned by the secretary of each one of those unions; and

(b) in respect of each of the amalgamating unions, a statutory declaration by the secretary thereof that the requirements of subsection (1) above have been complied with.

(4) On the receipt of a notice under subsection (3) above the Registrar shall, if satisfied that the requirements of this Decree and the regulations have been complied with, cause a notice to be published in the *Gazette* stating that objections to the registration of the amalgamation in question may be submitted to him in writing during the period of two months beginning with the date of the *Gazette* in which the notice is published.

(5) Within one month after the end of the said period of two months the Registrar shall consider any objections submitted to him during the period and if satisfied that no proper objections have been raised register the amalgamation, and on the relevant date—

(a) the amalgamated union shall come into existence; and

(b) the property of each of the amalgamating unions shall, to the extent provided in the terms of amalgamation approved by the Registrar, become vested in the amalgamated union without the necessity of any form of conveyance or transfer other than that contained in the terms of amalgamation so approved; and

(c) each of the amalgamating unions shall cease to exist; and the registration of each of the amalgamating unions shall be cancelled accordingly.

In this subsection "the relevant date", in the case of the amalgamation which under the terms thereof is to take effect on a date later than the date on which the amalgamation is registered, means that later date, but in any other case means the date on which the amalgamation is registered.

(6) Where the registration of a trade union is cancelled in pursuance of subsection (5) above, subsections (6) and (7) of section 7 of this Decree shall apply as if the registration had been cancelled under that section.

(7) No such amalgamation as is mentioned in subsection (1) above shall prejudice any right of any creditor of any trade union party thereto.

(8) In this section "the amalgamating unions" and "the amalgamated union", in relation to a proposed amalgamation, mean respectively the trade unions proposing to amalgamate and the trade union which is to result from the proposed amalgamation.

27.—(1) Subject to this section, a trade union may alter its rules by any method of doing so provided for by its rules, but no alteration of the rules of a trade union shall take effect until the alteration is registered.

Alteration of
rules of trade
union.

(2) The Registrar shall not register an alteration of the rules of a trade union if as a result of the alteration—

(a) the rules of the union would cease to contain provisions with respect to the various matters mentioned in Schedule 1 of this Decree; or

(b) the principal purpose of the trade union would cease to be that of regulating the terms and conditions of employment of workers.

(3) An alteration of the rules of a trade union shall, if the rules of the union so provide, come into effect on a date later than the date of which the alteration is registered, but shall otherwise come into effect on the date on which the alteration is registered.

PART II.—FEDERATIONS OF TRADE UNIONS

28.—(1) Subject to this section, two or more trade unions whose members are employed in the same trade, occupation or industry, or in substantially similar trades, occupations or industries, may form a federation of trade unions, but shall not do so unless, in the case of each of the unions concerned—

Formation of
federation of
trade unions.

(a) a resolution approving the formation of the proposed federation has, in a secret ballot held at a meeting (whether annual or special) of delegates representing all the members of the union, been passed in circumstances such that the votes cast in favour of the resolution represent a simple majority of the members of the union; and

(b) not less than thirty days before the date of that meeting a notice in the prescribed form setting out the resolution was given to the Registrar; and

(c) all reasonable steps were taken by the union to secure that, not less than thirty days before the date of that meeting, every member of the union was supplied with a similar notice.

(2) A federation of trade unions shall not come into existence until it is registered.

(3) Where two or more trade unions propose to form a federation of trade unions and the requirements of subsection (1) above have been complied with, there shall be sent to the Registrar—

(a) an application in the prescribed form for the registration of the proposed federation, signed by seven members of each one of those unions and countersigned by the secretary of each one of those unions ; and

(b) in respect of each of those unions, a statutory declaration by the secretary thereof that the requirements of subsection (1) above have been complied with.

(4) Without prejudice to the foregoing provisions of this section or to the generality of section 54 of this Decree, regulations, made under the said section 54—

(a) may provide that all or any of the provisions of sections 2 to 10 and Schedule 1 of this Decree with respect to trade unions shall apply in relation to federations of trade unions, subject to such exceptions, additions or other modifications (if any) as may be specified in the regulations ; or

(b) may include, as regards such federations, provisions corresponding (with or without exceptions, additions or other modifications) to all or any of the said provisions.

(5) On receipt of an application under subsection (3) above together with the necessary statutory declarations, the Registrar, if satisfied that the requirements of this Decree (including any provisions thereof applied by virtue of subsection (4) above) and of the regulations with respect to the registration of federations of trade unions have been complied with, shall register the federation of trade unions.

(6) Any person who purports to do any act on behalf of a proposed federation of trade unions before that federation is registered shall be guilty of an offence against this Decree.

29.—(1) Subject to this section, a trade union may become a member of a registered federation of trade unions, but shall not do so unless—

(a) the members of the joining union are employed in the same trade, occupation or industry, or substantially similar trades, occupations or industries as the members of the trade unions belonging to the federation ; and

(b) the joining union is eligible for membership of the federation under the rules of the federation ; and

(c) a resolution approving the proposed application for membership of the federation has, in a secret ballot held at such a meeting as is mentioned in paragraph (a) of section 28 (1) of this Decree, been passed in the circumstances mentioned in that paragraph ; and

(d) all reasonable steps were taken by the joining union to secure that, not less than thirty days before the date of that meeting, every member of the union was supplied with a notice in the prescribed form setting out the resolution.

(2) The admission of a trade union to membership of a registered federation of trade unions shall not take effect until the joining union is registered as a member of the federation.

(3) Where a federation of trade unions proposes to admit a trade union to membership of the federation and the requirements of subsection (1) above have been complied with as regards the joining union, there must be sent to the Registrar—

(a) a notice in the prescribed form of the proposed admission of the joining union signed by seven members of the joining union and countersigned by the secretary of that union ;

(b) a statutory declaration by the secretary of the joining union that the requirements of subsection (1) above have been complied with ; and

(c) a certificate in the prescribed form signed by the secretary of the federation that the admission of the joining union has been approved in accordance with the rules of the federation.

(4) On receipt of the notice and certificate required by subsection (3) (a) and (c) above together with the necessary statutory declaration the Registrar, if satisfied that the requirements of this Decree and the regulations have been complied with, shall register the joining union as a member of the federation.

(5) In this section "joining union", in relation to a federation of trade unions, means a trade union proposing to become a member of that federation.

30.—(1) The provisions of Part I of this Decree specified in subsection (2) below shall, with any necessary modifications or exceptions, apply in relation to registered federations of trade unions as they apply in relation to trade unions.

Application of certain provisions of Part I to registered federations of trade unions.

(2) The said provisions are the following—

Section 13.

Sections 15 and 16.

Section 17 (1), so far as it relates to capacity to be an official.

Sections 18 to 21.

Sections 25 and 27.

31.—(1) No person shall be an official of more than one federation of trade unions at the same time :

Provided that nothing in this subsection shall prevent a person who is an official of a federation of trade unions from being at the same time an official of a trade union or of a central labour organisation, or of all three.

(2) Any person who contravenes subsection (1) above shall be guilty of an offence against this Decree.

No person to hold office in more than one federation of trade unions at the same time.

Special provisions as regards existing federations of trade unions.

32.—(1) This section applies to every federation of trade unions which is in existence at the commencement of this Decree.

(2) Every federation of trade unions to which this section applies shall within the period of three months beginning with the commencement of this Decree apply in the prescribed manner for registration.

(3) During the said period of three months a federation of trade unions to which this section applies which has not been registered or finally refused registration shall, for the purposes of this Decree and the regulations (other than the provisions thereof as to the registration of federations to which this section applies), be treated as being registered; and if the application for the registration thereof is made to the Registrar within the said period, the federation shall continue to be so treated until the application is finally disposed of.

(4) If a federation of trade unions to which this section applies fails to apply for registration within the said period of three months, or applies for registration within that period but is finally refused registration (whether before or after the end of that period), then—

(a) as from the end of the first-mentioned period or the date of the final refusal, as the case may be, the federation shall not perform any act in furtherance of its purposes except so far as may be necessary for the purpose of dissolving the federation; and

(b) the federation shall be dissolved within the period of three months beginning with the end of the first-mentioned period or with the date of the final refusal, as the case may be.

(5) If a federation of trade unions to which this section applies which is required by subsection (4) above to be dissolved within a particular period is not dissolved within that period, the federation and every official thereof shall be liable on summary conviction to a fine of ₦10 for each day on which the federation remains undissolved after the end of that period.

PART III

CENTRAL LABOUR ORGANISATIONS

33.—(1) Subject to this section, two or more bodies each of which is either a trade union or a registered federation of trade unions may form a central labour organisation if, but only if—

(a) the total membership of all the trade unions concerned is at least forty per cent of the total membership of all the trade unions for the time being registered under this Decree; and

(b) the respective registered offices of the trade unions concerned are not all situated in the same State.

(2) A central labour organisation shall not be formed unless, in the case of each of the trade unions concerned—

(a) a resolution approving the formation of the proposed organisation has, in a secret ballot held at a meeting (whether annual or special) of delegates representing all the members of the union, been passed in circumstances such that the votes cast in favour of the resolution represent a simple majority of the members of the union; and

Formation of central labour organisation.

(b) not less than ninety days before the date of that meeting a notice in the prescribed form setting out the resolution was given to the Registrar ; and

(c) all reasonable steps were taken by the union to secure that, not less than ninety days before the date of that meeting, every member of the union was supplied with a similar notice.

(3) A central labour organisation shall not come into existence until it is registered.

(4) Where two or more bodies each of which is either a trade union or a registered federation of trade unions propose to form a central labour organisation, and the conditions set out in subsection (1) above are fulfilled, and the requirements of subsection (2) above have been complied with, there must be sent to the Registrar—

(a) an application in the prescribed form for the registration of the proposed organisation, signed by seven members of each of the trade unions concerned and countersigned by the secretary of each of those unions and by the secretary of each federation of trade unions (if any) among the bodies concerned ; and

(b) in respect of each of those unions, a statutory declaration by the secretary thereof stating the number of members of the union and that the requirements of subsection (2) above have been complied with.

(5) Subsection (4) of section 28 of this Decree shall apply in relation to central labour organisations as it applies to federations of trade unions, but as if for the reference to the foregoing provisions of that section there were substituted a reference to the foregoing provisions of this section.

(6) On receipt of an application under subsection (4) above together with the necessary statutory declarations, the Registrar if satisfied—

(a) that the conditions set out in subsection (1) above are fulfilled ; and

(b) that the other requirements of this Decree (including any provisions thereof applied by virtue of subsection (5) above) and of the regulations with respect to the registration of central labour organisations have been complied with,

shall register the central labour organisation.

(7) Any person who purports to do any act on behalf of a proposed central labour organisation before that organisation is registered shall be guilty of an offence against this Decree.

(8) In this section, in relation to a proposed central labour organisation—

(a) "body concerned" means any of the bodies proposing to form the organisation : and

(b) "trade union concerned" means any trade union which is, or is a member of one of the bodies concerned.

34.—(1) A registered central labour organisation shall have power, subject to its rules—

(a) to represent the general interests of its members on any national advisory body set up by the Government of the Federation ;

(b) to collect and disseminate to its members information and advice on economic and social matters ;

(c) to give advice, encouragement or financial assistance to any of its members in need thereof ;

Powers of
central
labour
organisation
and
application
of certain
provisions
of Part I.

(d) to promote the education of members of trade unions in the field of labour relations and connected fields ; and

(e) to render any other assistance provided for under the articles of affiliation.

(2) A registered central labour organisation shall not engage in collective bargaining on behalf of any trade union or federation of trade unions except requested to do so by that trade union or federation which is a party to the collective bargaining.

(3) If a registered central labour organisation engages in any collective bargaining in contravention of subsection (2) above, then—

(a) the organisation and every official thereof ; and

(b) every trade union or federation of trade unions on behalf of which the organisation engaged therein and every official of that union or federation,

shall each be guilty of an offence against this Decree.

(4) The provisions of Part I of this Decree specified in section 30 (2) thereof shall, with any necessary modifications or exceptions, apply in relation to registered central labour organisations as they apply in relation to trade unions.

Admission
of further
bodies to
membership
of central
labour
organisation.

35.—(1) Subject to this section, a body which is either a trade union or registered federation of trade unions may become a member of a registered central labour organisation, but shall not do so unless the joining body is eligible for membership of the organisation under the rules of the organisation and, in the case of the trade union or each of the trade unions concerned—

(a) a resolution approving the proposed application for membership of the organisation has, in a secret ballot held at such a meeting as is mentioned in paragraph (a) of section 33 (1) of this Decree, been passed in the circumstances mentioned in that paragraph ; and

(b) all reasonable steps were taken by the union to secure that, not less than ninety days before the date of that meeting, every member of the union was supplied with a notice in the prescribed form setting out the resolution.

(2) The admission of a joining body to membership of a registered central labour organisation shall not take effect until the joining body is registered as a member of the organisation.

(3) Where a central labour organisation proposes to admit a body to membership of the organisation and the requirements of subsection (1) above have been complied with as regards the trade union or each of the trade unions concerned, there must be sent to the Registrar—

(a) a notice in the prescribed form of proposed admission of the joining body signed by seven members of the trade union or each of the trade unions concerned and countersigned by the secretary of that union or of each of those unions and if the joining body is a federation of trade unions, by the secretary thereof ; and

(b) in respect of the trade union or each of the trade unions concerned, a statutory declaration by the secretary thereof that the requirements of subsection (1) above have been complied with ; and

(c) a certificate in the prescribed form signed by the secretary of the organisation that the admission of the joining body has been approved in accordance with the rules of the organisation.

(4) On receipt of the notice and the certificate required by subsection (3) (a) and (c) above and the necessary statutory declaration the Registrar, if satisfied that the requirements of this Decree and the regulations have been complied with, shall register the joining body as a member of the central labour organisation.

(5) In this section—

(a) "joining body", in relation to a central labour organisation, means a trade union or federation of trade unions proposing to become a member of that organisation; and

(b) "trade union concerned", in the case of a joining body which is a trade union, means that trade union or, in the case of a joining body which is a federation of trade unions, means a trade union which is a member of that federation.

36. Subject to this section, two or more central labour organisations registered under this Decree may amalgamate and become one central labour organisation, but shall not do so unless a resolution approving the amalgamation has, in a secret ballot held at a meeting (whether annual or special) of delegates representing all the members of the unions comprised in each central labour organisation, been passed in circumstances such that the votes cast in favour of the resolution represent a simple majority of the members of the unions comprised as aforesaid.

Amalgama-
tion of
central
labour
organisa-
tion.

(2) An amalgamation of two or more central labour organisations shall not take effect until it is registered.

(3) Where two or more central labour organisations propose to amalgamate and the requirements of subsection (1) above have been complied with, there must be sent to the Registrar—

(a) a notice in the prescribed form of the proposed amalgamation signed by seven members of each of the amalgamating central labour organisations and countersigned by the secretary of each amalgamating central labour organisation; and

(b) in respect of each amalgamating central labour organisation a statutory declaration by the secretary thereof that the requirement of subsection (1) above have been complied with.

(4) On receipt of a notice under subsection (3) above together with the necessary statutory declarations the Registrar shall, if satisfied that the requirements of this Decree and the regulations have been complied with, register the amalgamation, and on the relevant date—

(a) the amalgamated central labour organisation shall come into existence; and

(b) the property of each of the amalgamating central labour organisations shall, to the extent provided in the terms of amalgamation approved by the Registrar, become vested in the amalgamated central labour organisation without the necessity of any form of conveyance or transfer other than that contained in the terms of amalgamation so approved; and

(c) each of the amalgamating central labour organisations shall cease to exist;

and the registration of each of the amalgamating central labour organisations shall be cancelled accordingly. In this subsection "the relevant date", in the case of the amalgamation which under the terms thereof is to take effect

on a date later than the date on which the amalgamation is registered, means the later date, but in any other case means the date on which the amalgamation is registered.

Special provisions as regards existing central labour organisations.

37.—(1) Notwithstanding anything contained in this Decree, the bodies specified in subsection (2) below shall on the commencement of this Decree be registered by the Registrar as central labour organisations without any condition or limitation whatsoever and those bodies shall thereupon have all the powers and duties conferred on a registered central labour organisation under this Decree.

(2) The bodies referred to in subsection (1) are :

- (a) The Labour Unity Front,
- (b) The Nigerian Trade Union Congress,
- (c) The Nigerian Workers Council, and
- (d) The United Labour Congress of Nigeria.

Recognition of central labour organisations.

38. It is hereby declared that the registration of any central labour organisation under section 33 or 37 of this Decree shall not be construed as entitling such central labour organisation to any form of recognition by the Federal Military Government.

PART IV

ACCOUNTS AND RETURNS OF REGISTERED BODIES

Annual returns.

39.—(1) Every registered body shall send to the Registrar before 1st June in each year an annual return in the prescribed form which shall be made out to such date as may be prescribed and shall, if the Registrar so directs in any particular case, be certified as correct by the duly appointed auditor.

(2) Every annual return prepared under this section in respect of a registered body shall include—

(a) full particulars of the assets and liabilities of the body at the date to which the return is made out ;

(b) full particulars of the receipts and expenditure of the body during the year ending with that date ;

(c) the prescribed particulars of the membership of the body at that date, and of any changes therein which occurred during the year ending with that date ; and

(d) such other particulars as may be prescribed, and shall show separately the amount expended by the body during that year on each of its various purposes.

(3) Every annual return sent to the Registrar under this section by a registered body shall be accompanied by—

(a) a copy of the rules of the body as in force on the date to which the return is made out ; and

(b) a copy of all alterations of the rules of the body, and all new rules thereof, adopted during the year ending with that date, showing in respect of each alteration or new rule the date on which it was adopted, whether or not it has been registered and, if so, the date on which it came or will come into force ; and

(c) a complete list of the officials of the body at the date to which the return is made out, and a list of all changes in the officials of the body which occurred during the year ending with that date, showing the date of each such change.

(4) A registered body shall, on being so requested by any member thereof, deliver or send to him free of charge a copy of the latest annual return sent by it to the Registrar under this section.

(5) If a registered body fails to comply with any of the requirements of subsection (1) to (3) above, the body and every official thereof shall be guilty of an offence against this Decree.

(6) If a registered body fails to comply with subsection (4) above, the body and every official thereof who knowingly caused or permitted the failure shall be liable on summary conviction to a fine of ₦10 for each offence.

40.—(1) The treasurer of a registered body, whenever he is required to do so by the rules of the body, or on being specially directed to do so by the committee of management, shall prepare a full and accurate account showing—

Duty of treasurer and other officials to render accounts.

(a) all sums received or paid by him since the date to which the last account submitted by him was made out; and

(b) the balance remaining in his hands, at the date to which the new account is made out, and all bonds and securities held by the body at that date;

and shall cause the account, when prepared, to be audited by the duly-appointed auditor.

(2) Every account prepared in accordance with subsection (1) above shall, after being audited, be submitted by the treasurer to the members of the registered body in question in accordance with the rules thereof or, if the account was prepared on the special directions of the committee of management, in accordance with those directions.

(3) Where the treasurer of a registered body who has submitted an account under this section is required to do so by a resolution passed at a meeting of the body, or is directed to do so by the committee of management, he shall as soon as possible hand over to the body the balance due from him to it at the time of the hand-over, as certified by the duly appointed auditor, and shall also, if required, hand over to the body all bonds, securities, books, papers and other property of the body in his possession or custody.

(4) In determining for the purposes of subsection (3) above the balance due from the treasurer of a registered body at the time of a hand-over, the duly appointed auditor shall add to the balance shown as due from the treasurer in the latest account submitted by him under this section any sums received by the treasurer on account of the body since the date to which that account was made up, and shall deduct any sums paid by him on account of the body since that date.

(5) If the treasurer of a registered body fails to hand over in full to the body the balance which it is his duty under subsection (3) above to hand over, the body or any person capable of suing as a representative thereof may institute civil proceedings against the treasurer in any competent court for the balance shown as due from him in the latest account submitted by him under this section and for all sums received by him on account of the

body since the date to which that account was made up, leaving him to set off in the proceedings any sums which may have been paid by him to or on account of the body since that date.

(6) If the treasurer of a registered body fails to hand over to the body anything (other than the balance mentioned in subsection (5) above) which it is his duty under subsection (3) above to hand over, the body or any person capable of suing as a representative thereof may institute civil proceedings against the treasurer in any competent court for the delivery of that thing.

(7) In any such proceedings as are mentioned in subsection (5) or (6) above, the court shall order the defendant to pay the plaintiff's costs.

(8) The foregoing provisions of this section shall, so far as capable of so applying, apply to every other official of a registered body as they apply to the treasurer thereof; and references, in those provisions to the treasurer of such a body shall be construed accordingly.

Copies of
audited
accounts to
be sent to
Registrar.

41.—(1) Where an audited account is submitted to the members of a registered body or to the committee of management thereof as required by section 40 (2) of this Decree, the body shall send a copy of the audited account to the Registrar within one month after the date on which it is so submitted.

(2) If a registered body contravenes subsection (1) above, the body and every official thereof who knowingly caused or permitted the contravention shall be guilty of an offence against this Decree.

Power of
Registrar to
call for
accounts at
any time.

42.—(1) Without prejudice to the foregoing provisions of this Part of this Decree, the Registrar may at any time call upon the treasurer, the committee of management or any other official of a registered body to prepare and submit to him within a period of thirty days from the date of the call letter detailed accounts of the funds of the body in respect of any particular period; and any accounts submitted under this section shall show in detail such information as the Registrar may direct, and shall, if the Registrar so directs, be audited by the duly appointed auditor before being submitted to the Registrar.

(2) If any person whose duty it is under subsection (1) above to prepare or assist in preparing any accounts called for under that subsection, or to audit or submit to the Registrar any such accounts, fails to do so without reasonable excuse (proof of which shall lie on him), he shall be guilty of an offence against this Decree.

Investigation
of unsatisfac-
tory accounts
by Registrar.

43.—(1) If any account sent or submitted to the Registrar under section 41 or 42 of this Decree is in his opinion unsatisfactory in that he is unable to satisfy himself as regards any question which affects or is likely to affect the accuracy of the account, and in particular any question as to any of the matters mentioned in subsection (2) below, the Registrar may, in his discretion either—

(a) direct all or any of the books, records or other documents of the registered body concerned to be delivered to him for examination by himself or by an auditor appointed by him; or

(b) direct that the account be audited by an auditor designated by him for the purpose.

(2) The matters referred to in subsection (1) above are the following—

(a) the manner in which the account in question has been kept and prepared;

(b) the sufficiency or otherwise of existing checks against irregularity or fraud ;

(c) the authority for any departure from the rules of the registered body concerned ;

(d) the existence or otherwise of authority for all expenditure shown in the account ;

(e) the amount of any sums due to the registered body concerned (other than subscriptions and other sums due from members of the body under its rules), and the reasons for any failure to collect any sums (other than as aforesaid) so due ;

(f) the existence of any outstanding advances by or deposits with the registered body concerned which are of an unusual character ;

(g) the verification of any material assets of the registered body concerned which are shown in the account.

(3) Where the Registrar has given a direction under subsection (1) (b) above, the designated auditor shall have power—

(a) to require all or any of the books, records or other documents of the registered body concerned to be produced to him ; and

(b) to inspect and, if he thinks fit, take copies of or extracts from any such document so far as it appears to him necessary to do so for the purpose of auditing the account to which the direction relates ; and

(c) for the purpose of auditing that account, to enter any premises of the registered body concerned at all reasonable times.

(4) Any person who—

(a) fails to deliver to the Registrar any document which he has been directed under subsection (1) (a) above so to deliver ; or

(b) fails to produce to a designated auditor any document which he has been required by that auditor under subsection (3) (a) above so to produce ; or

(c) obstructs, molests or hinders any auditor designated under subsection (1) (b) above in the exercise of his power under subsection (3) above, shall be guilty of an offence against this Decree.

(5) Where any account is examined or audited by an auditor by virtue of a direction under subsection (1) (a) or (b) above, the cost of the examination or audit, as certified by the Registrar, shall be paid by the registered body concerned and, if not so paid, may be recovered from that body as if it were a simple contract debt due to the Registrar.

44.—(1) Where, as a result of any examination of any account carried out by the Registrar under section 43 of this Decree or any examination or audit of any account carried out by an auditor by virtue of that section, it appears to the Registrar—

(a) that any offence, whether against an enactment contained in this Decree or the regulations or any other enactment, has been committed by the registered body concerned or by any other person ; or

Power of Registrar to institute proceedings on behalf of registered body in certain circumstances.

(b) that any sum due to the registered body concerned (other than subscriptions and other sums due from members of the body under its rules) has not been collected,

and that, in either case, it is expedient to do so by reason of the refusal or neglect of the registered body concerned or the members thereof to take legal proceedings, the Registrar may on behalf of that body institute in its name—

(i) in a case falling within paragraph (a) above, criminal proceedings for that offence ; or

(ii) in a case falling within paragraph (b) above, civil proceedings for the recovery of the said sum.

(2) In any civil proceedings instituted by the Registrar by virtue of subsection (1) above, the court shall have the same power to make an order for the payment of costs to or by the Registrar as if he were a party to the proceedings.

PART V—MISCELLANEOUS AND GENERAL PROVISIONS

Peaceful picketing.

45.—(1) It shall be lawful for one or more persons, acting on their own behalf or on behalf of a trade union or registered federation of trade unions or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or abstain from working.

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(2) Accordingly, the doing of anything declared by subsection (1) above to be lawful shall not constitute an offence under any law in force in Nigeria or any part thereof, and in particular shall not constitute an offence under section 366 of the Criminal Code or any corresponding enactment in force in any part of Nigeria.

Certain acts not actionable in tort if in contemplation or furtherance of trade dispute.

46.—(1) An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable in tort on any one or more of the following grounds only, that is to say—

(a) that it induces some other person to break a contract of employment ; or

(b) that it is an interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or his labour as he wishes ; or

(c) that it consists in his threatening that a contract of employment (whether one to which he is a party or not) will be broken ; or

(d) that it consists in his threatening that he will induce some other person to break a contract of employment to which that other person is a party.

(2) Nothing in subsection (1) above shall prevent an act done in contemplation or furtherance of a trade dispute from being actionable in tort on any ground not mentioned in that subsection.

Companies Decree not to apply to bodies registrable under this Decree. 1968 No. 51.

47. The Companies Decree 1968 shall not apply to any trade union or to any federation of trade unions or central labour organisation ; and the registration of any such body under that Decree shall be void.

48.—(1) There shall be appointed for the purposes of this Decree a Registrar of Trade Unions, and there may be appointed for those purposes one or more Assistant Registrars of Trade Unions; but no such appointment shall have effect unless notice thereof has been published in the *Gazette*.

The Registrar of Trade Unions.

(2) The office of the Registrar of Trade Unions and that of any Assistant Registrar of Trade Unions shall be offices in the Federal Ministry of Labour.

(3) Anything which is required or authorised to be done by or to the Registrar under this Decree or under the regulations may be done by or to any Assistant Registrar of Trade Unions whom he may authorise (whether specifically or generally) for the purpose.

49. Without prejudice to any of the requirements of this Decree or the regulations, it shall be the duty of the Registrar to cause notice of the following matters to be published in the *Gazette* namely—

Certain matters to be notified in *Gazette*.

- (a) the registration of any body under this Decree;
- (b) the cancellation of the registration of any registered body;
- (c) the registration of any change of name or of any alteration of the rules of any registered body;
- (d) the amalgamation of any two or more trade unions;
- (e) any change in the situation of the registered office of a registered body;
- (f) the dissolution of any body which is or has been registered.

50.—(1) If any person with intent to mislead or defraud supplies or lends to any member or prospective member of a registered body a copy of any rules or of any alteration or amendment of any rules other than those actually in force at the time, on the false pretence—

Penalty for issuing false copies of rules of registered body.

- (a) that the material supplied or lent represents the rules of the body as then in force; or
 - (b) that there are no other rules of the body,
- he shall be guilty of an offence against this section.

(2) In subsection (1) above—

- (a) "prospective member", in relation to a registered body, means a person or body eligible for membership of that body; and
- (b) "member or prospective member", in relation to a registered body being a federation of trade unions or central labour organisation, includes an individual acting on behalf of a member or prospective member of that body.

(3) If any person with intent to mislead or defraud supplies or lends a copy of any rules to any person on the false pretence that they are the rules of a registered body, he shall be guilty of an offence against this section.

(4) A person guilty of an offence against this section shall be liable on summary conviction to a fine of ₦200 or to imprisonment for a term of six months.

51. If any person in any application, return, notice, certificate, statutory declaration or other document required to be made, sent or given to the Registrar under or for the purposes of this Decree or the regulations, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence and be liable on summary conviction to a fine of ₦200 or to imprisonment for a term of six months.

Penalty for including false information in any document sent to Registrar.

General
penalty for
offences
against this
Decree.

52. Every person or body declared by any provision of this Decree to be guilty of an offence against this Decree shall, if no other penalty for that offence is prescribed in this Decree, be liable on summary conviction to a fine of ₹50.

Jurisdiction.

53.—(1) Every offence against this Decree alleged to have been committed—

(a) by a trade union which has not yet been registered or any official of such a trade union ;

(b) by a body which is or has been registered under this Decree or by an officer of such a body ;

(c) by an official of any such body in circumstances such that both the body and the official are guilty of the same offence.

may be prosecuted summarily before a magistrate's court having jurisdiction where the registered office of the body in question is situated or, if the body has ceased to be registered, where its registered office was situated immediately before it ceased to be registered.

(2) In this section "official" includes a former official.

(3) The foregoing provisions of this section are without prejudice to any jurisdiction exercisable by any court apart from this section.

Regulations.

54.—(1) The Commissioner may make such regulations as appear to him to be necessary or expedient for carrying this Decree into effect, and in particular for prescribing anything required or authorised by this Decree to be prescribed.

(2) Without prejudice to the generality of subsection (1) above, regulations may be made under this section with respect to—

(a) registration ;

(b) the forms to be used for the purposes of this Decree ;

(c) the seal, if any, to be used by the Registrar for the purposes of this Decree ;

(d) the inspection of registers and documents kept by the Registrar and the making of copies of, or of any part of, the contents thereof ; and

(e) the fees to be charged for registration, inspection or any other service or matter for which provision is made in this Decree or the regulations.

(3) Regulations under this section may make different provision for different circumstances, and in particular may make special provision with respect to federations of trade unions and central labour organisations which are in existence at the commencement of this Decree.

Interpre-
tation.

55. In this Decree, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

"the appropriate High Court", in relation to a trade union means the High Court of the State in which the registered office of the union is situated ;

"central labour organisation" means any association, whether temporary or permanent, each member of which is either a trade union or a federation of trade unions, and the purposes of which include any of the purposes set out in section 34 (1) (a) to (d), but does not include an association the purposes of which include that of regulating the terms and conditions of employment of workers ;

"the Commissioner" means the Federal Commissioner for Labour ;

"the duly appointed auditor", in relation to a registered body, means the person or persons who, in accordance with the rules of the body, have been appointed with the approval of the Registrar to audit the treasurer's accounts ;

"federation of trade unions" means any association or combination of trade unions, whether temporary or permanent, the purposes of which include that of regulating the terms and conditions of employment of workers ;

"member", in relation to a federation of trade unions, means a trade union which is a member thereof and, in relation to a central labour organisation, means a trade union or federation of trade unions which is a member thereof ;

"official", in relation to a body which is or is capable of being registered, means any person holding an official position in that body and accordingly includes in particular any president, secretary or treasurer thereof and every member of the committee of management thereof ;

"prescribed" means prescribed by the regulations ;

"registered" means registered under this Decree ;

"registered body" means a trade union, federation of trade unions or central labour organisation registered under this Decree ;

"the Registrar" means the Registrar of Trade Unions appointed under section 48 of this Decree ;

"the regulations" means all regulations for the time being in force under this Decree ;

"trade dispute" means any dispute between employers and workers, or between workers and workers, which is connected with the employment or non-employment, or the terms of employment or conditions of work of any person ;

"trade union" has the meaning assigned in section 1 (1) of this Decree ;

"worker" means any employee, that is to say any member of the Public Service of the Federation or of a State or any individual (other than a member of any such Public Service) who has entered into or works under a contract with an employer, whether the contract is for manual labour, clerical work or otherwise, expressed or implied, oral or in writing, and whether it is a contract personally to execute any work or labour or a contract of apprenticeship.

56.—(1) The enactments specified in Schedule 2 of this Decree are hereby repealed to the extent specified in the third column of that Schedule.

(2) Subject to subsection (1) above and without prejudice to sections 32 and 37 of this Decree, any application made, fee paid, register kept, notice published or any other thing whatsoever done under or by virtue of any provision of the Trade Unions Act repealed by this Decree shall be deemed to have been made, paid, kept, published or done, as the case may be, under or by virtue of the corresponding provision of this Decree or the regulations ; and anything begun under any such provision may be continued under this Decree as if begun under this Decree.

Repeals, and
transitional
provisions.

Cap. 200.

57.—(1) This Decree may be cited as the Trade Unions Decree 1973.

(2) This Decree shall come into force on such date as the Commissioner may by order published in the *Gazette* appoint.

Citation
and
commence-
ment.

SCHEDULES

Section 4

SCHEDULE 1

MATTERS TO BE PROVIDED FOR IN RULES OF TRADE UNIONS

1. The name of the trade union.
2. The whole of the purposes of the trade union, and the purposes for which its funds may be applied.
3. The subscriptions and dues, if any, which members are required to pay.
4. If the trade union is to provide benefits for its members, the conditions under which any member will become entitled to any benefit.
5. The fines and forfeitures which may be imposed on members of the trade union.
6. The procedure for making, altering or revoking the rules.
7. A provision for the appointment and removal of a general committee of management (by whatever name called), a treasurer (who, if the rules so provide, may also be the secretary) and other officials, and a provision that an illiterate shall not be appointed as president, secretary or treasurer or to any other similar office in the trade union.
8. The qualifications for membership of the trade union, which shall include a provision to the effect that a person shall not be eligible for membership unless he is, or has been, normally engaged in the trade or industry which the trade union represents.
9. A provision that the general committee of management (by whatever name called) shall consist of persons all of whom are members of the trade union :

Provided that if (which shall be lawful) a person who is not a member of the trade union is appointed as president (or other similar officer) or secretary thereof, he may be a member of the general committee of management by virtue of his office notwithstanding that he is not a member of the union.
10. A provision for the keeping of a nominal roll of members showing the trade, calling or usual occupation of each member and, where possible, (but only in the case of a trade union of workers) the name of his employer.
11. A provision for the investment of the funds of the trade union or their deposit in a bank.
12. A provision for the keeping of full and accurate accounts by the treasurer, for the annual or more frequent periodical audit, by a person to be appointed by the trade union with the approval of the Registrar, of the accounts so kept, and for their submission, when audited, to the members.
13. A provision for the inspection of the books, accounts and nominal roll of members of the trade union by any person who has an interest in the funds of the union.
14. A provision that no member of the union shall take part in a strike unless a majority of the members have in a secret ballot voted in favour of the strike.
15. The procedure for dissolving the trade union and for the distribution of its assets, if any.

SCHEDULE 2

Section 56 (1)

Chapter or Number	Title	REPEALS	Extent of repeal
Cap. 200	The Trade Union Act		The whole Act, including the Trade Union Registration Rules contained in the Second Schedule thereof.
1958 No. 31	The Civil Aviation (Fire and Security Measures) Act 1958.		Section 24 (1).
L.N. 258 of 1959	The Transfer of Function (Federation) Order 1959.		In Schedule 1, the entry relating to the Trade Unions Act (Cap. 200).
L.N. 112 of 1964	The Adaptation of Laws, (Miscellaneous Provisions) Order 1964.		In Schedule 1, the entry relating to the Trade Unions Act (Cap. 200).
1970 No. 27	The Trade Unions (Amendment) Decree 1970.		The whole Decree.
1971 No. 39	The Trade Unions (Amendment) Decree 1971.		The whole Decree.

DATED at Lagos this 23rd day of July 1973.

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 makes fresh provisions with respect to the formation, registration and organisation of trade unions, federations of trade unions and central labour organisations.

2. Special provisions are included prohibiting persons employed in certain specified establishments from joining trade unions, providing for the disqualification of persons convicted of certain offences from serving as officials of trade unions, for the recognition of trade unions by employers in certain specified circumstances and for the registration without any conditions of existing central labour organisations.