

FEDERAL GOVERNMENT NEWSPAPERS CORPORATION DECREE 1973



ARRANGEMENT OF SECTIONS

Section

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SCHEDULES

Decree No. 34

[21st August 1973]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There shall be established a body by the name of the Federal Government Newspapers Corporation, which shall be a body corporate with perpetual succession and a common seal.

The
Corporation.

(2) The Corporation shall consist of—

(a) a Chairman and five other members appointed by the Commissioner with the prior approval of the Federal Executive Council; and

(b) the General Manager of the Corporation appointed under section 5 of this Decree.

(3) Schedule 1 to this Decree shall have effect with respect to the membership and procedure of the Corporation and the other matters there mentioned.

2.—(1) Subject to and in accordance with this Decree, the Corporation shall be charged with the sole responsibility for printing and publishing on behalf of the Federal Military Government such newspapers or other printed matter as the Commissioner may specify.

Functions
and powers
of the
Corporation.

(2) In discharging its responsibility under subsection (1) above, it shall be the duty of the Corporation to ensure that its newspapers follow such policies and programmes as may be laid down by the Supreme Military Council and the Federal Executive Council.

(3) Subject to this Decree, the Corporation shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities, including (without prejudice to the generality of the foregoing) the power to—

- (a) sue and be sued in its corporate name,
- (b) hold and manage movable and immovable property, and
- (c) enter into contracts.

Power of
Commissioner to
give
directions.

3. Subject to this Decree, the Commissioner may give the Corporation directions of a general character or relating generally to particular matters with regard to the exercise by the Corporation of its functions and powers, and it shall be the duty of the Corporation to comply with the directions.

Duty to
publish
official
announcements.

4. It shall be the duty of the Corporation to publish any announcement which it may be requested to publish by the Cabinet Office, the Federal Ministry of Information or any other official source approved by the Commissioner.

General
Manager.

5.—(1) There shall be a General Manager who shall be appointed by the Commissioner with the prior approval of the Federal Executive Council and shall be the chief executive officer and responsible for the execution of the Corporation's policies and the administration of its day to day business.

(2) The General Manager shall hold and vacate office in accordance with the terms of the instrument by which he is appointed and shall—

(a) receive such remuneration and allowances, and

(b) be eligible to receive such pension, gratuity or other retiring allowances (if any),

as may be determined by the Corporation with the approval of the Commissioner.

Editorial
Board.

6.—(1) There shall be an Editorial Board, which shall consist of—

(a) the General Manager, who shall be Chairman of the Editorial Board,

(b) the editors of the newspapers and other publications produced by the Corporation,

(c) a representative of the Federal Ministry of Information, appointed by the Commissioner,

(d) a representative of the Federal Ministry of External Affairs, appointed by the Commissioner with the concurrence of the Federal Commissioner for External Affairs, and

(e) two members of the Corporation, appointed by the Commissioner.

(2) It shall be the function of the Editorial Board to direct and manage the editorial activities of the Corporation, subject to the overriding control of the Corporation.

(3) The Secretary to the Corporation shall be Secretary to the Editorial Board.

(4) Subject to this Decree, the Editorial Board may regulate its own proceedings.

7.—(1) The Corporation shall appoint a Secretary, who shall be an officer but not a member of the Corporation and shall keep the Corporation's records and conduct its correspondence and perform such other duties of a clerical and secretarial nature as the Corporation or the General Manager (or, in an appropriate case, the Editorial Board) may from time to time direct and require.

Officers and staff.

(2) The Corporation may appoint and employ such other officers and servants as it thinks fit.

(3) The terms and conditions of service (including terms and conditions as to remuneration, allowances and retiring and medical benefits) of the Secretary and the other officers and servants of the Corporation shall be such as may be determined by the Corporation with the approval of the Commissioner.

8.—(1) The Corporation may—

Financial provisions.

(a) receive all funds allocated to it by the Federal Military Government and apply and administer those funds in accordance with such terms and conditions as may be attached to the allocations, and

(b) receive all other moneys given to the Corporation or derived from its operations and apply and administer those moneys in furtherance of the purposes of this Decree.

(2) The Corporation shall establish and maintain a general reserve account, which shall be managed in such manner as the Corporation may determine.

(3) With the approval of the Commissioner, the Corporation may—

(a) borrow money in connection with its operations, and

(b) invest a part or parts of its funds in such securities as the Commissioner may in his discretion determine.

(4) The financial year of the Corporation shall coincide with that of the Federal Military Government.

9.—(1) The Corporation shall keep proper accounts, which shall be audited annually by auditors appointed by the Corporation with the approval of the Commissioner.

Accounts, audit and annual report.

(2) The Corporation shall submit to the Commissioner not later than 30th June in each financial year a report on its activities during the preceding financial year, together with a duly audited statement of accounts for the year in question, and the Commissioner shall cause a copy of the report and statement to be laid before the Federal Executive Council.

(3) The Commissioner may by directions in writing addressed to the Corporation modify the operation of subsection (2) above in relation to the financial year in which the Corporation is first established.

10. The transitional provisions in Schedule 2 to this Decree shall have effect notwithstanding any other provision of this Decree or any provision of the law relating to companies.

Transitional provisions.

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

Interpretation.

"Commissioner" means the Federal Commissioner for Information ;

"Corporation" means the Federal Government Newspapers Corporation ;

"Editorial Board" means the Editorial Board established by section 6 of this Decree ;

"the General Manager" means the General Manager of the Corporation ;

"newspapers" includes periodical publications of all kinds.

Citation.

12. This Decree may be cited as the Federal Government Newspapers Corporation Decree 1973.

SCHEDULE 1

Section 1

SUPPLEMENTARY PROVISIONS RELATING TO THE CORPORATION

Membership

1. Members appointed under section 1 above shall, subject to paragraph 4 below, hold office for 3 years.

2. A member whose appointment has been terminated shall be eligible for re-appointment.

3. Any member may resign his appointment at any time by notice in writing served on the Commissioner.

4. The Commissioner may terminate the appointment of any member at any time without giving reasons therefor.

5. Members shall be paid out of the moneys at the disposal of the Corporation such remuneration, fees, or allowances as may be payable to members of the boards of statutory corporations, as approved from time to time by the Federal Executive Council.

Proceedings

6. The Corporation shall meet at least four times in each calendar year at times and places designated by the Chairman.

7. If not less than three members make a written request to the Chairman for an extraordinary meeting to be convened, the Chairman shall summon a meeting to be held within fifteen days from the date on which he received the request.

8. The Chairman, shall preside at meetings of the Corporation, and if he is absent from a meeting the members present shall elect one of their number to preside at the meeting.

9. At a meeting of the Corporation—

(a) four members shall form a quorum,

(b) questions shall be decided by a majority of those present and voting, and

(c) in the case of an equality of votes, the Chairman or other person presiding shall have a second or casting vote.

10. The validity of any proceedings of the Corporation shall not be affected—

- (a) by any vacancy in membership, or
- (b) by any defect in the appointment of a member, or
- (c) by reason that a person not entitled to do so took part in the proceedings.

11. Subject to this Decree, the Corporation may regulate its own proceedings by standing orders or otherwise.

Land

12. Whenever there is any hindrance to the acquisition by the Corporation of any land required for any purpose of the Corporation under this Decree (including any failure by the Corporation to reach agreement as to the amount to be paid in respect of the acquisition), the Commissioner, on the application of the Corporation and after such enquiry as he may think fit, may declare that the land is required for the service of the Corporation.

13. Where a declaration is made under paragraph 12 above, the land to which the declaration relates shall be deemed to be land required for a public purpose of the Federation within the meaning of the Public Lands Acquisition Act, and the Head of the Federal Military Government—

Cap. 167.

- (a) may cause action to be taken under that Act for acquiring the land for the Federal Military Government, or
- (b) if the land is native land, may issue a requisition under the appropriate law for the revocation of any rights relating to the land.

14. Where a declaration has been made under paragraph 12 above in respect of any land other than native land and—

- (a) the land has been acquired pursuant to paragraph 15 (a) below, or
 - (b) the Head of the Federal Military Government is satisfied that there are no rights subsisting in respect of the land,
- the Head of the Federal Military Government may vest the land in the Corporation by means of a certificate under the hand and seal of the Chief Federal Lands Officer.

15. Where a declaration has been made under paragraph 12 above in respect of any native land and—

- (a) the rights relating thereto have been revoked pursuant to paragraph 13 (b) above, or
 - (b) the Military Governor of the State in which the land is situated is satisfied that there are no rights subsisting in respect of the land,
- the Military Governor in question may grant to the Corporation a right of occupancy of the land on such terms and conditions as he thinks fit.

16. The compensation, if any, payable under the Public Lands Acquisition Act for the acquisition of any land under this section or payable under the appropriate law for the revocation of any rights relating to the land, as the case may be, shall in the first instance be paid by the Federal Military Government, but the Corporation shall refund to that Government any compensation so paid and all incidental expenses incurred by that Government.

17. A plan of any land referred to in paragraph 12 above—
- (a) containing measurements of the boundaries of the land,
 - (b) showing the relationship of the land to any sufficient identifying mark, and
 - (c) signed by the General Manager,
- shall be a sufficient description of the land for the purposes of an application under that paragraph.
18. The Corporation shall not, without the approval in writing of—
- (a) the Federal Executive Council, or
 - (b) in the case of native land, the Military Governor of the State in which the land is situated,
- alienate, mortgage, charge or devise any land or any right of occupancy or other right in land vested in it under this Schedule or otherwise.

Legal Proceedings

19. No suit against the Corporation, and no suit against any member, officer or servant of the Corporation in his capacity as such, shall lie or be instituted in any court unless it is commenced within the twelve months following the act, neglect or default complained of or, in the case of a continuance of damage or injury, within the twelve months following the cessation thereof.

20. No suit shall be commenced against the Corporation or against any member, officer or servant of the Corporation in his capacity as such until one month at least after there has been served on the Corporation by or on behalf of the intending plaintiff written notice of intention to commence the suit, stating—

- (a) the cause of action,
- (b) the particulars of the claim,
- (c) the name and place of abode of the intending plaintiff, and
- (d) the relief claimed.

21. In any suit the Corporation, without prejudice to any other right of representation, may be represented at any stage of the proceedings by any member, officer or servant of the Corporation who is duly authorised in writing by the Corporation in that behalf.

22. In any suit against the Corporation no execution or attachment or process in the nature thereof shall be issued against the Corporation, but any sums of money which may by the judgment of the court be awarded against the Corporation shall (subject to any directions given by the court where notice of appeal has been given by the Corporation in respect of the judgment) be paid by the Corporation from the funds of the Corporation.

Miscellaneous

23. Any summons, notice or other document required or authorised to be served on the Corporation may, except where there is express provision to the contrary, be served—

(a) by delivering it to the Chairman or the General Manager, or

(b) by sending it by registered post addressed to the General Manager at the principal office of the Corporation.

24. The fixing of the seal of the Corporation shall be authenticated by the signature of the Chairman or the General Manager.

25. Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Corporation by any person generally or specially authorised to act for that purpose by the Corporation.

26. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Corporation shall be received in evidence and, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

27. Any member who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Corporation shall forthwith disclose his interest to the Corporation and shall not vote on any question relating to the contract or arrangement.

28. In this Schedule, unless the context otherwise requires—

“the appropriate law”, in relation to a State, means any law in force in the State defining native lands and providing for the revocation of rights relating thereto if any such land is required for public purposes of the Federation ;

“calendar year” means a period of twelve months beginning on 1st January ;

“Chairman” means Chairman of the Corporation ;

“member” means member of the Corporation (and includes the Chairman) ;

“Military Governor” includes the Administrator of the East-Central State ;

“native land”, in relation to a State, means native land in the State within the meaning of the appropriate law ;

“State” means a State of the Federation ;

“suit” means any civil proceedings however commenced.

SCHEDULE 2

Section 10

ASSETS AND LIABILITIES OF NIGERIAN NATIONAL
PRESS LIMITED

1. As soon as he is satisfied that it is expedient to do so, the Commissioner shall by order in the Federal Gazette appoint a day (hereinafter referred to as "the appointed day") for the dissolution of the incorporated company known as the Nigerian National Press Limited (hereinafter referred to as "the Company").

1968 No. 51.

2. Part V of the Companies Decree 1968 (which relates to winding up) shall not apply in relation to the Company.

3. During the period from the commencement of this Decree until the appointed day the directors of the Company shall continue to carry on the business of the Company but in doing so shall comply with any directions given by the Commissioner or by any person appointed in writing by the Commissioner to exercise the functions of the Commissioner under this paragraph.

4. During the period mentioned in paragraph 3 above it shall be the duty of the directors of the Company, subject to any directions given under that paragraph, to cause to be prepared such accounts relating the Company's affairs as may be reasonably necessary for the proper implementation of this Schedule.

5. On the appointed day the Company shall stand dissolved and the Registrar of Companies shall remove the Company's name from the Register of Companies.

6. By virtue of this Decree there shall be vested in the Corporation on the appointed day without further assurance all assets, funds, resources and other movable or immovable property which immediately before the appointed day were vested in the Company.

7. As from the appointed day—

(a) the rights, interests, obligations and liabilities of the Company existing immediately before the appointed day under any contract or instrument, or at law or in equity apart from any contract or instrument, shall by virtue of this Decree be assigned to and vested in the Corporation,

(b) any such contract or instrument as is mentioned in sub-paragraph (a) above shall be of the same force and effect against or in favour of the Corporation and shall be enforced as fully and effectively as if, instead of the Company, the Corporation had been named therein or had been a party thereto, and

(c) the Corporation shall be subject to all the obligations and liabilities to which the Company was subject immediately before the appointed day, and all other persons shall as from the appointed day have the same rights, power and remedies against the Corporation as they had against the Company immediately before the appointed day.

8. Any proceeding or cause of action pending or existing immediately before the appointed day by or against the Company in respect of any right, interest, obligation or liability of the Company may be commenced, continued or enforced, subject to paragraphs 19 to 22 of Schedule 1 to this Decree, by or against the Corporation as it might have been against the Company if this Decree had not been made.

9. Within the twelve months next following the commencement of this Decree the Commissioner, if he thinks fit, may by order in the Federal Gazette make additional provision in respect of the devolution on the Corporation of the assets and liabilities of the Company ; and, without prejudice to the generality of the foregoing, any such order may include provision relating to the officers and servants of the Company and their pension rights (if any).

MADE at Lagos this 21st day of August 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 establishes the Federal Government Newspapers Corporation as a statutory corporation with sole responsibility for printing and publishing newspapers on behalf of the Federal Military Government. The Corporation is the successor of the Nigerian National Press Limited which is being dissolved.