

**CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS)  
DECREE 1975**



**Decree No. 30**

[16th October 1975]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

Damage to  
telecommu-  
nication  
works an  
offence.

1.—(1) Any person who wilfully and unlawfully—

(a) destroys, damages or removes any telecommunication works ; or

(b) otherwise prevents or obstructs the sending or delivering of a communication by means of telecommunication ;

shall be guilty of an offence under this Decree.

(2) Any person found guilty of an offence under subsection (1) above shall, on conviction be liable—

(a) in the case of an offence under paragraph (a) of the said subsection, to a fine of two times the value of any such telecommunication works as might have been destroyed, damaged or removed by him or ₦2,000, whichever is higher, or to imprisonment for ten years or to both such fine and imprisonment ; or

(b) in the case of an offence under paragraph (b) of the said subsection, to a fine of ₦500 or to imprisonment for three years or to both such fine and imprisonment.

2.—(1) Any person who wilfully and unlawfully—

(a) destroys, damages or removes any electricity lines ; or

(b) destroys or damages any main transmission line or removes anything connected therewith ; or

(c) otherwise prevents or obstructs the transmission of electricity through any electricity or main transmission line ;

shall be guilty of an offence under this Decree.

Damage to  
electricity  
lines, etc. an  
offence.

(2) Any person found guilty of an offence under subsection (1) above shall, on conviction be liable—

(a) in the case of an offence under paragraphs (a) and (b) of the said subsection, to a fine of two times the value of any such electricity line or any main transmission line or part thereof as might have been destroyed, damaged or removed by him or ₦2,000, whichever is higher, or to imprisonment for ten years or to both such fine and imprisonment ; or

(b) in the case of an offence under paragraph (c) of the said subsection, to a fine of ₦500 or to imprisonment for three years or to both such fine and imprisonment.

Damage, etc.  
to oil pipe-  
lines an  
offence.

3.—(1) Any person who wilfully and unlawfully—

(a) destroys, damages or removes any oil pipeline or installation connected therewith ; or

(b) otherwise prevents or obstructs the flow of oil along any such oil pipeline or interferes with any installation connected therewith ;

shall be guilty of an offence under this Decree.

(2) Any person found guilty of an offence under subsection (1) above shall, on conviction be liable—

(a) in the case of an offence under paragraph (a) of the said subsection, to a fine of two times the value of any such oil pipeline or installation as might have been destroyed, damaged or removed or of any oil that might have escaped as a result of such destruction, damage or removal or ₦2,000, whichever is higher, or imprisonment for ten years or to such fine and imprisonment ; or

(b) in the case of an offence under paragraph (b) of the said subsection, to a fine of ₦500 or imprisonment for three years or to both such fine and imprisonment.

Ascertain-  
ment of  
damage  
under this  
Decree.

4. For the purposes of this Decree, the certificate of any of the following persons shall be conclusive evidence as to any sum to be ascertained pursuant to the relevant provision hereinafter mentioned, that is to say—

(a) in the case of section 1 (2) (a), of the Director of Telecommunications ;

(b) in the case of section 2 (2) (a) and (b), of the General Manager of the National Electric Power Authority ; and

(c) in the case of section 3 (2) (a), of the Director of Petroleum Resources.

Punishment  
for parties  
to offences  
under this  
Decree.

5. Any person who—

(a) aids, counsels, abets or procures any person to commit an offence under section 1, 2 or 3 of this Decree ; or

(b) conspires with any person to commit such an offence ;

whether or not he is present when the offence is committed, shall be deemed to be guilty of the offence as a principal offender and shall be liable to be proceeded against and punished accordingly under this Decree.

Power to  
arrest  
without war-  
rant, etc.

6.—(1) An armed patrol may arrest without warrant any person reasonably suspected of having committed or of being about to commit an offence under this Decree, and an armed patrol may use minimum force to effect the arrest of that person or to prevent his escape.

(2) The foregoing provisions of this section shall have effect—

(a) without prejudice to any other power conferred by any law on members of the Nigeria Police Force or members of the armed forces of the Federation ; and

(b) notwithstanding anything to the contrary in any law.

Trial and  
prosecution  
of offences.

7.—(1) Offences under this Decree shall be triable summarily by the appropriate High Court and the provisions of Chapter IV of the Criminal Procedure Act or, where applicable, of Chapter XVIII of the Criminal Procedure Code Law shall apply accordingly.

(2) The prosecution of offences under this Decree shall be at the instance of the Attorney-General of the Federation.

8. The provisions of the enactments specified in the Schedule to this Decree and in so far as those provisions are in force anywhere in Nigeria are hereby repealed to the extent specified in that Schedule, and all other enactments to the like effect are similarly repealed.

Repeals.

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

Interpretation.

“armed patrol” means any patrol comprising either both armed members of the Nigeria Police Force and armed members of the armed forces of the Federation or only armed members of the Nigeria Police Force or of the armed forces;

“electricity line” and “main transmission line” have the meanings assigned thereto in section 44 (2) of the National Electric Power Authority Decree 1972;

1972 No. 24.

“oil” means crude oil within the meaning of the Petroleum Decree 1969 and any refined products thereof;

1969 No. 51.

“oil pipeline” has the meaning assigned thereto by section 11 (2) of the Oil Pipelines Act;

Cap. 145.

“telecommunication works” means a wire or wires used for the purpose of telegraph or telephone communications, with any casing, coating, tube, pipe, insulator or post enclosing or supporting the same or any apparatus connected therewith, and includes—

(a) any apparatus for transmitting messages or other matter including television by means of electric signals either by overhead lines or underground cable or cables lying under water; and

(b) any apparatus for transmitting messages with or without wires.

10. This Decree may be cited as the Criminal Justice (Miscellaneous Provisions) Decree 1975.

Citation.

## SCHEDULE

(Section 6)

### Enactments Repealed

<i>Title</i>	<i>Chapter</i>	<i>Extent of Repeal</i>
Criminal Code	Cap. 42	Sections 184 and 185
Oil Pipelines Act	Cap. 145	Section 24 (2)
Penal Code	Cap. 89, Laws of Northern Nigeria 1963	Section 467

MADE at Lagos this 16th day of October 1975.

BRIGADIER M. R. MUHAMMED,  
Head of the Federal Military Government,  
Commander-in-Chief of the Armed Forces,  
Federal Republic of Nigeria

## EXPLANATORY NOTE

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

The Decree introduces stiffer penalties for damage to telecommunication works, electricity transmission lines and oil pipelines and enables armed patrols to arrest any person committing an offence under its provisions.

## PUBLIC COMPLAINTS COMMISSION DECREE 1975



## Decree No. 31

[16th October 1975]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There shall be established a commission to be known as the Public Complaints Commission (hereinafter in this Decree referred to as "the Commission") which shall consist of a Chief Commissioner and such number of other Commissioners as the Supreme Military Council may from time to time determine.

Establish-  
ment of  
Public  
Complaints  
Commis-  
sion.

(2) The Commission may establish such number of branches of the Commission in the States of the Federation as the Supreme Military Council may from time to time determine.

2.—(1) The Chief Commissioner and other Commissioners shall be appointed by the Supreme Military Council and shall be persons of proven integrity and shall possess such other qualifications as the Supreme Military Council may determine.

Appoint-  
ment, tenure  
of office, etc.  
of Chief  
Commis-  
sioner and  
Commis-  
sioners.

(2) Subject to subsection (3) of this section, a Commissioner shall hold office for a term of three years in the first instance and shall be eligible for re-appointment for a second term of three years and shall vacate his office at the expiration of a period of six years.

(3) A Commissioner may at any time be removed from his office or appointment by the Supreme Military Council.

(4) There shall be paid to the Chief Commissioner and other Commissioners such salaries and allowances as the Head of the Federal Military Government may from time to time direct.

(5) There shall also be paid to every Commissioner upon completion of his period of service a gratuity calculated in such manner as the Head of the Federal Military Government may direct.

(6) The amounts payable under this section shall be charged upon and paid out of the Consolidated Revenue Fund of the Federation.

(7) A Commissioner shall not while holding office hold any other office of emolument whether in the public service or elsewhere.

3.—(1) The Chief Commissioner shall appoint such additional officers and servants (not being Commissioners) as he may determine to assist him and other Commissioners in the discharge of their functions under this Decree.

Appoint-  
ment and  
tenure of  
office of  
other staff.

(2) The remuneration and tenure of office of the other officers and servants of the Commission shall be determined by the Chief Commissioner after consultation with the Federal Commissioner for Establishments.

Powers and  
duties of  
Commissioners.

4.—(1) All Commissioners shall be responsible to the Supreme Military Council but the Chief Commissioner shall be responsible for co-ordinating the work of all other Commissioners.

(2) A Commissioner shall have power to investigate either on his own initiative or following complaints lodged before him by any other person, any administrative action taken by—

(a) any Department or Ministry of the Federal or any State Government ;

(b) any department of any local government authority (howsoever designated) set up in any State in the Federation ;

(c) any statutory corporation or public institution set up by any Government in Nigeria ;

(d) any company incorporated under or pursuant to the Companies Decree 1968 whether owned by any Government aforesaid or by private individuals in Nigeria or otherwise howsoever ; or

(e) any officer or servant of any of the afore-mentioned bodies.

(3) For the purposes of this Decree—

(a) the Chief Commissioner may determine the manner by which complaints are to be lodged ;

(b) any Commissioner may decide in his absolute discretion whether, and if so, in what manner he should notify the public of his action or intended action in any particular case ;

(c) any Commissioner shall have access to all information necessary for the efficient performance of his duties under this Decree and for this purpose may visit and inspect any premises belonging to any person or body mentioned in subsection (2) of this section ;

(d) every Commissioner shall ensure that administrative action by any person or body mentioned in subsection (2) will not result in the commitment of any act of injustice against any citizen of Nigeria or any other person resident in Nigeria and for that purpose he shall investigate with special care administrative acts which are or appear to be—

(i) contrary to any law or regulation,

(ii) mistaken in law or arbitrary in the ascertainment of fact,

(iii) unreasonable, unfair, oppressive or inconsistent with the general functions of administrative organs,

(iv) improper in motivation or based on irrelevant considerations,

(v) unclear or inadequately explained, or

(vi) otherwise objectionable ; and

(e) a Commissioner shall be competent to investigate administrative procedures of any court of law in Nigeria.

(4) Where concurrent complaints are lodged with more than one Commissioner, the Chief Commissioner shall decide which Commissioner shall deal with the matter and his decision thereon shall be final.

(5) All Commissioners and all the staff of the Commission shall maintain secrecy in respect of matters so designated by reason of source or content, so however that a Commissioner may, in any report made by him, disclose such matters as in his opinion ought to be disclosed in order to establish grounds for his conclusions and recommendations.



(6) In the exercise of the powers conferred upon a Commissioner by this section, the Commissioner shall not be subject to the direction or control of any other person or authority.

(7) It shall be the duty of any body or person required to furnish information pursuant to subsection (3) (c) above to comply with the notice within a reasonable period of time.

5.—(1) A Commissioner shall not investigate any matter—

(a) that is clearly outside his terms of reference ;

(b) that is pending before the Supreme Military Council, the National Council of States or the Federal Executive Council ;

(c) that is pending before any court of law in Nigeria ;

(d) relating to anything done or purported to be done in respect of any member of the Armed Forces in Nigeria or the Nigeria Police Force under the Nigerian Army Act 1960, the Navy Act 1964, the Air Force Act 1964 or the Police Act, as the case may be ;

(e) in which the complainant has not, in the opinion of the Commissioner, exhausted all available legal or administrative procedures ;

(f) relating to any act or thing done before 29th July 1975 or in respect of which the complaint is lodged later than twelve months after the date of the act or thing done from which the complaint arose ;

(g) in which the complainant has no personal interest.

(2) For the purposes of paragraph (b) of subsection (1) of this section a notice signed by the Secretary to the Federal Military Government and addressed to the Commissioner certifying that any matter is pending before any of the bodies mentioned in that paragraph shall be conclusive as to the pendency of the matter.

(3) In every case where a Commissioner decides not to investigate a complaint he shall state the reason therefor.

6.—(1) A Commissioner may recommend to the appropriate person or responsible administrative agency after due investigation of any complaint any of the following steps, that is—

(a) that a further consideration of the matter be made ;

(b) that a modification or cancellation of the offending administrative or other act be effected ;

(c) that an alteration of a regulation or ruling be effected ;

(d) that full reasons behind a particular administrative or other act be given.

(2) Where appropriate, a Commissioner may refer cases where he feels that existing laws or administrative regulations or procedures are inadequate to the Supreme Military Council or the appropriate Military Governor or to any other appropriate person or body.

(3) In every case where a Commissioner discovers that a crime may have been committed by any person, he shall report his findings to the appropriate authority or recommend that that person be prosecuted.

(4) In every case where a Commissioner is of the opinion that the conduct of any person is such that disciplinary action against such a person be taken, he shall make a report in that regard to the appropriate authority which shall take such further action as may be necessary in the circumstances.

Restrictions.

1960 No. 26,  
1964 Nos. 11  
and 24 and  
Cap. 154.

Recommendations  
after investigation.

Offences and penalties therefor.

7.—(1) Any complaint lodged before the Commission shall not be made public by any person except a Commissioner and any person who contravenes the provisions of this subsection shall be guilty of an offence and shall be liable on conviction to a fine of ₦500 or imprisonment for six months or to both such fine and imprisonment.

(2) If any person required to furnish information under this Decree fails to do so or in purported compliance with such requirement to furnish information knowingly or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence and liable on conviction to a fine of ₦500 or imprisonment for six months or to both such fine and imprisonment.

(3) Any person who wilfully obstructs, interferes with, assaults or resists any Commissioner or any other officer or servant of the Commission in the execution of his duty under this Decree or who aids, invites, induces or abets any other person to obstruct, interfere with, assault or resist any such Commissioner, officer or servant shall be guilty of an offence and liable on conviction to a fine of ₦500 or imprisonment for six months or to both such fine and imprisonment.

(4) Any person who in respect of any complaint lodged by him knowingly makes to a Commissioner any statement, whether or not in writing, which is false in any material particular shall be guilty of an offence and shall on conviction be sentenced to imprisonment for one year without the option of a fine.

Power to summon persons.

8.—(1) In the discharge of his functions under this Decree a Commissioner shall have power to summon in writing any person who in the opinion of the Commissioner is in the position to testify on any matter before him, to give evidence in the matter and any person who fails to appear when required to do so shall be guilty of an offence under this Decree.

(2) Any person guilty of an offence under this section shall on conviction be liable to a fine of ₦500 or imprisonment for six months or to both such fine and imprisonment.

Interpretation.

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

“the Commission” means the Public Complaints Commission established under section 1 of this Decree ;

“law” means any Act, Law, Decree or Edict and includes any subsidiary legislation made under any of them ;

“Commissioner” means any person appointed as such pursuant to section 2 of this Decree and references to Commissioner or Commissioners include, where appropriate, references to the Chief Commissioner.

Citation, etc.

10.—(1) This Decree may be cited as the Public Complaints Commission Decree 1975.

(2) The provisions of this Decree are in addition to and do not in any manner derogate from the provisions of any other laws guaranteeing liberty of access to courts of law for redress.



(3) For the avoidance of doubt, the powers granted to a Commissioner under this Decree may be exercised by him notwithstanding the provisions of other laws which declare the finality of any administrative act.

MADE at Lagos this 16th day of October 1975.

BRIGADIER M. R. MUHAMMED,  
*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 sets up a Public Complaints Commission consisting of a Chief Commissioner and other Commissioners who shall be appointed by and be responsible to the Supreme Military Council.

The Commission has wide powers to inquire into complaints lodged before it by members of the public concerning any administrative action taken by any Ministry or Department of the Federal or any State Government, statutory corporations, local government authorities and other public institutions and of companies whether in the public or private sector and of any official of any of the afore-mentioned bodies.

Removed from the purview of the Commission are, among other things, matters pending before the Supreme Military Council, the National Council of States and the Federal Executive Council or before any court of law. Also, investigations cannot be made by the Commission in respect of anything done before 29th July 1975.