

**NIGERIAN STANDARDS ORGANISATION
(AMENDMENT) DECREE 1976**



Decree No. 20

[7th May 1976]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Immediately after section 11 of the Nigerian Standards Organisation Decree 1971 (which relates to provisions for offences in relation to standards) there shall be inserted the following new section—

Amendment
of Decree
No. 56 of
1971.

"The power of the Commissioner to declare established standards as binding.

11A.—(1) The Commissioner may, from time to time on the recommendation of the Council, by order published in the *Gazette* declare that an industrial standard established under section 8 of this Decree shall be binding.

(2) Any industrial standard declared and published in the *Gazette* by virtue of sub-section 1 of this section shall be known as "Mandatory Industrial Standard".

(3) It shall be the duty of every manufacturer of any item of manufacture in respect of which a mandatory industrial standard has been declared to ensure that the item complies with (or was manufactured in accordance with) such standard which is for the time being in force.

(4) If any item of manufacture does not comply with a mandatory industrial standard, and that item is sold or delivered to any person with a view to its being sold to the public, the manufacturer of that item shall be guilty of an offence under this Decree and shall be liable on conviction to a fine not exceeding ₦1,000 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(5) In any criminal proceedings commenced against any person under this section, the production of a certificate signed by the Director or any other person duly authorised by the Director stating that an item of manufacture does not comply with the applicable mandatory industrial standard and describing the nature of the failure to comply with the mandatory industrial standard shall be sufficient evidence of such failure to comply.

(6) For the purposes of the trial of any person charged with an offence under this section, any item of manufacture bearing the name or mark of that person shall, unless the contrary is proved, be presumed to have been manufactured by that person ; and the item shall be presumed to have been produced by him in the form in which it was found offered for sale.

(7) Where any person is convicted of an offence under this section, the court may make such order as to the forfeiture or destruction of the item of manufacture in question as it may think appropriate in the circumstances."

Citation.

2. This Decree may be cited as the Nigerian Standards Organisation (Amendment) Decree 1976.

MADE at Lagos this 7th day of May 1976.

LT.-GENERAL O. OBASANJO,
*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 empowers the Commissioner to declare, by order published in the *Gazette*, any standard established under the principal Decree to be a Mandatory Industrial Standard, and makes it an offence for any manufacturer to fail to comply with any of the requirements of such a standard.

**STUDENTS LOANS (MISCELLANEOUS PROVISIONS)
DECREE -1976**



Decree No. 21

[7th May 1976]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) The Loans to Students (Recovery) Decree 1972 shall, as from the coming into force of this Decree, apply to any loan granted to any person by the Students Loans Board established under the Students Loans Board Decree 1972 as it applies to a loan granted to any person by the Government of the Federation for the purpose of higher studies.

Power to
recover past
loans from
emoluments
1972 No. 21
1972 No. 25

(2) Accordingly—

(a) for subsection (5) of section 1 of the Loans to Students (Recovery) Decree 1972, there shall be substituted the following new subsections—

“(5) In this section, the expression “loans to which this Decree relates” means any loan granted to any person for the purpose of higher studies—

(a) by the Government of the Federation, or

(b) by the Students Loans Board established under the Students Loans Board Decree 1972,

which loan or part thereof—

(i) has been or is due for repayment,

(ii) has not been repaid, and

(iii) for which no satisfactory arrangement has been made with the said Government or as the case may be with the Students Loans Board.”; and

(b) immediately after subsection (2) of section 9 of the Students Loans Board Decree 1972, there shall be added a new subsection (3) as follows—

“(3) The provisions of the Loans to Students (Recovery) Decree 1972, where appropriate, shall apply in respect of loans granted under this Decree.”

2.—(1) The Students Loans Board established by the Students Loans Board Decree 1972 is hereby expanded by the addition thereto of a representative from the Ministry of External Affairs.

Additional
member of
Students
Loans Board.

(2) Accordingly, section 2 (1) of the said Decree shall be amended—

(a) by deleting the word "and" at the end of sub-paragraph (ii) of paragraph (b);

(b) by deleting the punctuation mark ";" in sub-paragraph (iii) thereof and substituting it with the word "and"; and

(c) by adding a new sub-paragraph "(iv) External Affairs;" after sub-paragraph (iii) thereof.

Amendment
of section 9
(1) (a) of
Students
Loans Board
Decree 1972.

3. In section 9 of the Students Loans Board Decree 1972 (which provides for the method of repayment of loan), after the word "employment" where it occurs in paragraph (a) of subsection (1) thereof, there shall be inserted the words "in Nigeria".

Every Nige-
rian student
to benefit
from the
Higher
Education
Revolving
Loan
Scheme.

4.—(1) The provisions of the Students Loans Board Decree 1972 shall apply to every Nigerian student in a university or other institution of higher learning whether in Nigeria or elsewhere.

(2) Accordingly, the said Decree is hereby amended as follows:—

(a) for the words "the Nigerian Universities" where they occur in subsection (1) of section 6 thereof, there shall be substituted the words "Higher Education";

(b) for the words "in Nigeria" where they occur at the end of subsection (3) of section 7 thereof, there shall be substituted the words "of higher learning whether in Nigeria or elsewhere"; and

(c) in place of the definition of "institution" in section 18 thereof, there shall be inserted the definition of "university or other institution of higher learning" as follows—

"university or other institution of higher learning" means a university or other institution of higher learning approved for the purposes of this Decree by the Board ;"

Citation.

5. This Decree may be cited as the Students Loans (Miscellaneous Provisions) Decree 1976.

MADE at Lagos this 7th day of May 1976.

LT.-GENERAL O. OBASANJO,
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 extends to the Students Loans Board all the powers of the Commissioner under the Loans to Students (Recovery) Decree 1972 and to the students in universities and institutions of higher learning outside Nigeria the benefits of the Higher Education Revolving Loan Scheme established under the Students Loans Board Decree 1972.

OATHS (AMENDMENT) DECREE 1976



Decree No. 22

[7th May 1976]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The Oaths Act 1963, as amended by the Oaths Act (Amendment and Restricted Application) Decree 1967, is amended—

(a) in the First Schedule, as set out in paragraph 1 of the Schedule hereto ; and

(b) in the Second Schedule, as set out in paragraph 2 of the Schedule hereto.

Amendment
of the First
and Second
Schedules
to the Oaths
Act 1963.
1963 No. 23.
1967 No. 37.

2. This Decree may be cited as the Oaths (Amendment) Decree 1976.

Citation.

SCHEDULE

Section 1

AMENDMENTS TO THE OATHS ACT 1963

1. In the First Schedule—

(a) For the "Judicial Oath" there shall be substituted the following new oath—

"JUDICIAL OATH

I,swear that in the service
of my country in the office of..... :—

1. I will be faithful and bear true allegiance to the Federal Republic of Nigeria at all times.

2. I will well and truly exercise the judicial functions entrusted to me and will do right to all manner of people in accordance with the Constitution of the Federation as by law established and in accordance with the laws and usage of the Federal Republic of Nigeria without fear or favour, affection or ill-will.

3. I will always place service to the nation above all selfish interests, realising that a public office is a public trust.

4. I will always perform my judicial duties diligently and efficiently and will not engage or be involved in any activity in conflict either directly or indirectly with this pledge.

5. I will, in the performance of my judicial duties, eschew corruption in all its facets.

6. I will always follow the path of justice, honesty and concord amongst all the people of Nigeria in all I do.

So help me God."

(b) For the "Official Oath" there shall be substituted the following new oath —

"OFFICIAL OATH

I hereby solemnly declare, swear and pledge that in the service of my country :—

1. I will be faithful and bear true allegiance to the Federal Republic of Nigeria at all times.

2. I will not discriminate on the basis of religion, tribe, cult, or status or practise any form of partiality in the performance of my official duties.

3. I will always place service to the public above selfish interests, realising that a public office is a public trust.

4. I will always perform my official duties diligently and efficiently and will not engage or be involved in any activity in conflict either directly or indirectly with this pledge.

5. I will, in the performance of my official duties, eschew and expose corruption and will also not corrupt others or aid or abet corruption in any of its facets in and outside the public service.

6. I will always follow the path of justice, honesty and concord amongst all the people of Nigeria in all I do.

So help me God."

(c) For the "Armed Forces Oath" there shall be substituted the following new oath —

"ARMED FORCES OATH

I, swear by Almighty God that in the service of my country :—

1. I will be faithful and will bear true allegiance to the Federal Republic of Nigeria and the Commander-in-Chief of the Armed Forces of Nigeria at all times.

2. I will truly and faithfully serve the Federal Republic of Nigeria as by law established as a and will as in duty bound so serve for the period of my engagement or re-engagement, as the case may be, and go wherever ordered by land, sea or air and I will observe and obey commands of the Government of the Federation of Nigeria as by law established and of officers placed over me.

3. I will always perform my duties diligently and efficiently and will not engage or be involved in any activity in conflict either directly or indirectly with this pledge.

4. I will, in the performance of my duties, eschew and expose corruption and will not corrupt others or aid or abet corruption in all its facets.

5. I will not discriminate on the basis of religion, tribe or cult or practise any form of partiality in the performance of my duties and will always follow the path of justice, honesty and concord amongst all the people of Nigeria in all I do.

6. I will subject myself to all Acts, Decrees, subsidiary legislation and service regulations which now are or shall from time to time be in force and applicable to the Arm in which I am to serve during the period of my engagement or re-engagement, as the case may be.

So help me God."

2. In the Second Schedule, for the entry in the third column in respect of "Official Oath", there shall be substituted the following new entry :—

"The head of the Ministry or Institution or Department or a person authorised by him."

MADE at Lagos this 7th day of May 1976.

LT.-GENERAL O. OBASANJO,
*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 amends the Oaths Act 1963 to effect a change in the wording of the Oaths to be taken by the various categories of officers affected.

**TRADE DISPUTES (ESSENTIAL SERVICES)
DECREE 1976**



Decree No. 23

[21st May 1976]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) If the Head of the Federal Military Government is satisfied that any trade union or association any of the members of which are employed in any essential service—

Power to
proscribe
trade unions
or associa-
tions in
certain cases,
etc.

(a) is or has been engaged in acts calculated to disrupt the economy or acts calculated to obstruct or disrupt the smooth running of any essential service ; or

(b) has, where applicable, wilfully failed to comply with the procedure specified in the Trade Disputes Decree 1976 in relation to the reporting and settlement of trade disputes,

1976 No. 7.

he may by order published in the *Gazette* proscribe the trade union or association (hereinafter referred to as "the proscribed organisation") and the proscribed organisation shall as from the date of the Order cease to exist.

(2) Where a proscribed organisation is a trade union the union shall not later than 14 days from the date of the Order under subsection (1) of this section surrender its certificate of registration to the Registrar of Trade Unions who shall forthwith cancel such registration.

(3) As from the commencement of an Order under subsection (1) of this section all properties (whether movable or immovable) of the proscribed organisation whether held in the name of the organisation or held by any person for or in trust for the organisation shall be forfeited to the Federal Military Government and shall vest in that Government free of encumbrances without any further assurance apart from this subsection.

(4) Any person who holds any property referred to in subsection (3) of this section shall within 14 days of the making of an Order under subsection (1) of this section, or where the property comes into his possession after the making of the Order, within 14 days after the property comes into his possession, deliver such property to the Secretary to the Federal Military Government or notify him in writing of the place where the property may be recovered and, in the latter case, shall take all other steps as the Secretary to the Federal Military Government may require in the recovery of such property.

(5) Any person who contravenes or fails to comply with any of the provisions of subsection (4) of this section shall be guilty of an offence and shall on summary conviction be liable to imprisonment for a term not exceeding five years.

Restriction
on the
formation
of new trade
union or
association.

2. Where a trade union or association has been proscribed under section 1 of this Decree—

(a) no other trade union consisting of the same or substantially the same members as those of the proscribed union shall be registered under the Trade Unions Decree 1973 until a period of not less than six months has elapsed since the date of the proscription Order ;

(b) no other association having the same or similar objectives, and consisting of the same or substantially the same members, as those of the proscribed association shall be formed until a period of not less than six months has elapsed since the date of the proscription Order.

Restriction
on officials
of proscribed
organisations,
etc.

3.—(1) No person who immediately before the date of an Order under section 1 of this Decree was an official of a proscribed organisation shall at any time after that date be an official of any trade union or association any of the members of which are employed in any essential services.

(2) Any person who contravenes subsection (1) of this section shall be guilty of an offence and shall on summary conviction be liable to imprisonment for a term not exceeding five years.

Power of
detention.

4.—(1) If the Inspector-General of Police or the Chief of Staff, Supreme Headquarters, is satisfied that any person who was an official or member of a proscribed organisation has, subsequent to the proscription of the organisation of which he was an official or member, been concerned in acts prejudicial to industrial peace or in acts calculated to obstruct or disrupt the smooth running of any essential services (or in the preparation or instigation of any such acts) and that it is therefore necessary to exercise control over him, he may by order in writing direct that the person in question shall be detained in a civil prison or a police station ; and it shall be the duty of the superintendent or other person in charge of any prison or the police officer in charge of any police station, as the case may be, if an order made in respect of any person under this section is delivered to him to keep that person in custody until the order is revoked.

(2) Where the Inspector-General or Chief of Staff as aforesaid makes an order under subsection (1) above, he shall as soon as possible after making the order inform the Commissioner that he has done so.

(3) An order made under subsection (1) above shall be full authority for any police officer or member of the armed forces to arrest the person to whom the order relates and to remove him to a civil prison or police station.

Special
power to refer
disputes to
Industrial
Arbitration
Panel for
settlement.

5. Where any trade dispute exists or is apprehended and it appears to the Commissioner that the dispute is one to which persons employed in any essential service are a party or might become a party, the Commissioner may, whether or not a report in respect of the dispute has been received by him under section 6 (4) of the principal Decree, refer the dispute for settlement to the Industrial Arbitration Panel established under section 7 of the principal Decree, and the provisions of that section (as well as any other relevant provision of the principal Decree) shall apply in respect of the dispute to the same extent as they apply to any trade dispute referred to the Industrial Arbitration Panel under the principal Decree.

6.—(1) Where any property to which section 1 of this Decree relates is immovable property or is a registrable negotiable security any appropriate registration authority shall on the production of this Decree and the Order made under section 1 of this Decree to it by the Secretary to the Federal Military Government or any person acting on his behalf remove from the relevant register the name of the person registered therein as owner and without further or other authority or the payment of any fee, register the property in the name of the Federal Military Government.

Registration of property and indemnity.

(2) For the purposes of this section the appropriate registration authority includes a registrar of titles or of land and the person by whatever title known charged with the duty of registration of particular negotiable securities.

(3) Any person who in intended compliance with this Decree deals with any property affected by this Decree or who rectifies any register or other records relating to any such property shall stand indemnified in respect thereof and no suit shall lie at the instance of any person aggrieved for anything done in respect of such compliance or rectification.

7.—(1) No suit or other legal proceedings shall lie against any person for anything done or intended to be done in pursuance of this Decree.

Exclusion of proceedings.

(2) Chapter III of the Constitution of the Federation is hereby suspended for the purposes of this Decree and—

(a) any question whether any provision thereof has been or is being or would be contravened by anything done or proposed to be done in pursuance of this Decree shall not be inquired into in any court of law, and accordingly sections 115 and 117 (2) (d) of that Constitution shall not apply in relation to any such question; and

(b) an application for a writ of habeas corpus ad subjiciendum shall not lie at the instance of a person detained under section 4 of this Decree, or on his behalf.

8.—(1) In this Decree, unless the context otherwise requires—

“association” means anybody of persons, by whatever name called, associated for a common purpose, but does not include a trade union;

“essential service” means—

Interpretation.

(a) the Public Service of the Federation or of a State which shall for the purposes of this Decree include service, in a civil capacity, of persons employed in the armed forces of the Federation or any part thereof and also, of persons employed in an industry or undertaking (corporate or unincorporate) which deals or is connected with the manufacture or production of materials for use in the armed forces of the Federation or any part thereof;

(b) any service established, provided or maintained by the Government of the Federation or of a State, by a local government council, a town council or any municipal or statutory authority, or by private enterprise—

(i) for, or in connection with, the supply of electricity, power or water, or of fuel of any kind;

(ii) for, or in connection with, sound broadcasting or postal, telegraphic, cable, wireless or telephonic communications;

(iii) for maintaining ports, harbours, docks or aerodromes, or for, or in connection with, transportation of persons, goods or livestock by road, rail, sea, river or air ;

(iv) for, or in connection with, the burial of the dead, hospitals, the treatment of the sick, the prevention of disease, or any of the following public health matters, namely, sanitation, road-cleansing and the disposal of night-soil and rubbish ;

(v) for dealing with outbreaks of fire ;

(c) service in any capacity in any of the following organisations—

(i) the Central Bank of Nigeria ;

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

(iii) any body corporate licensed to carry on banking business under the Banking Decree 1969 ;

1969 No 1.

“official” in relation to a trade union or an association means any person holding an official position in that trade union or association and accordingly includes in particular any president, secretary or treasurer thereof and every member of its committee of management however described ;

1976 No. 7.

“the principal Decree” means the Trade Disputes Decree 1976 ;

“proscribed organisation” means any trade union or association in respect of which an Order has been made under section 1 of this Decree ;

(2) Subject to subsection (1) of this section, expressions used in this Decree have the same meaning as in the principal Decree.

9.—(1) This Decree may be cited as the Trade Disputes (Essential Services) Decree 1976.

(2) While this Decree is in force sections 31 and 32 of the principal Decree shall stand suspended.

Citation,
suspension
of certain
provisions
of the
principal
Decree, etc.

MADE at Lagos this 21st day of May 1976.

LT.-GENERAL O. OBASANJO,
*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 effect)*

The Decree empowers the Head of the Federal Military Government to proscribe any trade union or association the members of which are employed in any essential service if he is satisfied that the union or association has been engaged in acts calculated to cause industrial unrest or to disrupt the smooth running of any essential service. Power is conferred to order the detention of any official or member of a proscribed organisation who subsequent to the proscription of the organisation has been engaged in acts calculated to cause industrial unrest.