

**NIGERIA POLICE FORCE (MISCELLANEOUS PROVISIONS)
DECREE 1977**



Decree No. 12

[10th February 1977]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. There shall be for Nigeria a body to be known as the Nigeria Police Council (hereinafter referred to as "the Council") which shall, notwithstanding anything to the contrary in any law (including the Constitution of the Federation) have and exercise the powers conferred on it under this Decree.

Establish-
ment of
Nigeria
Police
Council.
1963 No. 20.

2.—(1) The Council shall consist of—

(a) the Head of the Federal Military Government, who shall be the Chairman ;

Composition
of the
Council.

(b) the Chief of Staff, Supreme Headquarters ;

(c) the Inspector-General of the Nigeria Police ;

(d) the Deputy Inspector-General of the Nigeria Police ;

(e) the Military Governors of all the States of the Federation ; and

(f) the Attorney-General of the Federation.

(2) If for any reason the Chairman is unable to attend any meeting of the Council he may nominate whether in writing or orally the Chief of Staff, Supreme Headquarters, to perform the duties of the Chairman at that meeting. The question whether the Chief of Staff has been nominated for any meeting shall not be inquired into in any court of law.

(3) The Secretary to the Federal Military Government shall be the Secretary of the Council.

3. The policy, organisation and administration of the Nigeria Police Force and other matters relating thereto including matters relating to the operational control of the Force (not being matters relating to the appointment, disciplinary control and dismissal of members of the Force) shall be under the general supervision of the Council.

Functions of
the Council.

4. There shall also be for Nigeria a body to be known as the Police Service Commission (hereinafter referred to as "the Commission") which shall, notwithstanding anything to the contrary in any law (including the Constitution of the Federation) have and exercise the powers conferred on it under this Decree.

Establish-
ment of
Police
Service
Commission.

Composition of the Commission.

5. The Commission shall consist of—

- (a) the Chief of Staff, Supreme Headquarters, who shall be the Chairman ;
- (b) the Inspector-General of the Nigeria Police ;
- (c) the Deputy Inspector-General of the Nigeria Police ;
- (d) the Chairman of the Public Service Commission of the Federation and another member of that Commission ; and
- (e) a retired judge of any court in Nigeria having unlimited jurisdiction.

Appointments to the Nigeria Police Force. 1975 No. 32.

6.—(1) Without prejudice to the general powers vested in the Supreme Military Council by section 8 (e) of the Constitution (Basic Provisions) Decree 1975, power to appoint persons to hold or act in offices in the Nigeria Police Force, including power to make appointments on promotion or transfer and to confirm appointments, and power to dismiss and exercise disciplinary control over persons holding or acting in such offices shall vest in the Commission.

(2) The Commission may subject to such conditions as it may think fit delegate any of its powers under this section to any of its members or to the Inspector-General of the Nigeria Police or to any other member of the Nigeria Police Force.

Procedure at meetings of the Council of the Commission.

7. The Council or Commission may regulate its own procedure and, subject to its rules of procedure, may act notwithstanding any vacancy in its membership.

Suspension of certain provisions of the Constitution of the Federation : savings. 1963 No. 20.

8.—(1) Sections 107, 108, 109, and 110 of the Constitution of the Federation are hereby suspended with effect from 29th July 1975.

(2) Nothing in this section or in any other provision of this or any other Decree shall be construed as affecting anything done by the Supreme Military Council with respect to any matter concerning the Nigeria Police Force including any appointment to any office in that Force between 29th July 1975 and the date of the making of this Decree and anything done between those dates by the Supreme Military Council as aforesaid shall be deemed to have been validly done.

Amendment of Cap. 154.

9. The Police Act is hereby amended as follows :—

- (a) for section 47 there shall be substituted the following new section, that is—

“Power to make regulations.

47. The Head of the Federal Military Government may on the recommendation of the Nigeria Police Council or of the Police Service Commission, whichever is appropriate having regard to the functions of those bodies under the Nigeria Police Force (Miscellaneous Provisions) Decree 1977, make regulations—

- (a) with respect to the organisation and administration of the Force ;

- (b) with respect to appointments to offices in the Force, promotion, transfer, dismissal and disciplinary control of officers.” ;

- (b) for section 48 there shall be substituted the following new section, that is—

"Standing
Orders.

48. (1) The Head of the Federal Military Government may after consultation with the Nigeria Police Council make Standing Orders for the good order, discipline and welfare of the Force with respect to any matter pertaining to the organisation and administration of the Force or pertaining to appointments to offices in the Force, promotion, transfer, dismissal and discipline of members of the Force.

(2) The Nigeria Police Council may make such Standing Orders as it may think fit and proper with respect to any matter relating to the duties and operational control of the Force.

(3) Such Standing Orders shall be binding upon all police officers but need not be published in the *Gazette*."

10. This Decree may be cited as the Nigeria Police Force (Miscellaneous Provisions) Decree 1977.

Citation.

MADE at Lagos this 10th day of February 1977.

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 reconstitutes the Nigeria Police Council and the Police Service Commission and transfers to them respectively the functions formerly exercised by the Nigeria Police Council and the Police Service Commission established under the Constitution of the Federation.

INTERPRETATION (AMENDMENT) DECREE 1977



Decree No. 13

[See section 2 (2)]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The Interpretation Act 1964 is hereby amended as follows, that is—

(a) by the substitution for subsection (4) of section 18 of the following new subsections (4) and (5), that is—

“(4) A reference in an enactment, in relation to any matter, to a Commissioner or an official described by a designation which—

(a) under the system of government in force in Nigeria or any part thereof ; or

(b) by reason of any change in the organisation of any department or ministry whether or not by the transfer of functions from one ministry or department to another or others, is no longer appropriate, shall be construed in relation to that matter as a reference to the Commissioner or, as the case may require, the official for the time being charged with responsibility for the matter.

(5) A reference in an enactment, in relation to any matter to any ministry or department or other unit of any Government in Nigeria described by a designation which—

(a) under the system of government in Nigeria or any part thereof ;

(b) by reason of any change in the organisation of any ministry or department or other unit as aforesaid (including the abolition or the amalgamation of any of them or the creation of new ones),

is no longer appropriate, shall be construed in relation to that matter as a reference to the ministry or department or, as the case may require, to any other unit of any Government in Nigeria for the time being charged with responsibility for the matter.” ; and

(b) by re-numbering the existing section 26 as subsection (1) of that section and by the addition of the following new subsection (2) thereto, that is—

“(2) Without prejudice to subsection (1) above, where a body established by an enactment comprises three or more persons and is empowered to make subsidiary instruments, any such instrument may be executed under the hand of any two of the members

Amendment
of the Inter-
pretation Act
1964.
1964 No. 1.

thereof as may be authorised by such body generally for that purpose or specially on any particular occasion."

Citation and
commence-
ment.

2.—(1) This Decree may be cited as the Interpretation (Amendment) Decree 1977.

(2) Section 1 (a) of this Decree shall be deemed to have come into force on 1st July 1975 and the other provisions of this Decree shall come into force on the making thereof.

MADE at Lagos this 4th day of February 1977.

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 amends the Interpretation Act 1964 to make better provision for the transfer of functions following upon any re-organisation of ministries or departments or other public bodies that may be undertaken from time to time by any Government in Nigeria. It also clarifies the situation as to execution of subsidiary legislative instruments by statutory bodies and enables any two members of any such body (rather than a quorum or even the whole membership thereof) to sign on behalf of the whole membership.

**CHAMPAGNE (PROHIBITION OF IMPORTATION)
DECREE 1977**



Decree No. 14

[17th February 1977]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Subject to this Decree and notwithstanding anything to the contrary in any other enactment, the importation into Nigeria of the wine commonly known as "champagne" and of other sparkling wines (classified under Tariff Nos. 22.05A and 22.07A of Schedule 1 to the Customs Tariff (Consolidation) Decree 1973) is hereby absolutely prohibited.

Prohibition
of the
importation
of cham-
pagne and
other spark-
ling wines.

2.—(1) Where at any time after the commencement of this Decree any prohibited wine is imported into Nigeria being wine forming part of a consignment which had before the commencement of this Decree been loaded on board ship for exportation to Nigeria, it shall be lawful for the Director or any person acting under his direction to take over any such wine (while within a customs area) and the Director shall deliver the wine so taken over to the Commissioner who shall have full and effective title in respect thereof.

Take-over
and disposal
of cham-
pagne, etc.
shipped to
Nigeria in
certain cases,
etc.

(2) The Commissioner shall in respect of any wine delivered to him under this section have power to dispose of it (or arrange for its disposal) whether by exportation from Nigeria or otherwise howsoever; and may for the purpose of this subsection deposit the wine at a government warehouse and from there sell or authorise the selling of the wine at a price determined by the Commissioner.

(3) The Commissioner shall pay to the owner or, as the case may be, the importer of any wine delivered to him under this section compensation computed in such manner as the Commissioner may determine.

3.—(1) Any person who at any time after the commencement of this Decree in contravention of section 1 of this Decree imports into Nigeria any prohibited wine, other than in the circumstances described in section 2 (1) of this Decree, shall be guilty of an offence and shall—

Penalties
in respect of
unlawful
importation
or sale, etc.

(a) in the case of an individual, be liable to a fine of not less than four times the value of the wine unlawfully imported or to imprisonment for not less than six months; and

(b) in the case of a body corporate, be liable to a fine of not less than four times the value of the wine unlawfully imported,

and in addition the wine in respect of which the offence was committed shall be forfeited to the Federal Military Government.

(2) As from 30th June 1977 it shall be unlawful for any person to sell, agree to sell or offer to sell any prohibited wine or to carry on, or be concerned in, any business in the course of which any prohibited wine is sold, and if any person contravenes this subsection he shall be guilty of an offence and shall—

(a) in the case of an individual, be liable to a fine of not less than ₦1,000 or to imprisonment for not less than six months ; and

(b) in the case of a body corporate, be liable to a fine of not less than ₦5,000,

and in addition the stock of the wine in respect of which the offence was committed shall be forfeited to the Federal Military Government.

(3) Subsection (2) above shall not apply in the case of the disposal of any prohibited wine at the direction of the Commissioner pursuant to section 2 (2) of this Decree.

(4) Where an offence under this section by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer, servant or agent of the body corporate (or any person purporting to act in such capacity), he as well as the body corporate shall be deemed to be guilty of the offence and may be proceeded against and punished in the same manner as an individual under sub-paragraph (a) of subsection (1) above or under sub-paragraph (a) of subsection (2) above, as the case may require.

Exclusion of proceedings, etc.

4.—(1) No civil proceedings shall lie or be instituted in any court for or on account of or in respect of any act, matter or thing done or purported to be done under or pursuant to this Decree by the Director or any person acting under his direction or by the Commissioner or any person acting under his direction or by any public officer, and if any such proceedings are instituted the proceedings shall be discharged and made void.

1963 No. 20.

(2) The question whether any provisions of Chapter III of the Constitution of the Federation has been, 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 31, 32 and 117 (2) (b) of the Constitution shall not apply in relation to any such question.

(3) If any question arises as to whether any person acted or is acting under the direction of the Director or of the Commissioner it shall be sufficient for all purposes if that person produces a letter signed by the Director or, as the case may be, by the Permanent Secretary, Federal Ministry of Finance indicating that the person so acted or is so acting.

Interpretation, etc.

5.—(1) In this Decree—

“the Commissioner” means the Federal Commissioner charged with responsibility for finance ;

“the Director” means the Director of Customs and Excise ;

“prohibited wine” means any champagne or sparkling wine referred to in section 1 of this Decree ;

"ship" includes any other mode by which the wine in question was intended to be exported to Nigeria.

(2) Subject to subsection (1) above, expressions used in this Decree have the same meaning as in the Customs and Excise Management Act 1958.

1958 No. 55.

(3) Criminal proceedings for an offence under this Decree may be instituted in the same manner as criminal proceedings for an offence under the Customs and Excise Management Act 1958.

6. This Decree may be cited as the Champagne (Prohibition of Importation) Decree 1977 and shall come into force on 17th February 1977.

Citation,
etc.

MADE at Lagos this 14th day of February 1977.

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 prohibits, as from its commencement, the importation into Nigeria of the wine commonly known as champagne and other sparkling wines. Consignments lawfully shipped to Nigeria before the commencement of this Decree and imported into Nigeria after the commencement of the Decree are to be taken over by the Federal Commissioner who may arrange for their disposal either by re-exportation or by sale from a government warehouse. Consignments unlawfully imported into Nigeria after the commencement of the Decree are liable to forfeiture in addition to other penalties prescribed in respect of the importer.

In addition, the sale of champagne and other sparkling wines in Nigeria as from 30th June 1977 is rendered unlawful and appropriate penalties are prescribed.

TRADE UNIONS (DISQUALIFICATION OF CERTAIN PERSONS) DECREE 1977



Decree No. 15

[17th February 1977]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Any person referred to in the Schedule to this Decree is hereby disqualified from holding office in or belonging to any trade union or taking any other part whatsoever in any trade union including the management of property or any other affair of any trade union.

Certain
persons
prohibited
from union
activities.

2. Any person disqualified under this Decree shall within 30 days from the making of this Decree yield up possession of any property held by him on behalf of any trade union to the Administrator appointed pursuant to the Trade Unions (Central Labour Organisations) (Special Provisions) Decree 1976.

Yielding up
properties
of unions
held by
them.
1976 No. 44.

3. Any person who contravenes or fails to comply with any of the provisions of section 1 or 2 of this Decree shall be guilty of an offence and shall be liable on conviction to imprisonment for two years without the option of a fine.

Penalty.

4. The question whether any provision of Chapter III of the Constitution of the Federation has been, 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 31, 32 and 117 (2) (b) of the Constitution shall not apply in relation to any such question.

Exclusion
of rights.
1963 No. 20.

5. In this Decree—

Interpre-
tation.

“property” includes any movable or immovable property, pensions funds, records and documents of all kinds ;

“trade union” has the meaning assigned thereto by section 1 (1) of the Trade Unions Decree 1973.

1973 No. 31.

6. This Decree may be cited as the Trade Unions (Disqualification of Certain Persons) Decree 1977 and shall come into force on 17th February 1977.

Citation, etc.

SCHEDULE

1. Chief E. A. O. Odeyemi
2. W. O. Goodluck
3. S. U. Bassey
4. R. A. Ramos
5. J. U. Akpan
6. P. A. Isagua
7. J. O. Orotunde
8. S. O. Adeniran
9. P. A. Nwaneri
10. Chief M. O. Imoudu
11. M. J. Sule

MADE at Lagos this 14th day of February 1977.

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 proscribes the persons named in the Schedule from belonging to or holding office in any trade union and from participating in the management of the affairs of any trade union.