

SCHOOLS TAKE-OVER (VALIDATION) DECREE 1977



Decree No. 48

[13th June 1977]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) Where at any time before the commencement of this Decree the Military Governor of a State has made an Edict providing for the transfer to the State or to anybody or agency established in the State of any school or institution, the Edict shall, notwithstanding anything to the contrary in any enactment, law or rule of law, be deemed to have been validly made and shall have full effect in accordance with its tenor.

Validation
of schools
take-over.

(2) Accordingly, any act or thing done (including any instrument or other subsidiary legislation made) under the afore-mentioned Edict shall be deemed to have been validly done or made.

2.—(1) The validity of any Edict to which this Decree applies or of any act or thing done thereunder (including any instrument or other subsidiary legislation made) shall not be inquired into in any court of law and accordingly, no question whether any provision of Chapter III of the Constitution of the Federation or of any other enactment has been, is being or would be contravened by anything done or proposed to be done in pursuance of the Edict, instrument or other subsidiary legislation shall be inquired into in any court of law.

Supple-
mental :
exclusion of
proceedings.
1963 No. 20.

(2) Where at any time before the commencement of this Decree any proceedings have been brought in any court (whether at first instance or on appeal) by any person against the Military Governor of a State or against any person, body or agency in the State in respect of any matter as to the validity of which courts are precluded from inquiring by virtue of this Decree such proceedings shall be void and of no effect whatsoever.

3. Nothing in this Decree shall be construed as affecting the right of the proprietor or other owner of any school or institution to compensation in accordance with the provisions of the Edict pursuant to which the school or institution was or is taken over.

Right to
compensa-
tion
preserved.

Citation, etc. -

4.—(1) This Decree may be cited as the Schools Take-Over (Validation) Decree 1977.

(2) In this Decree "school or institution" means any educational institutions affected by the provisions of any Edict to which this Decree relates.

MADE at Lagos this 13th day of June 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 validates the take-over of schools and other educational institutions by any State Government in the Federation. The right of the proprietor or other owner of the school to compensation is preserved.