

**STATES (CREATION AND TRANSITIONAL PROVISIONS)  
(AMENDMENT) DECREE 1977**



**Decree No. 53**

[3rd February 1976]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The States (Creation and Transitional Provisions) Decree 1977 is hereby amended as follows :—

Amend-  
ment of  
1977 No. 17.

(a) in section 1 (1) for the words "subsection (2)" there shall be substituted the words "subsections (2) and (3)" ;

(b) immediately after subsection (1) of section 1, there shall be inserted the following new subsection, that is—

"(2) Notwithstanding anything to the contrary in subsection (1) of this section, the property of the former Western Nigeria situated in the Colony Province and to which section 1 (2) of the States (Creation and Transitional Provisions) (Amendment) (No. 2) Decree 1967 applied shall as from the commencement of this Decree and without any further assurance apart from this Decree vest jointly in the Military Governors of Oyo, Ondo and Ogun States ; and any instrument made by the Military Governors of Oyo, Ondo and Ogun States may provide for the transfer or eventual disposal of that property to the same extent as any property to which subsection (1) of this section relates." ;

(c) the existing subsections (2) and (3) of section 1 shall be renumbered as subsections (3) and (4) respectively ; and

(d) in section 6 immediately before the definition of "former State" there shall be inserted the following new definition, that is, "chattel" includes a chose in action ;".

2. This Decree may be cited as the States (Creation and Transitional Provisions) (Amendment) Decree 1977.

Citation.

MADE at Lagos this 12th day of July 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 States (Creation and Transitional Provisions) Decree 1977 to provide for the vesting jointly in the Military Governors of Oyo, Ondo and Ogun States the properties of the former Western State situated in the Old Colony Province of Lagos State.

## TRADE DISPUTES (AMENDMENT) DECREE 1977



## Decree No. 54

[12th July 1977]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The Trade Disputes Decree 1976 is hereby amended as follows :—

Amend-  
ment of  
1976 No. 7.

(a) in section 2 (1) immediately after the word "Decree" where it last occurs there shall be inserted the words "and shall on conviction be liable to a fine of ₦100." ;

(b) immediately after the existing section 3 there shall be inserted the following new section, that is—

"Appre-  
hension of  
trade  
dispute by  
the Com-  
missioner,  
etc.

3A.— (1) Notwithstanding the foregoing provisions of this Decree, where a trade dispute is apprehended by the Commissioner he may in writing inform the parties or their representatives of his apprehension and of the steps he proposes to take for the purpose of resolving the dispute.

(2) Such steps as the Commissioner may, pursuant to this section, take may include—

(a) the appointment of a conciliator under section 6 of this Decree ; or

(b) a reference of the dispute or any matter relating thereto for settlement to the Industrial Arbitration Panel under section 7 of this Decree ; or

(c) a reference of the dispute to a board of inquiry under section 23 of this Decree." ;

(c) in section 6 immediately after the existing subsection (3) there shall be inserted the following new subsection, that is—

"(3A) If any person does any act in breach of the terms of a settlement contained in the memorandum signed pursuant to subsection (3) of this section he shall be guilty of an offence and liable on conviction—

(a) in the case of a worker or a trade union, to a fine of ₦200 ; and

(b) in the case of an employer or an organisation representing employers, to a fine of ₦2,000." ;

(d) immediately after the existing section 7 there shall be inserted the following new section, that is—

"Tenure of  
office of  
members of  
the Panel.

7A. The chairman, the vice-chairman and any other member of the Panel shall, unless he previously resigns or is removed from office, hold office for a period of three years and shall be eligible

for re-appointment for such further terms as the Commissioner may determine from time to time.” ;

(e) in section 9 and—

(i) in paragraph (b) of subsection (1) immediately after the word “Commissioner” there shall be inserted the word “and shall not communicate the award to the parties affected” ;

(ii) in subsection (2) for the words “On receipt of” there shall be substituted the words “Subject to subsection (2A) below, on receipt of” ;

(iii) immediately after the existing subsection (2) there shall be inserted the following new subsection, that is—

“(2A) Where on the receipt of an award of the tribunal the Commissioner considers it desirable to do so he may refer the award back to the tribunal for reconsideration and shall not exercise his powers under subsection (2) until the award has been reconsidered by the tribunal.” ;

(iv) immediately after subsection (3) there shall be inserted the following new subsections, that is—

“(4) Any person who fails to comply with an award of a tribunal as confirmed by the Commissioner pursuant to this section shall be guilty of an offence and shall be liable on conviction—

(a) in the case of an individual to a fine of ₹200 or imprisonment for six months ; and

(b) in the case of a body corporate to a fine of ₹2,000.

(5) Any person who after conviction in respect of an offence under subsection (4) above continues to fail to comply with an award as mentioned therein shall be guilty of a further offence and shall be liable on conviction to a fine of ₹200 or ₹2,000, as the case may be, for each day on which the offence continues.

(6) Where an offence under this section by a body corporate is found to have been committed with the consent or connivance of, or attributable to any act or default on the part of any person in apparent control of the body corporate, the person or persons in apparent control and the body corporate shall be deemed to have committed the offence.” ;

(f) in section 10 immediately after the existing subsection (3) there shall be inserted the following new subsections, that is—

“(4) Any person who fails to comply with an award of the Court shall be guilty of an offence and shall be liable on conviction—

(a) in the case of an individual to a fine of ₹200 or imprisonment for six months ; and

(b) in the case of a body corporate to a fine of ₹2,000.

(5) Any person who after conviction in respect of an offence under subsection (4) above continues to fail to comply with an award as mentioned therein shall be guilty of a further offence and shall be liable on conviction to a fine of ₹200 or ₹2,000, as the case may be, for each day on which the offence continues.

(6) Where an offence under this section by a body corporate is found to have been committed with the consent or connivance of or attributable to any act or default on the part of any person in apparent control of the body corporate, the person or persons in apparent control and the body corporate shall be deemed to have committed the offence.”;

(g) immediately after the existing section 11 there shall be inserted the following new section, that is—

“Interpretation of agreements.

11A.— (1) Notwithstanding anything in the foregoing provisions of this Decree, the Commissioner or any party to a collective agreement may make an application to the National Industrial Court for a decision of that Court as to the interpretation of any term or provision of the collective agreement.

(2) On an application under this section the Court shall decide the matter after hearing the Commissioner or, as the case may be, the parties to the collective agreement, or with the consent of the Commissioner or the parties, without hearing them; and the decision of the Court shall be final and conclusive with respect to the interpretation of the term or provision of the collective agreement concerned.”;

(h) in section 13 (1) immediately after paragraph (a) there shall be inserted the following new paragraphs, that is—

“(b) a conciliator has been appointed under section 6 of this Decree for the purpose of effecting a settlement of the dispute; or

(c) the dispute has been referred for settlement to the Industrial Arbitration Panel under section 7 of this Decree,”

and the existing paragraphs (b) to (d) shall be renumbered as paragraphs (d) to (f) respectively;

(i) immediately after section 13 there shall be inserted the following new section, that is—

“Prohibition of grant of general wage increase.

13A.— (1) No employer shall grant a general or percentage wage increase to any group of employees without the approval of the Commissioner.

(2) Any employer who contravenes subsection (1) above shall be guilty of an offence and shall on conviction be liable—

(a) in the case of an individual to imprisonment for three years; and

(b) in the case of a body corporate, to a fine of ₦25,000.

(3) A tribunal or court under this Decree shall not have power to grant any general or percentage wage increase and shall not have power to approve any such grant unless the approval of the Commissioner has been obtained as required under subsection (1) of this section.”;

(j) immediately after section 32 there shall be inserted the following new section, that is—

"Special provision with respect to payment of wages during strikes and lockouts.

32A.— (1) Notwithstanding anything contained in this Decree or in any other law—

(a) where any worker takes part in a strike he shall not be entitled to any wages or other remuneration for the period of the strike and any such period shall not count for the purpose of reckoning the period of continuous employment and all rights dependent on continuity of employment shall be prejudicially affected accordingly ; and

(b) where any employer locks out his workers the workers shall be entitled to wages and any other applicable remuneration for the period of lockout and the period of the lockout shall not prejudicially affect any rights of the workers being rights dependent on the continuity of period of employment.

(2) If any question should arise as to whether there has been a lockout for the purposes of this section the question shall on application to the Commissioner by the workers or their representatives be determined by the Commissioner whose decision shall be final." ; and

(k) in section 37 (1) for the definition of "collective agreement" there shall be substituted the following new definition, that is—

"collective agreement" means any agreement in writing for the settlement of disputes and relating to terms of employment and physical conditions of work concluded between—

(a) an employer, a group of employers or one or more organisations representing employers on the one hand, ; and

(b) one or more trade unions or organisations representing workers, or the duly appointed representative of any body of workers, on the other hand ;".

Citation.

2. This Decree may be cited as the Trade Disputes (Amendment) Decree 1977.

MADE at Lagos this 12th day of July 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 amends the Trade Disputes Decree 1976 by providing, amongst other things, that the Federal Commissioner for Labour may take certain steps where a trade dispute is apprehended by him. It also creates offences and imposes penalties against workers, trade unions and employers for non-compliance with the provisions of the Decree.