

NIGERIAN PRESS COUNCIL DECREE 1978



ARRANGEMENT OF SECTIONS

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SCHEDULE—Supplementary Provisions Relating to the Council.

Decree No. 31

[See section 25]

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

Establishment of the Council, etc.

1. There shall be established a body to be known as the Nigerian Press Council (hereinafter referred to as "the Council") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

2. The Council shall be charged with the duty of—

(a) fostering the achievement and maintenance of the highest professional and commercial standards by the Nigerian Press;

(b) reviewing developments likely to restrict the supply through the Press of information of public interest and importance and advising on measures necessary to prevent or remedy such developments;

Commencement.

Establishment of the Nigerian Press Council.

Functions of the Council.

(c) preparing and enforcing a code of conduct for the guidance of the Press and journalists in the performance of their duties ; and

(d) inquiring into complaints about the conduct of the Press and exercising in respect of the complaints powers conferred under this Decree.

Composition
of the
Council.

3.—(1) The Council shall consist of a Chairman who shall be a person of high intellectual and moral qualities, knowledgeable about the media and public affairs, and the following other members, that is to say—

(a) one representative of the Newspapers Proprietors Association of Nigeria ;

(b) one representative of the Nigerian Guild of Editors ;

(c) one representative of the Nigerian Union of Journalists ;

(d) one representative of the Advertising Association of Nigeria ;

(e) one representative of the Nigerian Institute of Public Relations ;

(f) two representatives of educational institutions concerned with the training of journalists ;

(g) one representative of the Nigerian Bar Association ;

(h) three persons representing the general public one of whom shall be a woman ; and

(i) two representatives of the Government of the Federation.

(2) The Chairman shall be appointed by the Federal Executive Council on the recommendation of the Commissioner.

(3) Members of the Council under paragraphs (f) and (h) shall be appointed by the Commissioner and the members of the Council under paragraphs (a) to (e) and (g) shall be appointed by the Commissioner after election or on the nomination of the association or other body concerned.

(4) The supplementary provisions set out in the Schedule to this Decree shall have effect with respect to the tenure of office of members of the Council, proceedings of the Council and the other matters mentioned therein.

Appointment
and func-
tions of the
Secretary.

4.—(1) There shall be appointed by the Council a Secretary who shall be the chief executive officer of the Council and shall be responsible for the execution of the policy of the Council and the day to day running of the affairs of the Council.

(2) The Secretary shall, subject to the directions of the Council, arrange the business for and be responsible for the recording and keeping of minutes of proceedings of the Council.

(3) The Secretary shall, in addition to the functions expressly conferred on him by this Decree, perform such other functions as the Council may direct.

Appointment
of other
staff and
terms of
employment
of all staff.

5.—(1) The Council may appoint such other employees as the Council may consider necessary to assist the Secretary in the performance of his duties under this Decree.

(2) The terms and conditions of service (including terms and conditions as to remuneration, allowances and retiring benefits) of the Secretary and other employees of the Council shall be such as may be determined by the Council with the approval of the Commissioner.

6.—(1) The Council shall prepare and from time to time revise a code of conduct and the code of conduct shall stipulate that the primary duty of the Press and of every journalist shall be the maintenance in spirit as well as in deed of the unity and stability of Nigeria and make provision for other broad principles for the guidance of the Press and journalists in the exercise of their functions.

Code of conduct.

(2) The Council may include in the code of conduct referred to in subsection (1) of this section statements of the types of conduct which the Council would consider as breaches of the code, but the fact that any matters are not mentioned in the statements shall not preclude the Council from adjudging that a person has committed a breach of the code by reference to those matters.

(3) The Council shall publish the code of conduct in the *Gazette* and in such other manner as the Council may deem fit.

7.—(1) Any person aggrieved—

(a) by anything published in respect of him in any newspaper ; or

Making of complaints: duty of Secretary in respect thereof.

(b) by anything done in respect of him by any journalist in his capacity as a journalist,

may make a complaint in respect thereof in writing addressed to the Council.

(2) It shall be the duty of the Secretary to assemble all complaints received pursuant to subsection (1) of this section and, in accordance with such general directions as may be given by the Council in that regard, to lay the complaints before the Council.

8.—(1) The Council shall inquire into every complaint received pursuant to section 7 of this Decree.

Inquiry into complaints.

(2) In considering any complaint under this section the Council may receive oral or written evidence and shall afford the person against whom a complaint has been made an opportunity of making representations, either orally or in writing, to the Council on the matter.

9.—(1) Where after inquiring into a complaint under section 8 of this Decree, the Council is satisfied—

Power of Council to direct publication of apology or correction, and to reprimand, etc.

(a) that the publication in respect of which the complaint was made is not in accordance with the code of conduct prescribed by the Council ; or

(b) that the conduct of any journalist in respect of whom the complaint was made was not in accordance with that code ; or

(c) that the conduct of any journalist is, in the circumstances of the case, blameworthy, the Council may—

(i) where appropriate, direct the newspaper concerned to publish in such manner as the Council may direct, a suitable apology or correction,

(ii) reprimand any journalist concerned in the matter and, where appropriate, impose a fine on such journalist not exceeding the sum of ₦500.

(2) Every newspaper in respect of whose publication the Council has given a decision under this section shall publish the decision and shall comply with the Council's direction in respect thereof.

(3) A person on whom a fine is imposed pursuant to sub-paragraph (ii) of subsection (1) above shall, subject to the rules of court, have a right of appeal to the High Court having jurisdiction in the area where the complainant is normally resident.

Offence and
penalty.

10. If any newspaper in respect of whose publication the Council has given a decision under section 9 fails to publish the decision of the Council or fails to comply with any direction of the Council in respect thereof, the publisher of that newspaper shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦5,000.

Power of
Council to
publish name
of journalist
reprimanded.

11. The Council may cause to be published in the *Gazette* and in such other manner as the Council may deem fit the name of any journalist reprimanded by the Council in the exercise of its powers under section 9 of this Decree.

Registration

Preparation
and main-
tenance of
register of
journalists.

12.—(1) It shall be the duty of the Secretary to prepare and maintain, in accordance with rules made by the Council, a register of the names, addresses and approved qualifications, and of such other particulars as may be specified in the rules, of all persons who are entitled in accordance with the provisions of this Decree to be registered as journalists, and who, in the manner prescribed by such rules, apply to be so registered.

(2) Subject to the following provisions of this section, the Council shall make rules with respect to the form and keeping of the register and the making of entries therein, and in particular—

(a) regulating the making of applications for registration and providing for the evidence to be produced in support of applications ;

(b) providing for the notification to the Secretary, by the person to whom any registered particulars relate, of any change in those particulars ;

(c) specifying the fees, including annual subscriptions to be paid to the Council in respect of the entry of names on the register, and authorising the Secretary to refuse to enter a name on the register until any fee specified for the entry has been paid ; and

(d) specifying anything falling to be specified under the foregoing provisions of this section.

(3) It shall be the duty of the Secretary—

(a) to correct, in accordance with the Council's directions, any entry in the register which the Council directs him to correct as being in the opinion of the Council an entry which was incorrectly made ;

(b) to make from time to time any necessary alterations in the registered particulars of registered persons ; and

(c) to remove from the register the name of any registered person who has died or as the case may be, who has ceased to be entitled to be registered.

(4) If the Secretary—

(a) sends by post to any registered journalist a registered letter addressed to him at the address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting it ; and

(b) upon the expiration of that period sends in like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it,

the Secretary may remove the particulars relating to the person in question from the register : Provided that the Council may, for any reason which seems to it sufficient, direct the Secretary to restore to the appropriate part of the register any particulars removed therefrom under this subsection.

13.—(1) It shall be the duty of the Secretary—

Publication of register and lists of corrections.

(a) to cause the register to be printed, published and put on sale to members of the public not later than two years from the commencement of this Decree ; and

(b) in each year after that in which the register is first published under paragraph (a) above, to cause to be printed, published and put on sale as aforesaid either a corrected edition of the register or a list of alterations made to the register since it was last printed.

(2) A document purporting to be a print of the register published under this section by authority of the Secretary, or documents purporting to be prints of an edition of the register so published, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together, as being registered was so registered at the date of the editing or of the date of corrections, as the case may be, and that any person not so specified was not registered.

(3) Where in accordance with subsection (2) of this section a person is, in any proceedings, shown to have been, or not to have been, registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be, or not to be, registered.

14.—(1) Subject to rules made under section 12 (2) of this Decree, a person shall be entitled to be fully registered under this Decree if—

Registration as journalists.

(a) he has attended a course of training approved by the Council under section 18 of this Decree ; and

(b) the course was conducted at an institution so approved, or partly at one such institution and partly at another or others ; and

(c) he holds a qualification so approved ; and

(d) he holds a certificate of experience issued in pursuance of section 21 of this Decree.

(2) Subject as aforesaid, a person shall be entitled to be registered as a journalist if he satisfies the Council that immediately before the commencement of this Decree he had had not less than five years of experience as a journalist.

(3) An applicant for registration shall, in addition to evidence of qualifications, satisfy the Council—

(a) that he is of good character ;

(b) that he has attained the age of 18 years ; and

(c) that he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty.

15.—(1) Where registration in respect of an application is refused by the Council for any reason whatsoever, the applicant may, within the prescribed period and in the prescribed manner, appeal from the decision of the Council to the Commissioner and where such an appeal is brought, the Commissioner may, after considering such representation made in the matter as the Commissioner considers just, either confirm or set aside the decision of the Council.

Appeal to the Commissioner.

(2) Where the Commissioner sets aside the decision of the Council, he shall direct the Council to register the applicant in the manner provided for in section 14 of this Decree.

(3) The decision of the Commissioner shall be final and no further appeal shall lie therefrom.

Penalties
for un-
professional
conduct,
etc.

16.—(1) Where—

(a) a registered journalist is convicted of the offence of corruption or any other offence in Nigeria or elsewhere by any court having power to impose imprisonment (whether or not such an offence is punishable with imprisonment) which in the opinion of the Council is incompatible with the status of a journalist ; or

(b) the Council is satisfied that the name of any person has been fraudulently registered ; or

(c) the Council is of the opinion that a registered journalist has, on the basis of complaints made pursuant to section 7 of this Decree, been guilty of persistent false reportage ;

the Council may, if it thinks fit, give a direction—

(i) reprimanding that person ; or

(ii) suspending him from practice by ordering him not to engage in practice as a journalist for such period not exceeding twelve months as may be specified in the direction ; or

(iii) ordering the Secretary to strike his name off the register ;

and any such direction may, where appropriate, include provision requiring the refund of moneys paid or the handing over of documents or any other thing as the circumstances of the case may require.

(2) The Council may, if it thinks fit, defer or further defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Council, but—

(a) no decision shall be deferred under this subsection for periods exceeding six months in the aggregate ; and

(b) no member of the Council shall attend any meeting of the Council called for the purpose of reaching a decision which has been deferred or further deferred unless he was present as a member of the Council when the decision was deferred.

(3) For the purposes of subsection (1) of this section a person shall not be treated as convicted unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.

(4) When the Council gives a direction under subsection (1) of this section, it shall cause notice of the direction to be served on the person to whom it relates.

(5) A person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice by the Secretary, appeal against the direction to the High Court having jurisdiction in the area where the appellant is normally resident ; and the Council shall be deemed to be a party thereto whether or not it appears at the hearing of the appeal.

(6) A direction of the Council under subsection (1) of this section shall take effect—

(a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time ;

(b) where an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal ;

(c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed ;

and not otherwise howsoever.

(7) A person whose name is removed from the register in pursuance of a direction of the Council under this section shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the Council on the application of that person ; and a direction under this section for the removal of a person's name from the register may prohibit an application under this subsection by that person until the expiration of such period (not exceeding two years) from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.

17.—(1) Any person, not being a registered journalist, who—

Offences.

(a) for or in expectation of reward practises or holds himself out to practise as such ; or

(b) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorised by law to practise as a registered journalist,

shall be guilty of an offence under this Decree :

Provided that nothing in this subsection shall be construed as amounting to a derogation from section 25 of the Constitution of the Federation (which provides *inter alia* that every person shall be entitled to freedom of expression and to impart ideas and information without interference).

(2) If any person, for the purpose of procuring the registration of any name, qualification or other matter—

(a) makes a statement which he believes to be false in a material particular ; or

(b) recklessly makes a statement which is false in a material particular ; he shall be guilty of an offence under this Decree.

(3) If the Secretary or any other person employed by the Council wilfully makes any falsification in any matter relating to the register, he shall be guilty of an offence under this Decree.

(4) A person guilty of an offence under this Decree shall be liable—

(a) on conviction in a court lower than the High Court, to a fine not exceeding ₦100 and, where the offence is a continuing one, to a further fine not exceeding ₦20 for each and every day that the offence continues ; or

(b) on conviction in a High Court, to a fine not exceeding ₦1,000 or imprisonment for a term not exceeding two years or both such fine and imprisonment and, where the offence is a continuing one, to a further fine not exceeding ₦50 for each and every day that the offence continues.

(5) Where an offence under this section has been committed by a body corporate and 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 any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Approval of
courses,
qualifica-
tions and
institutions.

18.—(1) Subject to subsection (2) of this section, the Council may approve for the purposes of section 14 of this Decree—

(a) any course of training which is intended for persons who are seeking to become, or are already journalists, and which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for the practice as members of that profession ;

(b) any institution either in Nigeria, or elsewhere, which the Council considers is properly organised and equipped for conducting the whole or any part of a course of training, approved by the Council under this section ; and

(c) any qualification which, as a result of an examination taken in conjunction with the course of training approved by the Council under this section is granted to candidates reaching a standard at the examination indicating, in the opinion of the Council, that they have sufficient knowledge and skill to practise journalism as a profession.

(2) The Council shall from time to time publish in the *Gazette* a list of qualifications in the profession of journalism approved by it, and subject thereto the Council shall not approve for the purposes of subsection (1) above a qualification granted by an institution in Nigeria unless the qualification has been so published by the Council.

(3) The Council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution ; but before withdrawing such an approval the Council shall—

(a) give notice that it proposes to do so to persons in Nigeria appearing to the Council to be persons by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be ; and

(b) afford each such person an opportunity of making to the Council representations with regard to the proposals ; and

(c) take into consideration any representations made as respects the proposal in pursuance of the last foregoing paragraph.

(4) As respects any period during which the approval of the Council under this section for a course, institution or qualification is withdrawn, the course, institution or qualification shall not be treated as approved under this section ; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration (either unconditionally or subject to his obtaining a certificate of experience) immediately before the approval was withdrawn.

(5) The giving or withdrawal of an approval under this section shall have effect from such date after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in that instrument ; and the Council shall—

(a) as soon as may be publish a copy of every such instrument in the *Gazette* ; and

(b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Commissioner.

19.—(1) Notwithstanding section 14 or section 18 of this Decree, the Council shall have power to direct the registration as a journalist for such period as Council may specify of any person possessing such relevant and special qualifications or experience as the Council may determine.

Power to register in special cases.

(2) The registration of any person under subsection (1) of this section shall be subject to such conditions and limitations as the Council may direct.

20.—(1) It shall be the duty of the Council to keep itself informed of the nature of—

Relationship with training institutions.

(a) the instruction given at approved institutions to persons attending approved courses of training ; and

(b) the examinations as a result of which approved qualifications are granted ;

and for the purposes of performing that duty the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions or to attend such examinations.

(2) It shall be the duty of a visitor appointed under subsection (1) of this section to report to the Council on—

(a) the sufficiency of the instruction given to persons attending approved courses of training at institutions visited by him ;

(b) the sufficiency or otherwise of the examinations attended by him ; and

(c) any other matter relating to the institutions or examinations on which the Council may, either generally or in a particular case, request him to report ;

but no visitor shall interfere with the giving of any instruction or the holding of any examination.

(3) On receiving a report made in pursuance of this section, the Council shall as soon as may be, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make observations on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

21.—(1) A person who, after obtaining an approved qualification, satisfies the conditions mentioned in subsection (2) of this section shall be entitled to receive free of charge a certificate of experience in the prescribed form from the person in charge of the institution mentioned in that subsection.

Certificate of experience.

(2) The conditions aforesaid are—

(a) he shall have served his time for the prescribed period in Nigeria with a view to obtaining a certificate of experience ;

(b) he shall have acquired during his employment practical experience under the personal supervision and guidance of one or more registered journalists for such periods as may be prescribed ; and

(c) the manner in which he carried out the duties of his employment and his conduct during the period of his employment shall have been satisfactory.

(3) It shall be the duty of the employer being a registered journalist supervising the work of persons employed with a view to obtaining a certificate of experience, to secure that the last-mentioned person is afforded proper opportunities of acquiring the practical experience required for the purposes of paragraph (b) of subsection (2) above.

(4) Where after having served his time as mentioned in paragraph (a) of subsection (2) above, a person is refused a certificate of experience, he shall be entitled—

(a) to receive from his employer particulars in writing of the grounds of the refusal ; and

(b) to appeal from the refusal to a committee of the Council in accordance with rules made by the Council in that behalf (including rules as to the time within which appeals are to be brought) ;

and on any such appeal the committee shall either dismiss the appeal or itself issue the certificate of experience in question or give such other directions in the matter as it considers just.

(5) Regulations may provide for the issue of certificates of experience in respect of employment and institutions outside Nigeria.

Miscellaneous and Supplemental

Financial provisions.

22.—(1) The Council shall maintain a fund which shall consist of—

(a) such moneys as may from time to time be provided by the Federal Military Government by way of loan or grant ;

(b) such moneys as may be received by the Council in relation to the exercise of its functions under this Decree ;

(c) such moneys accruing to the Council by way of gifts, testamentary disposition or otherwise, so however that the Council shall not accept any gift if the conditions attached by the person or organisation making the gift to the acceptance thereof are inconsistent with the functions of the Council ;

(d) subject to the approval of the Commissioner, such moneys as may be received by the Council from any other source ;

and from such fund there shall be defrayed all expenses incurred by the Council.

(2) The Council shall keep proper accounts and proper records in relation thereto, and shall prepare in respect of each financial year a statement of accounts in such form as the Commissioner may direct.

(3) The Council shall as soon as may be after the end of the financial year to which the accounts relate cause the accounts to be audited by auditors appointed by the Council with the prior approval of the Commissioner.

23. The Council shall submit to the Commissioner not later than 30th June in each financial year a report on its activities during the preceding financial year which shall include a copy of the audited accounts of the Council for that year, and the Commissioner shall lay the report before the Federal Executive Council.

Annual reports.

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

Interpretation.

“the Chairman” means the Chairman of the Council ;

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

“the Council” means the Nigerian Press Council established by section 1 of this Decree ;

“journalist” means any person (not being less than 18 years in age) engaged, whether full-time, part-time or on a freelance basis, by a newspaper or other news media and employed in the collection, writing or editing of news, intelligence or occurrences ;

“newspaper” means any paper containing public news, intelligence or occurrences or any remarks, observations or comments thereon, printed for sale and published periodically, or in parts or numbers ;

“the register” means the register for the registration of journalists maintained under this Decree, and “registered” shall be construed accordingly ;

“the Secretary” means the Secretary of the Council appointed under section 4 of this Decree.

25. This Decree may be cited as the Nigerian Press Council Decree 1978 and shall come into force on such day as the Commissioner may appoint by order published in the *Gazette*.

Citation and commencement.

SCHEDULE

Section 3 (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Tenure of Office

1.—(1) The Chairman shall hold office for three years and shall be eligible for reappointment for one further period of three years.

(2) Members of the Council under paragraphs (a) to (h) of section 3 (1) shall, subject to section 3 (3) of this Decree, hold office for three years and shall be eligible for reappointment for one further period of three years.

2. The Chairman or any member of the Council referred to in paragraph 1 (2) above may by notice addressed to the Council resign his appointment.

3. Where a member of the Council ceases to hold office before the date when his term of office would have expired by effluxion of time the person or organisation by whom he was elected or nominated shall as soon as may be elect or nominate a person to fill the vacancy for the residue of the term aforesaid.

Proceedings of the Council

1964 No. 1.

4.—(1) Subject to this Decree and to section 26 of the Interpretation Act 1964 (which provides for the decisions of a body to be taken by a majority of the members of the body and for the person presiding to have a second or casting vote), the Council may make standing orders regulating the proceedings of the Council or of any committee thereof.

(2) The quorum of the Council shall be the Chairman and four other members, and the quorum of any committee of the Council shall be determined by the Council.

5.—(1) The Commissioner shall appoint one of the members of the Council to be the Deputy Chairman of the Council for such period as the Commissioner may determine, so however that a Deputy Chairman who ceases to be a member shall also cease to be Deputy Chairman.

(2) At any time while the office of the Chairman either is vacant or the Chairman is, in the opinion of the Council, permanently or temporarily unable to perform the functions of his office, the Deputy Chairman shall perform those functions, and references in this Schedule to the Chairman shall be construed accordingly.

6.—(1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the Chairman ; and if the Chairman is required to do so by notice given to him by not less than six other members he shall summon a meeting of the Council to be held within seven days from the date on which the notice is given.

(2) At any meeting of the Council, the Chairman or in his absence the Deputy Chairman shall preside, but if both are absent, the members present at the meeting shall appoint one of their number to preside at that meeting.

(3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as it thinks fit ; but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards the quorum.

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Commissioner.

7.—(1) The Council may appoint one or more committees to carry out, on behalf of the Council, such of its functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council, and not more than one-third of those persons may be persons who are not members of the Council ; and a person other than a member of the Council shall hold office on the committee in accordance with the terms of his appointment.

(3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

Miscellaneous

8.—(1) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman or of some other member authorised generally or specially to act for that purpose by the Council.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Council by any person generally or specially authorised to act for that purpose by the Council.

(3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

9. Members of the Council who are not public officers shall be paid out of moneys at the disposal of the Council such remuneration, fees or allowances in accordance with such scales as may be approved from time to time by the Federal Executive Council.

10. The validity of any proceedings of the Council or of a committee thereof shall not be affected by any vacancy in the membership of the Council or committee, or by any defect in the appointment of a member of the Council or of a committee, or by reason that a person not entitled to do so took part in the proceedings.

11. Any member of the Council, and any person holding office on a committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof shall forthwith disclose his interest to the Council and shall not vote on any question relating to the contract or arrangement.

MADE at Lagos this 13th day of November 1978.

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 purport)*

The Decree establishes the Nigerian Press Council to promote high professional standards for the Nigerian Press, to register persons for the practice of the profession of journalism, to prepare a code of conduct for the guidance of journalists and to deal with complaints emanating from members of the public about the conduct of the Press and journalists in their professional capacity.

ELECTORAL (AMENDMENT) DECREE 1978



Decree No. 32

[21st September 1978]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. In subsection (3) of section 12 of the Electoral Decree 1977 (hereinafter referred to as "the principal Decree") immediately after the word "photography" there shall be inserted the words "or any other means which the Electoral Commission considers expedient in the circumstances".

Amendment
of section 12
of principal
Decree.
1977 No. 73.

2. In section 23 of the principal Decree, for the existing paragraph (a) there shall be substituted the following, that is—

Amendment
of section 23.

"(a) provide in each polling station such number of compartments as it may consider necessary in which voters may make their marks on ballot papers screened from observation ;".

3. Immediately after subsection (5) of section 25 of the principal Decree, there shall be inserted the following new subsection, that is—

Amendment
of section 25.

"(6) A candidate for any election shall deliver along with the nomination paper such number of posters (not being less than the total number of voting compartments in that constituency) containing his photograph and the symbol of the political party sponsoring him for that election as the Electoral Commission may direct."

4. Immediately after subsection (7) of section 28 of the principal Decree, there shall be inserted the following new subsections, that is—

Amendment
of section 28.

"(8) For the purposes of paragraph (b) of subsection (2) above, every registered political party shall, not later than 30 days (or such latter day as may be directed by the Electoral Commission) before the date appointed for the first election to be conducted pursuant to this Decree, deliver the complete list of the names and other relevant particulars of all the candidates the party proposes to sponsor for elective offices in respect of all the elections (or such number thereof as the party intends to contest) to the Electoral Commission :

Provided that, subject to the other provisions of this Part, nothing in this subsection as to limitation of time within which to deliver such list shall apply in any case where, after the rejection by the Electoral Commission of the candidature of any person or persons, such a party delivers a supplementary list thereto or, as the case may require, a substitute list containing the particulars aforesaid of other proposed candidates.

(9) The Electoral Commission shall, not later than 15 days after delivery of the list aforesaid, deliver to the political party concerned a list containing the names of candidates who the Electoral Commission considers qualified for election and, where appropriate, a separate list of those rejected by the Electoral Commission and in the case of those so rejected, the Electoral Commission shall—

(a) state in writing the grounds for such rejection ; and

(b) afford the political party concerned an opportunity, subject to the other provisions of this Part, of substituting another candidate for each one so rejected.”

Section 31
replaced.

5. For section 31 of the principal Decree, there shall be substituted the following, that is—

“When poll
required.

31. A poll shall take place in accordance with the provisions of this Decree with respect to the following, that is—

(a) in the case of an election to the office of President or Governor of a State, whether or not only one person is validly nominated in respect of each such office ;

(b) in the case of an election in respect of any other office, if after the expiry of the time for the delivery of nomination papers there is more than one person standing nominated.”

Amendment
of section 32.

6. For subsection (1) of section 32 of the principal Decree, there shall be substituted the following, that is—

“(1) If after the expiry of the time for delivery of nomination papers there is only one person whose name is validly nominated in respect of an election, other than to the office of President or Governor, that person shall be declared elected.”

Section 34
replaced by
new sections.

7. For section 34 of the principal Decree, there shall be substituted the following sections 34 and 34A, that is—

“Ballot
where
election is
held.

34. In any election to the office of President or Governor (whether or not contested) and in any contested election to any other elective office, the votes shall be given by ballot and the results shall be ascertained by counting the votes given to each candidate and, subject to section 34A of this Decree, the candidate to whom the majority of votes has been given shall be declared elected.

Election of
President or
Governor.

34A.—(1) A candidate for an election to the office of President shall be deemed to have been duly elected to such office where—

(a) being the only candidate nominated for the election—

(i) he has a majority of Yes votes over No votes cast at the election, and

(ii) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the Federation,

but where the only candidate fails to be elected in accordance with this paragraph, then there shall be fresh nominations ;

(b) there being only two candidates for the election—

(i) he has a majority of votes cast at the election ; and

(ii) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the Federation ;

(c) there being more than two candidates—

(i) he has the highest number of votes cast at the election, and

(ii) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the Federation.

(2) In default of a candidate duly elected in accordance with paragraph (c) of subsection (1) of this section, there shall be a second election in accordance with subsection (3) of this section at which the only candidates shall be—

(a) a candidate who secured the highest number of votes at any election held in accordance with the said paragraph (c) of subsection (1) of this section ; and

(b) one among the remaining candidates who has a majority of votes in the highest number of States ;

so however that where there are more than one candidate with a majority of votes cast in the highest number of States, the candidate with the highest total of votes cast at the election shall be the second candidate for the election.

(3) In default of a candidate duly elected under subsections (1) (b) and (2) of this section, the Electoral Commission shall within 7 days of the result of the election held under the said subsections, arrange for an election to be held—

(a) in each House of the National Assembly ; and

(b) in the House of Assembly of every State in the Federation ;

with a view to determining which of the two candidates shall be elected as President, and the candidate who has a simple majority of all the votes cast at such election shall be deemed to have been duly elected as President.

(4) Elections to be held in accordance with subsection (3) of this section shall be held on the same day and at the same time throughout the Federation.

(5) A candidate for an election to the office of Governor of a State shall be deemed to have been duly elected to such office where—

(a) being the only candidate—

(i) he has a majority of Yes votes over No votes cast at the election, and

(ii) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the local government areas in the State,

but where the only candidate fails to be elected in accordance with this paragraph, then there shall be fresh nominations ;

(b) there being 2 or more candidates—

(i) he has the highest number of votes cast at the election, and

(ii) he has not less than one-quarter of all the votes cast in each of at least two-thirds of all the local government areas in the State.

(6) In default of a candidate duly elected in accordance with subsection (5) (b) of this section, the Electoral Commission shall within 7 days of the result of the election arrange for an election in the House of Assembly of the State with a view to determining which of the 2 or more candidates shall be elected Governor, and the person who has a simple majority of votes cast at such election shall be deemed to have been duly elected as Governor of the State.

(7) A candidate shall be deemed to have been duly elected to the office of Vice-President or Deputy Governor if the person who nominated him as his associate as such Vice-President or Deputy Governor in accordance with the provisions of the Constitution has been duly elected as President or, as the case may be, Governor of a State in accordance with the foregoing provisions of this section."

Amendment
of section 39.

8. For the first sentence of subsection (1) of section 39 of the principal Decree there shall be substituted the following sentence, that is, "Every ballot paper shall be a printed paper on which the symbol adopted by the candidate and duly registered as prescribed in section 36 shall be clearly set out and there shall be a blank space at the left side of the said symbol on which a thumb impression can conveniently be made."

Amendment
of section 46.

9. In paragraph (a) of section 46 of the principal Decree, the words "and name" are hereby repealed.

Amendment
of section 54.

10. In subsection (1) of section 54 of the principal Decree, immediately after the words "the presiding officer may" there shall be inserted the words "in writing under his hand".

Amendment
of section 63.

11. In subsection (2) of section 63 of the principal Decree, immediately before the words "shall reject any ballot paper" there shall be inserted the words "shall reject any envelope which on being opened contains more than one ballot paper and".

Amendment
of section 72.

12. In section 72 (1) of the principal Decree—

(a) for "35 years" in paragraph (b) thereof, there shall be substituted "30 years" ;

(b) immediately after the words "election as a Senator" in paragraph (c) thereof, there shall be inserted the words "and has attained the age of 35 years"; and

(c) for the words "and has attained such age as may be specified in that regard in the Constitution" in paragraph (d) thereof, there shall be substituted the words "and has attained the age of 35 years".

13. Immediately after subsection (1) of section 78 of the principal Decree, there shall be inserted the following new subsection (1A), that is—

Amendment
of
section 78.

"(1A) An association which is desirous of being registered as a political party by the Electoral Commission shall only be considered as being open to every Nigerian citizen as provided in paragraph (b) of subsection (1) of this section if—

(a) the Electoral Commission is satisfied that it has a properly established branch office in each of at least two-thirds of the States in the Federation and that officers have been duly elected or, as the case may be, appointed to run the affairs of each such branch office; and

(b) its organisation in the local government areas in those States are such that it will, in the opinion of the Electoral Commission, be able to present its programme effectively to the electorate."

14. The existing provision in section 90 of the principal Decree shall be numbered as subsection (1) of section 90 and there shall be added thereto a new subsection (2) as follows, that is—

Amendment
of section 90.

"(2) In this section, "offensive weapon or missiles" means any cannon, gun, rifle, carbine, machine gun, cap-gun, flint-lock, gun, revolver, pistol, air gun, air pistol, or other firearms (whether whole or in detached pieces), bow and arrow, spear, cutlass, machet, knife, dagger, cudjel, horsewhip or any piece of wood, metal, or stone capable of being used as a missile or offensive weapon."

15. Immediately after paragraph (d) of subsection (1) of section 146 of the principal Decree, there shall be inserted the following new paragraph (e), that is—

Amendment
of section
146.

"(e) any question pertaining to the validity or otherwise of the registration of any association as a political party pursuant to this Decree,"

16. For Form EC. 1 in Part I of the Schedule to the principal Decree, there shall be substituted the following new Form, that is—

New Form
EC. 1.

"FORM EC. 1

ELECTORAL DECREE 1977

APPLICATION FOR INCLUSION IN REGISTER OF VOTERS

To the Registration Officer,

..... Registration Area 19.....

I

of

apply to be included in the Preliminary List for the Register of voters for the above Registration area upon the grounds :—

1. That I am a citizen of Nigeria.
2. That I am over 18 years.
3. That I am now ordinarily resident at

.....
(here state town or village and if possible the street and street number if known).

4. That I was not registered during the last registration exercise for the following reason(s) :—

.....
 5. And I declare that the above particulars are true to the best of my belief and that I am not already registered in this or any other Preliminary List or Register of Voters under the above Decree (or I request that my name be now entered in the appropriate List).

Signed

or

Right thumb-print impressed in
the presence of Witness

to thumb-print
(Signature of Witness)

Address and Occupation of such
Witness :—

.....

.....

.....

17. In every case where an association is desirous of being registered as a political party by the Electoral Commission for the purpose of contesting any of the first series of elections to be held under the principal Decree, then the application by such association for registration as a political party shall be submitted to the Electoral Commission by the association not later than 18th December 1978.

Cut-off date for registration of political parties.

18. This Decree may be cited as the Electoral (Amendment) Decree 1978 and shall be deemed to have come into force on 21st September 1978.

Citation and commencement.

MADE at Lagos this 13th day of November 1978.

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 purport)*

The Decree makes sundry amendments to the Electoral Decree 1977 and, amongst other things, requires all registered political parties to submit to the Federal Electoral Commission the names of proposed candidates for all elective offices and for all the five elections, at least 30 days before the first election to be held pursuant to the Decree, to enable the Commission give its verdict in good time as to the eligibility or otherwise of each proposed candidate.

Other changes, such as the prescription of a minimum age of 35 years for election as the President or Governor of a State or of 30 years for a Senator, have been made to reflect the relevant provisions of the new Constitution.