

NATIONAL CIVIC REGISTRATION DECREE 1979



ARRANGEMENT OF SECTIONS

Section

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SCHEDULES

Schedule 1—Supplementary Provisions Relating to Registration.

Schedule 2—Forms under this Decree.

Decree No. 51

[1st September 1979]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There is hereby established within the Federal Ministry of Internal Affairs a department to be known as the Department of National Civic Registration (hereafter in this Decree referred to as “the Department”) which shall be responsible in accordance with the following provisions of this Decree, for national civic registration of all citizens of Nigeria of or above the age of eighteen years.

Establishment of the Department of National Civic Registration.

(2) The Department shall consist of a Director of National Civic Registration and such number of other staff as may be required to assist the Director in the execution of his duties under this Decree.

(3) The Director and the other members of staff of the Department shall be members of the public service of the Federation within the meaning of the Constitution of the Federation.

1963. No. 20.

Appointment
of Chief
Registrar and
other staff.

2.—(1) There shall for the purposes of this Decree be a Chief Registrar, registrars and such other grades of registrars as the Chief Registrar may consider necessary for the enforcement of the provisions of this Decree.

(2) The Chief Registrar referred to in subsection (1) above shall be the Permanent Secretary in the Federal Ministry of Internal Affairs and the registrars shall each be the secretary to his respective Local Government Council.

(3) Any act or thing required by this Decree to be done by, to or before the Chief Registrar may be done by, to or before any officer of the Department authorised generally or specially in that behalf in writing by the Chief Registrar.

Functions
of the
Department.

3. The Department shall be charged with the duty of—

(a) registering all citizens of Nigeria who at the commencement of this Decree have attained or who thereafter attain the age of eighteen years ;

(b) issuing to every person registered under paragraph (a) of this section a national identity card as specified in Form ID 1 of Schedule 2 to this Decree ;

(c) collating all information returned by the registrars in pursuance of their duties under this Decree and reproducing such information as may be required from time to time under the provisions of this Decree ; and

(d) advising the Commissioner on all matters relating to the Commissioner's functions under this Decree.

Registers.

4.—(1) The Chief Registrar shall cause to be kept and maintained as specified in Form ID 5 of Schedule 2 to this Decree, a register of all persons in Nigeria to whom this Decree applies in which shall be recorded in so far as they can be ascertained such particulars as are specified in the said Schedule and such other particulars as the Commissioner may by regulations prescribe.

(2) The Chief Registrar shall cause to be kept and maintained a separate register of all registered persons who change their names and there shall be recorded in such separate register such particulars as the Chief Registrar may deem fit.

(3) When any registered person changes his name or names, he shall forthwith inform the registrar of such change and shall at the same time comply with the procedure specified in paragraph 2 of Schedule 1 to this Decree.

(4) Upon compliance with the procedure referred to in the last foregoing subsection, the Chief Registrar shall cancel the national identity card issued to him by the registrar and cause the registered person to be issued with a new national identity card (bearing the same number as the national identity card surrendered by him) upon payment of the appropriate fee and the Chief Registrar shall alter the register accordingly.

Alteration
of registers.

5.—(1) No person may insert, delete, alter or cause to be inserted, deleted or altered any material particular in the register relating to any registered person unless he is authorised in writing to do so by the Chief Registrar.

(2) Any person duly authorised by the Chief Registrar to insert, delete or alter any particular in the register shall forthwith make the insertion, deletion or alteration and shall notify the Chief Registrar in writing when such insertion, deletion or alteration has been completed.

6.—(1) The Chief Registrar and every registrar shall secure the safety of all registers maintained under this Decree which are in his custody and, when not in use, the registers shall be kept in such a way as the Chief Registrar may direct.

Custody of registers.

(2) The registers and microfilmed copies of application forms forwarded to the Chief Registrar under this Decree shall be kept at the Department's head office in such order and manner as the Chief Registrar may direct.

7.—(1) Every person who attends before a registrar for the purpose of obtaining a national identity card shall comply with the procedure specified in paragraph 1 of Schedule 1 to this Decree.

Registration and registration areas.

(2) The Chief Registrar shall allot to each registration area such serial numbers to be inserted on each national identity card issued in that registration area as he may think fit.

(3) Every national identity card issued under this Decree shall be signed by both the applicant and the registrar at the time of registration.

(4) Subject to the provisions of subsections (3) and (4) of section 4 of this Decree, no registered person may use or adopt a surname or given names other than the surname or given names appearing on his national identity card.

(5) Each Local Government Area in Nigeria is hereby declared to be a registration area ; but the Commissioner may, by notice published in the *Gazette* or in such other manner as he may consider best suited to bring the contents thereof to the notice of the persons affected thereby, alter or amend any area of Nigeria hereby declared to be a registration area and require all persons to whom this Decree applies and who are within such registration area to attend before a registrar at such place and between such dates as may be specified in such notice, to be registered.

(6) Every person, as and when required so to do, shall attend before the registrar and shall register himself by providing the particulars specified in subsection (1) above and shall permit his photograph and fingerprints to be taken for the purpose of registration under this Decree.

(7) Where the Commissioner thinks that it is in the public interest, the Commissioner may require any person in an area specified by an order published in the *Gazette* to carry on his person or to produce within a specified period after he is required to do so, his national identity card issued under this Decree.

8.—(1) Upon the registration of a person under this Decree, the registrar shall issue to such person a national identity card in form ID 1 of Schedule 2 to this Decree.

Issue of national identity card.

(2) It shall be the duty of every person to whom a national identity card is issued under this Decree to secure its safety and preservation in good form.

(3) Any person who finds or comes into possession of a national identity card which was not issued to him shall, without undue delay, return it to the person to whom it was issued or forward it to the nearest registrar.

Replacement
of lost,
defaced or
destroyed
national
identity
card.

9.—(1) In any case where a national identity card is lost, destroyed or materially damaged, the person to whom it was issued shall, without undue delay, report such loss, destruction or damage to the nearest registrar who, on compliance by the person reporting such loss, destruction or damage with the provisions of paragraph 3 of Schedule 1 to this Decree and subject to such other conditions as may be imposed by the Chief Registrar, shall issue to such person a new national identity card on payment of any prescribed fee and the national identity card so issued shall bear the same personal registration number as the card which was lost, destroyed or damaged.

(2) If any person who has reported to the registrar the loss of his national identity card subsequently recovers it, he shall immediately notify the registrar of such recovery and—

(a) if a new national identity card has not already been issued to him, he shall retain it ; or

(b) if a new national identity card has already been issued to him he shall surrender the national identity card so recovered to the registrar who shall forward it to the Chief Registrar for cancellation.

(3) If a registered person considers that any particulars relating to his registration under this Decree have altered materially, he may present himself before the appropriate registrar for re-registration and shall prior to such re-registration comply with the procedure set out in paragraph 1 of Schedule 1 to this Decree.

Surrender of
national
identity
card.

10.—(1) Any registered person who renounces his citizenship of Nigeria or otherwise ceases to be a citizen of Nigeria shall forthwith surrender his national identity card to the nearest registrar who shall issue him with a receipt as specified in Form ID 4 of Schedule 2 to this Decree.

(2) Within 90 days of the death of a registered person his national identity card shall be delivered by the person in possession thereof to the nearest registrar.

(3) The Chief Registrar shall, where the person concerned fails or refuses to comply with the provisions of subsection (1) or (2) of this section, require him to surrender his identity card or, as the case may be, the identity card of the deceased person, and he shall forthwith surrender it.

(4) The registrar shall forward any national identity card of a deceased person surrendered under this section to the Chief Registrar who shall cause it to be cancelled and shall amend the appropriate register accordingly.

Power to
require proof
of informa-
tion.

11.—(1) A registrar may require any person giving any information in pursuance of this Decree to furnish such documentary proof or other evidence of the truth of such information as is within the power of such person to furnish.

(2) Any dispute as to whether or not a person is a citizen of Nigeria shall be referred to the Federal Commissioner charged with responsibility for citizenship matters and his decision thereon shall be final.

12.—(1) There is hereby established a committee to be known as the National Advisory Committee on Civic Registration which shall comprise the following members :—

Establishment of committees.

(a) the Permanent Secretary, Federal Ministry of Internal Affairs as the chairman ;

(b) one representative of the Federal Ministry of Justice ;

(c) one representative of each State in the Federation chosen from the relevant State Ministry charged with responsibility for matters relating to civic registration ;

(d) such number of persons representing a variety of interests relevant to civic registration as the Commissioner may, with the approval of the Federal Executive Council, from time to time determine.

(2) There is hereby established for each State a committee to be known as the State Advisory Committee on National Civic Registration which shall consist of such persons as the Military Administrator of the State concerned may determine.

(3) The National Advisory Committee or a State Advisory Committee shall have power to co-opt any person to attend its meetings but such person shall not be entitled to vote at any meeting and shall not count towards a quorum.

(4) The National Advisory Committee or a State Advisory Committee shall have power to regulate its own proceedings and may make standing orders for that purpose and, subject to such standing orders and section 26 of the Interpretation Act 1964 (which relates to special provisions as to certain statutory bodies) may function notwithstanding any vacancy in its membership or the absence of any member.

1964 No. 1.

13.—(1) Any authority to which a person applies for the grant of any licence, permit or other document may, in its discretion, request such person to produce his national identity card for inspection.

Production and inspection of national identity card.

(2) Where any person is required to produce sufficient identification of himself at a bank, post office or other office or before any other authority whatsoever or before any person authorised in that behalf for any lawful purpose, it shall be sufficient for that purpose if he produces his national identity card before such body, authority or person aforesaid.

(3) When a person requested under subsection (1) above to produce his national identity card fails to do so and fails to satisfy the body, authority or person concerned by other proof that he is a registered person, the body, authority or person concerned may, notwithstanding any other written law for the time being in force, in his discretion, defer consideration of any such application until such person produces either his national identity card or proof that he is a registered person.

14. Any document purporting to be a certificate signed by the Chief Registrar, registrar or any officer of the Department authorised in that behalf certifying a copy or extract of any record kept by the Chief Registrar under this Decree shall, in all proceedings for an offence under this Decree, be *prima facie* evidence of the facts stated therein, and shall, unless the contrary is proved, be presumed to be signed by the officer concerned without production of proof of such signature or, as the case may require, such authorisation.

Evidence.

Offences and
penalties.

15.—(1) Any person who—

- (a) when required in accordance with the provisions of this Decree to register himself, fails to do so ;
- (b) wilfully obstructs the Chief Registrar, a registrar or any employee of the Department in the due execution of his duties ;
- (c) in giving any information for the purposes of this Decree, knowingly or recklessly makes any statement which is false in any material particular ;
- (d) falsely denies that he was previously registered or by any false representation or any act or omission attempts to deceive or deceives the Chief Registrar or a registrar or other employee of the Department, as the case may be, as to any circumstances concerning such previous registration or particulars given on such previous registration ;
- (e) wilfully destroys or mutilates a national identity card issued under this Decree ;
- (f) being a registrar or employee of the Department, unlawfully issues any national identity card or makes any entry, alteration or erasure on any national identity card ;
- (g) unlawfully deprives any person of the national identity card issued to him under this Decree ;
- (h) is in unlawful possession or makes use of a national identity card issued to any other person under this Decree ;
- (i) is knowingly in possession of any national identity card on which any unlawful entry, alteration or erasure has been made or of a document so closely resembling a national identity card as to be calculated to deceive ;
- (j) is in possession of more than one national identity card issued under this Decree at any one time ;
- (k) hands over the national identity card issued to him under this Decree to any other person to be used by such other person for any purpose not authorised by this Decree or any unlawful purpose whatsoever ;
- (l) causes himself to be registered in a registration area other than as specified in section 7 (5) of this Decree ;
- (m) refuses, in satisfaction of any purpose whatsoever, to accept a national identity card issued under this Decree as sufficient identification of the person to whom it is issued ;

shall be guilty of an offence under this Decree.

(2) Any person found guilty of an offence shall be liable on conviction for a first offence to a fine not exceeding ₦200 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment and for a second or subsequent offence to a fine not exceeding ₦500 or to imprisonment for 1 year or to both such fine and imprisonment.

Annual
abstract of
registered
persons.

16. The Chief Registrar shall prepare and submit to the Commissioner not later than 30th September in each year, in such form as the Commissioner may from time to time direct, a general abstract of the number of persons registered under this Decree in all registration areas in the immediately preceding year and the Commissioner shall so soon after its receipt as is convenient lay such abstract before the Federal Executive Council.

17. The Commissioner may, with the approval of the Federal Executive Council, make regulations generally for the effective operation of this Decree and the due administration thereof; and without prejudice to the generality of the foregoing, he may by such regulations—

Regulations.

- (a) amend Schedule 2 to this Decree;
- (b) provide for any alterations in the particulars recorded in the register;
- (c) provide for returns of particulars recorded by registrars to be made by such registrars to the Chief Registrar;
- (d) prescribe the fees which may be charged for the issue, reissue or replacement of national identity cards, including different fees in different circumstances and the circumstances in which such fees may be charged;
- (e) prescribe the fees which may be charged for extracts from the register.

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

Interpretation.

“Chief Registrar” means the person appointed as such in pursuance of section 2 of this Decree;

“Commissioner” means the Federal Commissioner charged with responsibility for matters relating to national civic registration;

“place of origin”—

(a) in relation to a person who is a citizen of Nigeria by birth, means his village or town and Local Government area and State of origin; and

(b) in relation to a person who is a citizen of Nigeria by naturalisation or registration, his usual place of residence;

“register” means any of the registers maintained in pursuance of section 4 (1) or (2) of this Decree and “registered” shall be construed accordingly;

“registration area” means an area declared as such in accordance with the provisions of section 7 (5) of this Decree.

19. This Decree may be cited as the National Civic Registration Decree 1979 and shall come into force on 1st September 1979.

Citation and commencement.

SCHEDULES

SCHEDULE 1

Sections 7 and 9 (3).

SUPPLEMENTARY PROVISIONS RELATING TO REGISTRATION

Procedure on registration and re-registration

1.—(1) Every person who attends before a registrar for the purpose of obtaining a national identity card as required under sections 7 and 9 (3) of this Decree, shall—

- (a) permit his photograph and fingerprints to be taken by the registrar and such photograph shall show the full face and both ears of such person without headgear, but the registrar may in his discretion allow such photograph to be taken showing such person wearing headgear if such person habitually wears headgear in accordance with his religious custom and such headgear does not obscure his features;

(b) complete form ID 2 specified in Schedule 2 to this Decree or give the registrar such information as the registrar may require to complete the said form on his behalf and he shall make and sign the declaration thereon, but if he is unable to write, he shall affix thereon his right thumbprint.

(2) The registrar shall forward a microfilmed copy of every form or such batches thereof completed pursuant to this paragraph to the Chief Registrar.

Procedure on change of name or names

2.—(1) A registered person who changes his surname or any of his given names shall, pursuant to section 4 (3) of this Decree forthwith inform the appropriate registrar of such change and shall at the same time—

(a) deliver to the registrar a statutory declaration made before a commissioner for oaths or notary public that he absolutely renounces the use of his former surname or any given name and assumes a new surname, given name or names and shall include in the statutory declaration all details relating to such change ;

(b) surrender to the registrar his national identity card and the registrar shall issue therefor a receipt as specified in Form ID 4 of Schedule 2 to this Decree ;

(c) complete Form ID 2 in Schedule 2 to this Decree or give to the registrar such information as the registrar may require to complete the said Form ID 2 on his behalf in the new name or names and he shall make and sign the declaration thereon but if he is unable to write he shall affix thereon his right thumbprint.

(2) The registrar shall forward the said Form ID 2 duly completed, together with the statutory declaration and the national identity card, to the Chief Registrar.

(3) Upon the receipt of the said Form ID 2 duly completed, the Chief Registrar shall amend the register as he may deem necessary ; and the Chief Registrar shall thereafter cancel the national identity card forwarded to him by the registrar and cause the registered person to be issued with a new national identity card (bearing the same number as the national identity card surrendered by the person concerned) upon payment of the prescribed fee.

Procedure in case of loss, etc. of national identity card

3.—(1) When any registered person reports under section 9 of this Decree the loss, or destruction of, or damage to, his national identity card, he shall complete Form ID 3 set out in Schedule 3 to this Decree or give the registrar such information as the registrar may require to complete the form, on his behalf.

(2) The registrar shall forward the said Form ID 3 duly completed to the Chief Registrar who shall cause the particulars contained therein to be verified in the register and inform the registrar of their accuracy or any inconsistency therein.

(3) In case of any inaccuracy or inconsistency the Chief Registrar shall cause the registrar to rectify or reconcile same failing which the Chief Registrar may direct such other action to be taken as may be appropriate in the circumstances.

SCHEDULE 2

FORMS UNDER THIS DECREE

FORM ID 1

Sections 3 (b) and 8



FEDERAL REPUBLIC OF NIGERIA
NATIONAL IDENTITY CARD

Surname.....

Other Names.....

FRONT

☐ Maiden Name.....

☐ Photograph

Date of Birth.....

Place of Birth.....

☐ State of Origin.....

Personal Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Sex.....

Blood Group.....

RH Factor.....

Date of Issue.....

Place of Issue/State.....

Signature of Registrar.....

*Signature/Right
thumbprint of
Holder*

REVERSE

NATIONAL CIVIC REGISTRATION DECREE 1979

FORM ID 2

Sections 7
and 9(3)

FEDERAL REPUBLIC OF NIGERIA

APPLICATION FORM

State..... Registration Centre.....

Registration Number..... Date of Registration.....

Personal Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

1. Surname.....

Sex.....

2. Other Names.....

Blood Group.....

RH Factor.....

3. Maiden Name.....

4. Date of Birth.....

Date of Issue.....

5. Place of Birth.....

Place of Issue/State.....

Signature of Registrar.....

Signature/
Right
thumb-
print of
Holder

Town/Village.....

State.....

6. Usual Place of Residence

Town/Village.....

State.....

7. State of Origin

Town/Village.....

Local Government Area.....

State.....

8. Next of Kin

Full Name.....

Address.....

Town/Village.....

State.....

9. Marital Status

☐ Never Married ☐ Married ☐ Separated ☐ Divorced ☐ Widowed

10. Religion

☐ Islam ☐ Christianity ☐ Traditional ☐ None _____
(Others Specify)

11. Literacy (Can the applicant read and write in any language)

☐ Yes ☐ No

If answer to above is Yes, please state which language(s) _____

12. School Attendance

☐ Never ☐ In the past ☐ At present

13. Level of Education

☐ Primary/Koranic School ☐ Post-Primary

☐ Post-Secondary (Specify) _____

14. Employment Status

☐ Employed ☐ Unemployed ☐ Self-Employed ☐ Pensioned Person

15. Name and Address of Employer (if applicable)

Name _____

Address _____

Town/Village _____

State _____

16. Occupation/Profession _____

17. RECORD OF FINGERPRINTS

1-Right Thumb	2-Right Fore	3-Right Middle	4-Right Ring	5-Right Little
				FOLD
6-Left Thumb	7-Left Fore	8-Left Middle	9-Left Ring	10-Left Little
				FOLD

NATIONAL CIVIC REGISTRATION DECREE 1979

FORM ID 3

Section 9



FEDERAL REPUBLIC OF NIGERIA

APPLICATION FOR REPLACEMENT OF A NATIONAL
REGISTRATION CARD

I, the undermentioned, holder of National Identity Card

No.

[illegible]

do hereby apply for a replacement of the card for the following reasons :

Please tick/delete as applicable



original card lost/destroyed/damaged

change of name

(complete Parts 1 and 2)

11

change of material particulars

(complete Parts 1 and 3)

PART I**1. NAME IN FULL**

(Original card lost, destroyed or damaged)

Surname shown on Original Card.....

Other Names shown on Original Card.....

2. BIRTH

Date of Birth.....day.....month.....year.....

Place of Birth.....

State of Origin.....

3. ORIGINAL CARD ISSUE

When Issued.....day.....month.....year.....

Place of Issue.....

State of Issue.....

4. Residential address at present.....**5. Postal address at present (P.O. Box only not acceptable)**.....

PART II

(Change of Name)

New names by which the applicant wishes to be known.

Surname.....

Other Name(s).....

PART III

(Change of Material Particulars)

What personal particulars have changed which would cause the Department of Civic Registration to issue a replacement card ?

Specify.....

.....

.....

.....

RECORD OF FINGERPRINTS

1-Right Thumb	2-Right Fore	3-Right Middle	4-Right Ring	5-Right Little
				FOLD
6-Left Thumb	7-Left Fore	8-Left Middle	9-Left Ring	10-Left Little
				FOLD

Declaration : The above information has been read to me in a language which I understand and I do solemnly affirm that to the best of my knowledge and belief the said information is true and correct.

<div data-bbox="189 1302 280 1369" data-label="Text">Official Stamp</div>	<div data-bbox="514 1185 957 1226" data-label="Text">Applicant's Signature.....</div>	<div data-bbox="957 1369 1164 1436" data-label="Text">Applicant's Right Thumbprint</div>
	<div data-bbox="514 1334 957 1375" data-label="Text">Registrar's Signature.....</div>	

To be completed at the time of Application.

Fee paid.....

General Receipt No. Registrar's Signature.....

The Issue of Replacement Card No.

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

is hereby authorised..... Date.....

Name

Rank

NATIONAL CIVIC REGISTRATION DECREE 1979

FORM ID 4

Section 10 (1)



FEDERAL REPUBLIC OF NIGERIA

NOTIFICATION OF REGISTRATION/
RECEIPT FOR SURRENDERED IDENTITY CARD

Name.....

Personal
Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Date.....

Official Stamp
and
Photo.....or
Signature *Right Thumbprint*

Call at your Local Council Office during the week of

To collect your Identity Card. Bring this receipt with you.

NATIONAL CIVIC REGISTRATION DECREE 1979

FORM ID 5

Section 4



FEDERAL REPUBLIC OF NIGERIA

THE REGISTER

Serial No.	Full Name	Residential Address	Age Last Birthday	Sex	Place of Birth	Name and Address of Next of Kin	ID Card Issued Date
.....
.....

MADE at Lagos this 20th day of August 1979.

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 introduces a system of national civic registration for every Nigerian citizen of or above the age of 18 years and specifies the procedure to be followed on application for such registration.

The Decree creates offences and prescribes penalties for those offence and further makes ancillary provisions for the effective operation of the scheme.

NATIONAL EYE CENTRE DECREE 1979



ARRANGEMENT OF SECTIONS

Establishment, etc. of the National Eye Centre

1. Establishment of the National Eye Centre.
2. Functions of the Centre.
3. Constituent parts of the Centre.
4. The Management Board.
5. Tenure of office of the Chairman and members of the Board.
6. General duty of the Board.
7. Powers of the Board in relation to management, etc. of the Centre Staff.

Staff

8. The Director.
9. Appointment, etc. of other staff.
10. Composition of the education committee.
11. Functions of the education committee.
12. Candidacy for admission.

13. Power of the Commissioner to give directions.

Finance and Discipline

14. Financial provisions.
15. Fees for services.
16. Power to accept gifts.
17. Discipline of students.
18. Removal and discipline of clinical, administrative and technical staff.
19. Discipline of junior staff.

Miscellaneous and Supplementary

20. Exclusion of discrimination on account of religion, race, etc.
21. Annual reports.
22. Interpretation.
23. Citation.

SCHEDULE—Supplementary Provisions relating to the Board, the Education Committee, etc.

Decree No. 52

[20th August 1979]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

Establishment, etc. of the National Eye Centre

1.—(1) There is hereby established at Kaduna a centre by the name of the National Eye Centre (in this Decree hereafter referred to as “the Centre”) which shall be a body corporate with perpetual succession and a common seal.

Establish-
ment of the
National Eye
Centre.

(2) The Centre shall be a hospital specialising in ophthalmology with facilities for the training of ophthalmic personnel at all levels.

**Functions of
the Centre.**

2.—(1) The functions of the Centre shall be to provide as part of the hospital and specialist services, services in connection with the diagnosis and treatment of diseases or defects of the eye, supply of optical appliances and other supplementary ophthalmic services.

(2) The Centre shall have power—

(a) to provide diagnostic, curative, promotive and rehabilitative ophthalmic services ;

(b) to provide ambulatory and domiciliary ophthalmic treatment employing the services of ophthalmologists and other medical practitioners ;

(c) to provide facilities for the clinical training of ophthalmologists ;

(d) to provide facilities for the training of ophthalmic and dispensing opticians, ophthalmic nurses, orthoptists and ophthalmic technicians ;

(e) to create facilities for research into all aspects of ophthalmology, that is to say, visual, clinical and experimental ;

(f) to develop new diagnostic and therapeutic ophthalmic instruments and appliances better suited to the practice of ophthalmology in Nigeria.

(3) For the purposes of the discharge of its functions under the foregoing provisions of this section, the Centre may—

(a) arrange periodic conferences, seminars, study groups and like activities in ophthalmology ;

(b) advise the Government of the Federation or of a State on all matters relating to defects and diseases of the eye and the prevention of blindness ;

(c) offer such assistance to ophthalmic hospitals or units in various parts of the Federation as the Board may deem necessary ;

(d) do anything in connection with or incidental to the functions conferred on it by this Decree.

**Constituent
parts of the
Centre.**

3. The Centre shall be constituted as follows, that is to say—

(a) a management board ;

(b) an education committee ;

(c) the clinical and other departments of the Centre ;

(d) all members of the administrative, clinical and technical staff ; and

(e) all students of the Centre.

**The Manage-
ment Board.**

4.—(1) There is hereby established for the Centre a board to be known as the National Eye Centre Management Board (in this Decree hereafter referred to as the "Board") which shall have general responsibility for the government of the Centre and shall consist of—

(a) the Chairman ;

(b) the Director ;

(c) four persons broadly representative of the whole Federation and representing a variety of interests, who shall be appointed by the Federal Executive Council ;

(d) two persons appointed by the consultant staff of the hospital from among their number ;

(e) the Permanent Secretary, Federal Ministry of Health, or his representative ;

(f) the Permanent Secretary, Federal Ministry of Education, or his representative.

(2) The Chairman and other members who are not *ex-officio* shall be appointed by the Federal Executive Council on the recommendation of the Commissioner.

(3) The Chairman shall be a person of proven integrity coupled with experience and outstanding ability in administration and professional or technical education.

(4) The members specified in paragraphs (b), (d), (e) and (f) of subsection (1) of this section are hereafter referred to as "*ex-officio* members".

(5) The supplementary provisions in the Schedule to this Decree shall have effect with respect to the constitution and proceedings of the Board and the education committee and the other matters therein mentioned.

5.—(1) The Chairman and any other member of the Board (not being an *ex-officio* member) shall hold office for a period of three years and shall be eligible for reappointment for a further period of three years :

Provided that members of the Board appointed under paragraph (d) of section 4 (1) above shall hold office for two years and shall not be eligible for re-appointment.

(2) A member of the Board other than an *ex-officio* member shall be paid out of moneys at the disposal of the Board such remuneration and allowances in accordance with scales approved from time to time by the Federal Executive Council.

(3) In the event of the death or incapacity of the Chairman of the Board, or if for any reason other than effluxion of time, the office of the Chairman is vacant, the Federal Executive Council shall on the recommendation of the Commissioner, appoint another person as chairman for the residue of the term of the Chairman of the Board.

(4) The office of a member of the Board shall become vacant if—

(a) he previously resigns his office by notice in writing given to the Commissioner ;

(b) the period of his appointment has expired ; or

(c) there is passed by the Board a resolution declaring—

(i) that he has become unfit for membership of the Board by reason of the fact that he has become incapable by reason of mental or bodily infirmity of discharging his duties ; or

(ii) that he has been absent from three consecutive meetings of the Board without leave of the Board ; or

(iii) he has been convicted of an offence which involves moral turpitude.

Tenure of
office of
the Chairman
and members
of the
Board.

(5) Soon after the office of a member becomes vacant, the authority by which he was appointed shall appoint another person in his place in accordance with the provisions of this Decree.

(6) Any member of the Board other than an *ex-officio* member may by notice to the Board resign his appointment.

General duty
of the
Board.

6.—(1) The Board shall be the governing body of the Centre and shall be charged with the general control and superintendence of the policy, finances and property of the Centre, including its public relations.

(2) Without prejudice to the generality of the foregoing, it shall be the duty of the Board—

(a) to construct, equip, maintain and operate the hospital which is to provide comprehensive services, teaching and clinical research in ophthalmology ;

(b) to construct, equip, maintain and operate such training schools and similar institutions as the Board considers necessary for providing the Centre at all times with adequate and sufficiently qualified staff including ophthalmologists, ophthalmic technicians, nurses and members of other allied professions and calling relevant to the practice of ophthalmology ;

(c) to construct, equip, maintain and operate such clinics, units, out-patient departments, laboratories, research or experimental stations and other like institutions as the Board may consider necessary for the efficient functioning of the Centre.

(3) The duty of running the Centre imposed by the foregoing subsection shall include, without prejudice to the extent of that duty apart from this subsection, the duty of providing proper courses of instruction for students ; but the Board shall not have power to award degrees, so however that the Board shall not be prevented from arranging for students to attend courses at or take higher qualifications awarded by other institutions not controlled by the Board.

(4) The Board shall secure that the standards of treatment and care for patients provided at all establishments controlled by the Board and the standards of training at those establishments do not fall below those usually provided by similar establishments of internationally high repute.

(5) Subject to this Decree, the Board shall have power to do anything which in its opinion is calculated to facilitate the carrying out of its functions under this Decree.

Powers of the
Board in
relation to
management,
etc. of the
Centre.

7. The Board shall be responsible for laying down general policies and guidelines relating to the management of the affairs of the Centre including the management of the hospital and the provision of facilities relating to the training of all categories of ophthalmic personnel and it shall be the duty of the Director to execute such policies and to keep within such guidelines.

Staff

The
Director.

8.—(1) Subject to the provisions of this section, the Director shall be appointed or removed from his office by the Federal Executive Council.

(2) The Director shall hold office for four years in the first instance and shall be eligible for reappointment for terms not exceeding three years on each occasion.

(3) Subject to this section, the Director shall hold office on such terms as to emoluments and otherwise as may be specified in his letter of appointment.

(4) The Director shall, in relation to the Board take precedence before all other members of the Centre except the Chairman of the Board and any person for the time being acting as Chairman of the Board.

(5) Subject to this section, the Director shall be the chief executive officer of the Centre and in addition to any other function conferred on him by this Decree, have the general function of directing the day-to-day activities of the Centre.

9.—(1) The senior members of the clinical, administrative and technical staff of the Centre shall be appointed by the board on the recommendation of a committee to be known as the Appointments and Promotions Committee set up under the provisions of paragraph 4 (3) of the Schedule to this Decree.

Appoint-
ment, etc.
of other staff.

(2) The Board shall from among the officers appointed pursuant to subsection (1) above, select on the recommendation of the Director, a person to act both as the secretary to the Board and to the education committee.

(3) The power to appoint all other categories of staff to hold or act in offices in the Centre (including power to make appointments on promotion and transfer and to confirm, dismiss or exercise other disciplinary control over persons holding or acting in such offices) shall be exercised by the Director acting on the recommendation of the Junior Staff Appointments and Promotions Committee constituted under paragraph 4 (4) of the said Schedule.

10. The education committee shall consist of—

- (a) the Director, who shall be the chairman ;
- (b) the heads of the departments of the Centre responsible for training ;
and
- (c) the persons for the time being holding such offices in the Centre as the Director may specify.

Composition
of the
education
committee.

11. The education committee shall have responsibility for the running of the academic affairs of the Centre including—

- (a) the organisation and control of courses of study at the Centre and of the examinations held in connection with those courses ;
- (b) determining the requisite qualifications for admission into any of the courses offered by the Centre ;
- (c) determining the duration of the training period ; and
- (d) effecting the affiliation of the Centre with universities and institutions for the award of degrees, diplomas or fellowships to students on the successful completion of the relevant course.

Functions of
the education
committee.

Candidacy
for
admission.

12. Where a candidate offers himself for admission as a post-graduate medical student under this Decree, he shall satisfy the Board that he is a registered medical practitioner or that he is on the temporary or provisional register of medical practitioners of the Nigerian Medical Council.

Power of the
Commissioner to
give
directions.

13. The Commissioner may give to the Board directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Board of its functions under this Decree, and it shall be the duty of the Board to comply with the directions, but no direction shall be given which is inconsistent with the duties of the Board under this Decree.

Finance and Discipline

Financial
provisions.

14.—(1) The Board shall establish a fund into which it shall pay—

(a) such sums as may be provided from time to time by the Government of the Federation or of a State for the Centre ; and

(b) all sums accruing to the Centre by way of fees, gifts, testamentary disposition, contributions from philanthropic persons or organisations or otherwise howsoever.

(2) Except with the approval of the Commissioner, the Centre shall not have power to borrow money.

(3) The Board shall prepare and submit to the Commissioner, not later than 31st December in each financial year, an estimate of the income and expenditure of the Centre during the next succeeding financial year.

(4) The Centre shall keep proper accounts in respect of each financial year and proper records in relation to those accounts and shall cause its accounts to be audited as soon as may be after the end of the financial year to which the accounts relate by a firm of auditors appointed, as respects that year, by the Federal Executive Council on the recommendation of the Board.

(5) Before making a recommendation under subsection (4) above, the Board shall consult the Federal Commissioner for Finance.

Fees for
services.

15. The Board may with the approval of the Commissioner prescribe the scale of fees chargeable for hospital services provided by the Centre.

Power to
accept gifts.

16.—(1) The Centre may accept gifts of land, money or other property upon such trusts and conditions, if any, as may be specified by the person or organisation making the gift.

(2) The Board shall not accept any gift if the conditions attached by the person making the gift are inconsistent with the functions of the Board under this Decree.

Discipline of
students.

17.—(1) Subject to the provisions of this section, where it appears to the Director that any student of the Centre has been guilty of misconduct, the Director may, without prejudice to any other disciplinary powers conferred on him by regulations, direct—

(a) that, the student shall not, during such period as may be specified in the direction, participate in such activities of the Centre or make use of such facilities of the Centre as may be so specified ; or

(b) that the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified ; or

(c) that the student be rusticated for such period as may be specified in the direction ; or

(d) that the student be expelled from the Centre.

(2) Where a direction is given under subsection (1) (c) or (d) above in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal from the direction to the Board ; and where such an appeal is brought, the Board shall after causing inquiry to be made in the matter as the Board considers appropriate either confirm or set aside the direction or modify it in such manner as the Board thinks fit.

(3) The fact that an appeal from a direction is brought in pursuance of the last foregoing subsection shall not affect the operation of the direction while the appeal is pending.

(4) The Director may delegate his powers under this section to a disciplinary committee consisting of such members of the Centre as he may nominate.

(5) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the Centre otherwise than on the ground of misconduct.

(6) It is hereby declared that a direction under subsection (1) (a) above may be combined with a direction under subsection (1) (b) above.

(7) Nothing in this section shall affect the provisions of any enactment relating to the discipline of medical practitioners, pharmacists, nurses or members of any other profession or calling.

18.—(1) If it appears to the Board that there are reasons for believing that any person employed as a member of the clinical, administrative or technical staff of the Centre, other than the Director, should be removed from his office or employment, the Board shall require the Director to—

(a) give notice of those reasons to the person in question ;

(b) afford him an opportunity of making representations in person on the matter to the Board ; and

(c) if the person in question so requests within the period of one month beginning with the date of the notice, make arrangements—

(i) for a committee to investigate the matter and to report on it to the Board ; and

(ii) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee with respect to the matter ;

and if the Board, after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid, the Board may so remove him by a letter signed on the direction of the Board.

Removal and discipline of the clinical, administrative and technical staff.

(2) The Director may in a case of misconduct by a member of the staff which in the opinion of the Director is prejudicial to the interest of the Centre, suspend any such member and any such suspension shall forthwith be reported to the Board.

(3) For good cause, any member of the staff may be suspended from his duties or his appointment may be terminated by the Board; and for the purposes of this section, "good cause" means—

(a) a conviction for any offence which the Board considers to be such as to render the person concerned unfit for the discharge of the functions of his office; or

(b) any physical or mental incapacity which the Board, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office; or

(c) conduct of a scandalous or other disgraceful nature which the Board considers to be such as to render the person concerned unfit to continue to hold his office; or

(d) conduct which the Board considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.

(4) Any person suspended shall, subject to subsections (2) and (3) above be on half pay and the Board shall before the expiration of a period of three months after the date of such suspension consider the case against that person and come to a decision as to—

(a) whether to continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him); or

(b) whether to reinstate such person, in which case the Board shall restore his full emoluments to him with effect from the date of suspension; or

(c) whether to terminate the appointment of the person concerned, in which case such person will not be entitled to the proportion of his emoluments withheld during the period of suspension; or

(d) whether to take such lesser disciplinary action against such person (including the restoration of his emoluments that might have been withheld), as the Board may determine;

and in any case where the Board, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Board shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning any such person.

(5) It shall be the duty of the person by whom a letter of removal is signed in pursuance of subsection (1) above to use his best endeavours to cause a copy of the letter to be served as soon as reasonably practicable on the person to whom it relates.

(6) Nothing in the foregoing provisions of this section shall prevent the Board from making regulations for the discipline of students and all other categories of employees of the Centre as the Board may prescribe.

(7) Regulations made under subsection (6) above need not be published in the *Gazette* but the Board shall bring them to the notice of all affected persons in such manner as it may from time to time determine.

19.—(1) If any junior staff is accused of misconduct or inefficiency, the Director may suspend him for not more than three months and forthwith shall direct the Junior Staff Appointments and Promotions Committee appointed under the provisions of paragraph 3 (b) of the Schedule to this Decree—

Discipline
of junior
staff.

(a) to consider the case ; and

(b) to make recommendations as to the appropriate action to be taken by the Director.

(2) In all cases under this section, the officer shall be informed of the charge against him and shall be given reasonable opportunity to defend himself.

(3) The Director may, after considering the recommendation made pursuant to subsection (1) (b) of this section, dismiss, terminate, retire or down-grade the officer concerned.

(4) Any person aggrieved by the Director's decision under subsection (3) above may, within a period of 21 days from the date of the letter communicating the decision to him, address a petition to the Board to reconsider his case and the Board's decision thereon shall be final.

Miscellaneous and Supplementary

20. No person shall be required to satisfy requirements as to any of the following matters, that is to say, race (including ethnic grouping), sex, place of birth or of family origin, or religious or political persuasion, as a condition to becoming or continuing to be a student at the Centre, the holder of any appointment or employment at the Centre or a member of any body established by virtue of this Decree ; and no person shall be subjected to any disadvantage or accorded any advantage in relation to the Centre, by reference to any of those matters :

Exclusion of
discrimina-
tion on
account of
religion,
race, etc.

Provided that nothing in this section shall be construed as preventing the Centre from imposing any disability or restriction on any of the aforementioned persons where such person wilfully refuses or fails on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstances pertaining thereto, is in the opinion of the Centre reasonably justifiable in the national interest.

21. The Board shall prepare and submit to the Federal Executive Council through the Commissioner, not later than 30th June in each year, a report in such form as the Commissioner may direct on the activities of the Board during the immediately preceding year and shall include in such report a copy of the audited accounts of the Centre for that year and of the auditors' report thereon.

Annual
reports.

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

“the Board” means the governing Board for the Centre appointed under section 4 (1) of this Decree ;

“the Centre” means the National Eye Centre established under section 1 of this Decree ;

“the Commissioner” means the Federal Commissioner charged with responsibility for matters relating to health ;

Interpreta-
tion.

"functions" includes powers and duties ;

"student" means a person enrolled at an institution controlled by the Board for the purpose of pursuing a course of instruction at the institution.

Citation.

23. This Decree may be cited as the National Eye Centre Decree 1979.

SCHEDULE

Section 4 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, THE EDUCATION COMMITTEE, ETC.

Proceedings of the Board

1964 No. 1.

1. Subject to the provisions of this Decree and section 26 of the Interpretation Act 1964 (which provides for the decisions of a statutory 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 Board may make standing orders regulating the proceedings of the Board or any committee thereof.

2. The quorum of the Board shall be five which shall include the Chairman and at least one other member who is not an *ex-officio* member ; and the quorum of any committee of the Board shall be determined by the Board.

3.—(1) Subject to the provisions of any standing orders of the Board, the Board shall meet whenever it is summoned by the Chairman ; and if the Chairman is required so to do by notice given to him by not less than five other members, he shall summon a meeting of the Board to be held within 14 days of the date of the receipt by him of the notice.

(2) At any meeting of the Board, the Chairman of the Board shall preside and if the Chairman is absent the members present shall elect one of their number to preside at the meeting.

(3) Where the Board desires to obtain the advice of any person on any particular matter, the Board 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 and shall not count towards a quorum.

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Board shall be summoned by the Commissioner who may give such directions as he thinks fit as to the procedure which shall be followed at that meeting.

Committees of the Board and education committee

4.—(1) The Board may appoint one or more committees to carry out on behalf of the Board such of its functions as the Board may determine but a decision of a committee shall be of no effect until it is confirmed by the Board.

(2) The education committee may appoint one or more committees to carry out on behalf of the education committee such of its functions as the education committee may determine but a decision of a committee shall be of no effect until it is confirmed by the education committee.

(3) Without prejudice to the generality of sub-paragraphs (1) and (2) above, the Board shall appoint the following committees that is—

(a) the Appointments and Promotions Committee which shall—

(i) consist of not less than five members including the Director who shall be the Chairman of the Committee ;

(ii) be charged with the responsibility for making recommendations to the Board on the appointment and promotion of the clinical, administrative and technical staff of the Centre and have a quorum of three members.

(b) the Junior Staff Appointments and Promotions Committee which shall have the powers set out in section 19 of this Decree.

Employees of the Centre

5. Subject to this Decree, the Board shall have power—

(a) to pay the employees of the Centre such remuneration and allowances as the Board may with the approval of the Commissioner determine ;

(b) to pay any person appointed to a committee of the Board such remuneration (whether by way of fees or otherwise) in respect of the performance of his functions under this Decree and such travelling and subsistence allowances while on the business of the Board as the Board may determine ;

(c) to establish for the employees of the Centre such superannuation scheme (whether contributory or not) as the Board may determine ; and

(d) to give loans to its employees for purposes approved by the Board.

Miscellaneous

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

(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 Centre by any person generally or specially authorised to act for that purpose by the Board or a committee of the Board.

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

7. The validity of any proceedings of the Board or a committee thereof shall not be affected by any vacancy in the membership of the Board or committee, or by any defect in the appointment of a member of the Board or of any other person on the committee.

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

Education Committee

9. The provisions of this Schedule shall apply *mutatis mutandis* to the education committee ; so however that in relation to the quorum thereof, it shall be as may be determined by the education committee.

MADE at Lagos this 20th day of August 1979.

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 establishes the National Eye Centre which shall be a hospital specialising in ophthalmology for the prevention and cure of eye defects and diseases and the prevention of blindness.

The Decree also establishes a board which will be the governing body of the Centre and an education committee which will have responsibility for the Centre's academic affairs.

NIGERIAN NATIONAL MERIT AWARD DECREE 1979



Decree No. 53

[23rd June 1979]

Commence-
ment.

WHEREAS it is necessary that an award be instituted (in addition to National Honours and the Nigerian National Heroes Register) to accord proper and due recognition to intellectual and academic distinction by citizens of Nigeria who have made valuable contributions to national attainments in science, technology, medicine, the humanities, arts and culture and any other field of human endeavour whatsoever :

AND WHEREAS it is necessary for this purpose to establish an Endowment Fund and to constitute an autonomous Board of Trustees to oversee the annual making of the awards and for other purposes connected therewith :

NOW, THEREFORE, THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There is hereby established a fund to be known as the Nigerian National Merit Award Endowment Fund (hereinafter in this Decree referred to as "the Endowment Fund") for the purpose of the award annually of prizes to be known as the Nigerian National Merit Award to citizens of Nigeria for intellectual and academic attainments and contributions to national endeavour in science, technology, medicine, the humanities or arts and culture and any other field as may be considered deserving by the Board of Trustees.

Establish-
ment of
Endowment
Fund.

(2) The Endowment Fund shall comprise—

(a) moneys from time to time granted to the Board of Trustees by the Federal Government or any State or Local Government in Nigeria or by any statutory body (corporate or unincorporate) set up by any such Government ;

(b) subject to subsection (3) below, all sums accruing to the Board of Trustees by way of gifts, testamentary disposition, contributions from persons or philanthropic organisations or otherwise howsoever ; and

(c) interest on investments made by the Board of Trustees.

(3) The Board of Trustees may accept gifts of property (including interests in land), money or other assets upon such trusts and conditions (if any) as may be specified by the person or organisation making the gift but the Board shall not accept any gift if—

(a) the conditions attached by the person or organisation making the gift to the acceptance thereof are inconsistent with the objectives of this Decree ; or

(b) such gift is made by any person or organisation not being a citizen of Nigeria or an organisation established by or pursuant to any law in force in Nigeria.

1979 No. 28.

(4) For the purposes of the Companies Income Tax Decree 1979, any donation made by any company in Nigeria to the Board of Trustees under this section shall be a deductible donation within the meaning of that Decree.

Establish-
ment of
Board of
Trustees.

2.—(1) There shall be established a body to be known as the Board of Trustees of the Nigerian National Merit Award Endowment Fund (in this Decree referred to as “the Board of Trustees”) which shall be a body corporate with perpetual succession and a common seal, and may sue or be sued in its corporate name.

(2) The Board of Trustees shall consist of a Chairman and not less than 4 or more than 8 other members who shall be citizens of Nigeria to be appointed by the Supreme Military Council.

(3) Persons appointed to be members of the Board of Trustees shall be persons appearing to the Supreme Military Council to be suitably qualified by reason of professional or academic or administrative qualifications or by their attainments in any field of human endeavour.

(4) Subject to subsection (5) below, a person appointed as a member of the Board of Trustees shall hold office for three years and shall be eligible for reappointment for one further period of three years.

(5) The Supreme Military Council may terminate the appointment of a member on grounds of misbehaviour or inability to discharge the duties of his office by reason of physical or mental incapacity.

Proceedings.

3.—(1) The Board of Trustees shall have power to regulate its proceedings and may make standing orders for that purpose and, subject to any such standing orders and to subsection (2) below, may function notwithstanding—

- (a) any vacancy in its membership or the absence of any member ;
- (b) any defect in the appointment of a member ; or
- (c) that a person not entitled to do so took part in its proceedings.

(2) Notwithstanding its standing orders the quorum at any meeting of the Board of Trustees shall be the Chairman and two other members ; but in the absence of the Chairman, the members present at any such meeting shall elect one of their number to preside and references herein to Chairman shall be construed accordingly.

Functions of
the Board of
Trustees.

4.—(1) The Board of Trustees shall be responsible for the management of the Endowment Fund, the income from which shall be used by the Board—

- (a) in making the National Merit Award annually ; and
- (b) for the administrative expenses of the Board.

(2) The Board of Trustees may, if it considers it necessary for the due and proper execution of its functions under this Decree, appoint a Secretary and such other staff as it thinks fit.

(3) The Board of Trustees, in relation to any employees thereof, shall have power—

(a) to exercise disciplinary control (including dismissal) over such employees ; and

(b) with the prior approval of the Federal Commissioner for Establishments, to determine the remuneration and allowances (and in appropriate cases, pensions gratuities and other terminal benefits) to be paid to such employees and such other conditions of service of the employees as it may think appropriate.

5.—(1) The nomination for consideration of a person by the Board of Trustees for an Award may be made by any citizen of Nigeria to the Board of Trustees and any person may by himself, where not sponsored by another person, apply to the Board for this purpose.

Procedure
for making
nominations.

(2) Every nomination under this section shall be in writing addressed to the Board of Trustees and shall set forth in respect of each person nominated—

(a) his full names and address and his brief biographical data ;

(b) his personal attainments and specific contributions to science, technology, medicine, the humanities or arts and culture and any other field which the Board may select generally or specially in each year ; and

(c) such other particulars as would, in the opinion of the person making the nomination, assist the Board of Trustees in arriving at a determination in respect of each nomination.

6.—(1) In order to enable the Board of Trustees arrive at a proper determination in respect of nominations made pursuant to section 5 of this Decree, the Board of Trustees shall appoint *ad hoc* specialised advisory committees of assessors to assist the Board in the selection of candidates proposed for any Award under this Decree and, subject thereto and to its standing orders, the Board may appoint such number of other committees whether standing or *ad hoc*, as it thinks fit, to consider and report on any other matter with which the Board is concerned.

Committees
of assessors.

(2) The Board of Trustees shall have power to regulate the proceedings of any committees set up by the Board and the quorum of any such committee shall be as may be determined by the Board in each case.

(3) Every committee of assessors set up under this section shall be made up of such persons (who shall not be members of the Board of Trustees) appearing to the Board of Trustees to be suitably qualified by reason of professional or academic or administrative qualifications or by their attainments in any field of human endeavour not having a direct connection or relationship with the particular nomination under consideration.

7.—(1) Where the Board of Trustees, after consideration of the report of the committee of assessors mentioned in section 6 of this Decree, is of opinion that the circumstances are such as to render it expedient that an Award be made to a particular person or that a joint Award should be made to two persons in the field concerned, it shall transmit its decision to the Secretary to the Federal Military Government not later than 20th August in each year so as to enable the Head of the Federal Military Government make the Award to the recipient or recipients concerned on National Day :

Making of
Awards.

Provided that where the Board of Trustees is, by reason that none of the persons nominated should be given an Award or for any other sufficient reason, is of opinion that no Award should be made in a particular year, then there shall be no obligation on the Board to make an Award in the year concerned.

(2) Each Award shall be a cash prize of not less than ₦10,000 and shall be evidenced by the issue of a certificate or medal to each recipient thereof.

Investment
of moneys in
the Fund.

Cap. 78.

Cap. 203.

1962 No. 13.

8. Moneys in the Endowment Fund which may at any time be surplus to the current needs of the Fund shall be invested by the Board of Trustees in securities specified in the Government and Other Securities (Local Trustees' Powers) Act, the Trustee Investment in Government Securities Act, the Trustee Investments Act 1962 and such other securities as the Board may from time to time approve.

Accounts
and audit.

9.—(1) The Board of Trustees shall keep proper accounts of the Endowment Fund and proper records in relation thereto.

(2) The accounts of the Endowment Fund shall be audited by an auditor appointed annually by the Board on such terms as the Board may determine.

Interpreta-
tion.

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

"Award" means the prize designated as the Nigerian National Merit Award to be bestowed periodically upon citizens of Nigeria as specified in section 7 of this Decree ;

"the Board of Trustees" or "the Board" means the Board of Trustees of the Nigerian National Merit Award Endowment Fund established by section 2 of this Decree ;

"the Endowment Fund" means the Nigerian National Merit Award Endowment Fund established by section 1 of this Decree.

Citation and
commence-
ment.

11. This Decree may be cited as the Nigerian National Merit Award Decree 1979 and shall be deemed to have come into force on 23rd June 1979.

MADE at Lagos this 20th day of August 1979.

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 institutes a national prize of the highest order, to be known as the Nigerian National Merit Award, which would normally be made annually to citizens of Nigeria for intellectual and academic attainments and who have made valuable contributions to national endeavour in the field of science, technology, medicine, the humanities or arts and culture and any other field of human endeavour recognised for that purpose.

The scheme would be administered by an independent Board of Trustees while the Endowment Fund from which prizes (of not less than ₦10,000 each) would be paid would be derived from Government, philanthropic organisations and contributions from private individuals.

Provided that where the Board of Trustees is, by reason that none of the persons nominated should be given an Award or for any other sufficient reason, is of opinion that no Award should be made in a particular year, then there shall be no obligation on the Board to make an Award in the year concerned.

(2) Each Award shall be a cash prize of not less than ₦10,000 and shall be evidenced by the issue of a certificate or medal to each recipient thereof.

Investment
of moneys in
the Fund.

Cap. 78.

Cap. 203.

1962 No. 13.

8. Moneys in the Endowment Fund which may at any time be surplus to the current needs of the Fund shall be invested by the Board of Trustees in securities specified in the Government and Other Securities (Local Trustees' Powers) Act, the Trustee Investment in Government Securities Act, the Trustee Investments Act 1962 and such other securities as the Board may from time to time approve.

Accounts
and audit.

9.—(1) The Board of Trustees shall keep proper accounts of the Endowment Fund and proper records in relation thereto.

(2) The accounts of the Endowment Fund shall be audited by an auditor appointed annually by the Board on such terms as the Board may determine.

Interpreta-
tion.

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

"Award" means the prize designated as the Nigerian National Merit Award to be bestowed periodically upon citizens of Nigeria as specified in section 7 of this Decree ;

"the Board of Trustees" or "the Board" means the Board of Trustees of the Nigerian National Merit Award Endowment Fund established by section 2 of this Decree ;

"the Endowment Fund" means the Nigerian National Merit Award Endowment Fund established by section 1 of this Decree.

Citation and
commence-
ment.

11. This Decree may be cited as the Nigerian National Merit Award Decree 1979 and shall be deemed to have come into force on 23rd June 1979.

MADE at Lagos this 20th day of August 1979.

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 institutes a national prize of the highest order, to be known as the Nigerian National Merit Award, which would normally be made annually to citizens of Nigeria for intellectual and academic attainments and who have made valuable contributions to national endeavour in the field of science, technology, medicine, the humanities or arts and culture and any other field of human endeavour recognised for that purpose.

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**EMPLOYEES HOUSING SCHEMES (SPECIAL PROVISIONS)
DECREE 1979**



Decree No. 54

[20th August 1979]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) Every designated employer (whether corporate or unincorporate) shall, not later than six months after the requisite order is made as provided in this section, submit for the consideration of the Commissioner proposals for the establishment of a housing scheme for his employees in respect of each State in the Federation (or such number of States as may be applicable in his case) in accordance with the following provisions of this Decree.

Provision
of housing
schemes for
employees
made obliga-
tory in
certain
cases.

(2) For the purposes of the foregoing subsection, “designated employer” means any employer who—

(a) on or after the commencement of this Decree has not less than 500 persons in his employment in any State in the Federation or any part thereof ; or

(b) is designated as such by the Commissioner, with the approval of the Federal Executive Council, either by reference to the number of employees (whether or not more than 500) or the turn-over or profits of the trade or business of the employer concerned or otherwise howsoever ;

and the name and other relevant particulars of every such designated employer shall be published by the Commissioner by order in the *Gazette*.

(3) For the purposes of this Decree, “provision of housing scheme” includes provision, on a rental basis, of separate dwellings or of blocks of flats for employees,

2.—(1) Without prejudice to the other provisions of this section, every housing scheme under this Decree shall conform to such standards as may be prescribed.

Housing
schemes to
conform to
prescribed
standards,
etc.

(2) Every housing scheme shall make provision for not less than 50 units of accommodation in respect of each designated employer and the units shall form part of an integrated development with other similar units and shall be located contiguous or as near as may be reasonable in the circumstances to the places of work of the employees concerned.

(3) Not less than three-quarters of the total accommodation available in every such scheme shall be for employees who are not executive or senior staff within the meaning of section 3 (4) of the Trade Unions Decree 1973,

1973 No. 31.

Processing of proposals, etc.

3.—(1) The Commissioner shall, not later than 3 months after receipt of proposals made pursuant to section 1 of this Decree—

(a) convey his approval therefor with or without modifications and specify the time within which it shall be implemented ; or

(b) convey his intention to reject the proposals, so however that where, subsequent to such notice to reject, the designated employer concerned makes the necessary adjustments, the Commissioner may convey approval for the scheme as provided in paragraph (a) above.

(2) Where a proposal is rejected in its entirety, the Commissioner shall set out the reasons for such rejection and the designated employer concerned shall, not later than 3 months after such rejection is notified to him, submit fresh proposals which conform in all respects to prescribed standards to the Commissioner and the provisions of subsection (1) above shall apply accordingly.

Power to provide furniture.

4.—(1) A designated employer may fit out, furnish and supply any unit erected or acquired by him with all requisite furniture, fittings and conveniences and may sell or supply under a hire-purchase agreement, furniture to the occupants of units provided by the employer concerned.

1965 No. III.

(2) In this section, hire-purchase agreement has the meaning assigned thereto by the Hire Purchase Act 1965.

Power to grant exemptions.

5. Notwithstanding any other provision of this Decree, the Commissioner, with the prior approval of the Federal Executive Council, may by order published in the *Gazette* exempt any person from the provisions of this Decree where he is satisfied that—

(a) provision of a housing scheme or schemes has been made by the person concerned as provided in this Decree and on terms not less favourable than the like terms to which the employees would have been entitled under or pursuant to this Decree ; or

(b) the housing needs in a particular locality have been substantially met ; or

(c) the nature of the trade or business of a person is such that the person has or would normally have an unusually disproportionate number of seasonal or temporary employees in his employment.

Establishment of National Housing Facilitation Council.

6.—(1) There shall be established a body to be known as the National Housing Facilitation Council which shall advise the Commissioner on implementation of the provisions of this Decree and discharge any other functions conferred on it by this Decree.

(2) The Council shall be constituted by the Commissioner and shall consist of a public officer as the Chairman thereof and the following other members, that is—

(a) a representative of the Federal Ministry of Labour, Youth and Sports ;

(b) a representative of the Federal Ministry of Works and Housing ;

(c) a representative of the Federal Mortgage Bank of Nigeria ;

(d) a representative of the Federal Housing Authority ;

(e) two representatives of the Nigerian Employers' Consultative Association ;

(f) two representatives of the Nigerian Labour Congress ; and

(g) two other persons (not being public officers) to be appointed by the Commissioner to represent interests not otherwise represented above.

(3) Members of the Council (not being public officers) shall hold office for three years and shall be eligible for re-appointment for one further period of three years.

7.—(1) The quorum for meetings of the Council shall be five at least two of whom shall be members appointed under paragraphs (e), (f) and (g) of subsection (2) of section 6 of this Decree.

Proceedings
of the
Council,

(2) The Council may co-opt persons who are not members thereof to any meeting of the Council and such persons may take part in its deliberations but shall not be entitled to vote at a meeting of the Council or count towards the quorum.

(3) The Council shall have power to regulate its proceedings and may make standing orders for that purpose and, subject to any such standing orders, may function notwithstanding any vacancy in its membership or the absence of a member.

(4) There shall be a Secretary to the Council who shall be a public officer designated as such from, and the secretariat of the Council shall be located in, the same ministry or department as that of the Chairman's.

(5) The administrative expenses of the Council shall be borne by the Federal Government.

8.—(1) There shall be established for each State in the Federation a State Committee of the National Housing Facilitation Council which shall carry out in the State for which the Committee is established such duties as may be conferred on it by or pursuant to this Decree or as may from time to time be delegated to it by the Council.

State
Committees.

(2) Every State Committee shall consist of a public officer as Chairman thereof, to be appointed by the State Commissioner responsible for industry and trade from his ministry and the following other members, that is—

(a) the representative in the State of the Federal Ministry of Labour, Youth and Sports ;

(b) a representative of the State Ministry responsible for housing matters ;

(c) a representative of any housing corporation established by law in the State ;

(d) one person to be appointed by the State Commissioner aforesaid to represent the interest of local governments in the State ;

(e) a representative of the Chambers of Commerce and Industry in the State ;

(f) a representative of the State branch of the Nigerian Labour Congress ;
and

(g) one person to represent interests not otherwise represented above.

(3) The provisions of section 7 of this Decree shall apply *mutatis mutandis* to the proceedings of a State Committee and the other matters therein mentioned.

Periodical
review of
housing
conditions.

9.—(1) It shall be the duty of every State Committee to consider housing conditions in the State concerned and the needs of that State with respect to the provision of further schemes under this Decree, and for that purpose to review the information which has been brought to its notice, either as a result of inspections and surveys carried out by the Committee or otherwise, and as often as occasion arises to prepare and submit to the Council proposals for the provision of new schemes.

(2) It shall be the duty of the Council to consider every proposal submitted to it under subsection (1) above and as often as occasion arises (or where notice has been given to it by the Commissioner within three months) to prepare and submit to the Commissioner proposals for the provision of housing schemes in the States.

Power to
obtain
information.

10.—(1) For the purposes of this Decree, the Secretary to the Council may by notice in writing addressed to or served on any designated employer require that employer to furnish in such form as he may direct information on such matters as may be specified by him.

(2) A designated employer required to furnish returns pursuant to subsection (1) above, shall within 42 days of the notice comply with the notice.

Penalty for
false
information,
etc.

11.—(1) If any designated employer required to furnish information under section 10 of this Decree fails to do so such employer shall be guilty of an offence and liable on conviction—

(a) in the case of an individual, to a fine of ₦200 or imprisonment for one month or to both such fine and imprisonment ; or

(b) in the case of a body corporate, to a fine of not less than ₦1,000.

(2) Any designated employer who, for the purpose of complying with section 10 of this Decree, knowingly or recklessly makes any statement or produces any document which is false in a material particular shall be guilty of an offence unless such employer proves that he had taken all reasonable steps to ascertain the truth of the statement made or contained in any document so produced or to satisfy itself as to the genuineness of any such document.

(3) Any designated employer found guilty of an offence under subsection (2) above shall be liable on conviction—

(a) in the case of an individual, to a fine of ₦1,000 or imprisonment for 12 months or to both such fine and imprisonment ; or

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

Penalty for
non-com-
pliance with
section 1 or
3.

12. Any designated employer who fails to comply with section 1 or 3 of this Decree shall be guilty of an offence and liable on conviction to a fine of ₦100 for every day or part thereof that the offence continues.

Offences by
bodies
corporate
and
unincorp-
orate.

13. Where an offence under this Decree is committed by a body corporate or firm or other association of individuals—

(a) every director, manager, secretary or other similar officer of the body corporate ;

(b) every partner or officer of the firm ;

(c) every person concerned in the management of the affairs of the association ; or

(d) every person who was purporting to act in any such capacity as aforesaid ;

shall severally be guilty of that offence and liable to be prosecuted and punished for the offence in like manner as if he had himself committed the offence in an individual capacity, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

14. Subject to the provisions of any other enactment or Law in that behalf, the Federal Executive Council may make regulations generally for the purposes of this Decree ; and without prejudice to the generality of the foregoing, such regulations may make provision with respect to—

Regulations.

(a) the vesting of any interest in land acquired for or in connection with any housing scheme and of any houses, buildings or any structure whatsoever on, over or through land or water comprised in any such land ;

(b) the provision of roads, drainage, electricity, telephones and such similar facilities for housing schemes ;

(c) subsidies (if any) to be provided by the Federal Government or any other public authority ;

(d) the provision of medical facilities, schools, open spaces, playgrounds, common laundry facilities and any other social facilities ;

(e) the determination of rents payable ;

(f) maintenance and upkeep of buildings and surroundings ;

(g) the appointment of a supervisory authority to ensure that infrastructural, super-structural and other facilities conform with the prescribed standards ; and

(h) such other matters as are required to be prescribed by this Decree.

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

Interpretation.

“the Commissioner” means the Federal Commissioner charged with responsibility for the welfare of labour ;

“the Committee” means any State Committee of the Council established by section 8 of this Decree ;

“the Council” means the National Housing Facilitation Council established by section 6 of this Decree ;

“designated employer” has the meaning assigned thereto in section 1 of this Decree ;

“employee” means any person who has entered into or works under a contract (whether expressed or implied or oral or written) with an employer, whether the contract is for manual labour, clerical work or for the discharge of administrative, executive, technical or professional functions and whether such contract is a contract of service or a contract personally to execute any work or labour, but does not include—

(a) any person employed otherwise than for the purposes of the employer's business ;

(b) members of the employer's family ;

(c) independent representatives, agents and commercial travellers ; or

(d) any person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, repaired or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the articles or the material ;

"employer" means any person who has entered into a contract of employment to employ any person as an employee either for himself or for the service of any other person, and includes the agent, manager or factor of that first-mentioned person and the personal representatives of a deceased employer.

Citation.

16. This Decree may be cited as the Employees Housing Schemes (Special Provisions) Decree 1979.

MADE at Lagos this 20th day of August 1979.

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 it obligatory for every employer of labour so designated by order to establish, execute and maintain a housing scheme for its employees in every State or part thereof where its establishment is not less than 500 employees. The Federal Commissioner for Labour, Youth and Sports is empowered by the Decree to extend the scheme to undertakings with less than 500 employees and to grant exemptions where the circumstances so warrant.

Stiff penalties are provided in the Decree for any contraventions thereof by any designated employer while sundry administrative and other measures are made in the other provisions therein for the due implementation of the scheme.

LEGAL AID (AMENDMENT) (No. 2) DECREE 1979



Decree No. 55

[2nd May 1977]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Immediately after section 3 of the Legal Aid Decree 1976 there shall be inserted the following new section 3A, that is—

Amendment
of 1976 No.
56.

“Service in
the Council
to be
pension-
able.
Cap. 147.

3A.—(1) Notwithstanding the provisions of the Pensions Act, it is hereby declared that service in the Council shall be approved service for the purposes of that Act and, accordingly, the Director and other members of staff of the Council shall in respect of their service in the Council be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the public service of the Federation.

(2) For the purposes of the application of the Pensions Act in accordance with this Decree—

(a) subsection (1) of section 7 of that Act (which confers on the Federal Commissioner for Establishments power to waive the requirement to give notice of desire to retire at the age of forty-five) shall have effect as if for references to that Commissioner there were substituted references to the Council ;

(b) the power under subsection (1) of section 9 of that Act to require an officer to retire at any time after attaining the age of forty-five, subject to his being given six months' notice in writing, shall be exercisable by the Council and not by any other authority.

(3) Nothing in this section shall be construed as preventing the appointment of a person to any office in the Council on terms which preclude the grant of a pension and gratuity in respect of that office.”

2. This Decree may be cited as the Legal Aid (Amendment) (No. 2) Decree 1979 and shall be deemed to have come into force on 2nd May 1977.

Citation and
commence-
ment.

MADE at Lagos this 20th day of August 1979.

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 Legal Aid Decree 1976 to provide that service in the Legal Aid Council shall be approved service for the purposes of the grant of pensions.