

THE CONSTITUTION (SUSPENSION AND MODIFICATION)
(No. 4) DECREE 1966



Decree No. 20

[1st April 1966]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Section 8 of the Constitution (Suspension and Modification) Decree, 1966 (which establishes the Supreme Military Council and the Federal Executive Council) is hereby amended as follows—

Amendment
of 1966
No. 1 s.s.8.

(a) subsection (2) (h) and the word “and” at the end of subsection (2) (g) are hereby repealed ;

(b) for subsection (3) (g) there shall be substituted the following—

“(g) the Military Governors of Northern Nigeria, Eastern Nigeria, Western Nigeria and Mid-Western Nigeria ; and” ;

(c) after subsection (3) there shall be inserted the following subsection—

“(4) The Attorney-General of the Federation shall attend the meetings of the Supreme Military Council and of the Federal Executive Council in an advisory capacity.” ; and

(d) the existing subsection (4) shall become subsection (5) and shall be renumbered accordingly.

2. Schedule 2 of the Constitution (Suspension and Modification) Decree 1966 is hereby amended as follows—

Amendment
of 1966
No. 1,
Sch. 2.

(a) in the entry relating to section 88 of the Constitution of the Federation, for the word ‘Government’ at the end of the first paragraph there shall be substituted the words ‘Government and who, subject to the overall authority of the Federal Executive Council, shall exercise general direction and control over the Federal Ministry of Justice.’ ; and

(b) for the entry relating to section 97 of that Constitution, there shall be substituted the following entry—

Section 97

For the words from the beginning of the section to “over that department” there shall be substituted the words “Without prejudice to section 88 (1) of this Constitution, the Federal Executive Council shall exercise general direction and control over every department of government of the Federation”, and for the words “, the department” there shall be substituted the words “or, in the case of the Federal Ministry of Justice, to the general direction and control of the Attorney-General of the Federation as provided in the said section 88 (1), each such government department”.

Citation,
extent and
commence-
ment.

3.—(1) This Decree may be cited as the Constitution (Suspension and Modification) (No. 4) Decree 1966 and shall apply throughout Nigeria.

(2) This Decree shall be deemed to have come into force on 1st April 1966.

DATED at Lagos this 4th day of April 1966.

MAJOR-GENERAL J. T. U. AGUIYI-IRONSİ,
*Head of the Federal Military Government,
Supreme Commander of the Armed Forces,
Federal Republic of Nigeria*

**THE SUPPLEMENTARY APPROPRIATION (1965-66)
DECREE 1966**



Decree No. 21

[31st March 1966]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1. The total of the amounts mentioned in section 1 of the Appropriation Act 1965 and section 1 of the Supplementary Appropriation (1965-66) Act 1965 (which together provide for the issue out of the Consolidated Revenue Fund in respect of the year ending on 31st March 1966 of sums not exceeding in aggregate £86,837,690) shall be increased by two hundred and ninety-three thousand five hundred pounds; and the additional amount shall be appropriated to heads of expenditure as indicated in the Schedule of this Decree; and section 1(3) of the Appropriation Act 1965 (which provides for the lapse of balances outstanding at the end of the financial year) shall have effect accordingly.

Issue and Appropria-
tion of
£293,500
from Con-
solidated
Revenue
Fund for the
service of
1965-66.
1965 Nos. 13
and 33.

2. This Decree may be cited as the Supplementary Appropriation (1965-66) Decree 1966 and shall apply throughout the Federation.

Citation and
extent.

SCHEDULE

Section Head	Amount £
21 State House	13,110
25 Ministry of Trade	13,710
47 Ministry of Information	65,000
57 Coastal Agency	8,880
60 Federal Electoral Commission	500
101 Reimbursement to the Contingencies Fund	192,300
Total	<u>£293,500</u>

DATED at Lagos the 31st day of March 1966.

MAJOR-GENERAL J. T. U. AGUIYI-IRONSI,
*Head of the Federal Military Government,
Supreme Commander of the Armed Forces,
Federal Republic of Nigeria*

THE POST OFFICE (MISCELLANEOUS PROVISIONS) DECREE 1966



ARRANGEMENT OF SECTIONS

Sections

1. Department of Posts and Telegraphs reconstituted.
2. Establishment of Posts and Telecommunications Department Fund.
3. Contributions by Ministry in lieu of taxes, etc.
4. Provisions as to radio revenue, etc. and expenditure.
5. Annual authority for payments out of the Fund.
6. General duty of Ministry as to finance.
7. General reserve.
8. Power to borrow.
9. Investment powers.
10. Accounts and reports.
11. Officers to continue to be employed by Government.
12. Posts and Telecommunications Management Committee.
13. Posts and Telecommunications Advisory Council.

14. Power of Ministry to arrange transit of postal articles outside Nigeria.
15. Power of Ministry to provide additional post offices, etc.
16. Acquisition of land.
17. Exemption of certain documents from stamp duty.
18. Preservation of pension rights.
19. Regulations.
20. Transfer Schedule.
21. Interpretation.
22. Citation, miscellaneous amendments, commencement, etc.

SCHEDULES

1. "A": Powers, etc., of the Director transferred to the Ministry.
- "B": Powers, etc., of the Director to be exercised by the Director-General.
2. Minor amendments.
3. Consequential amendments.

Decree No. 22

[Section 22 (4)]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) On the day appointed in section 22 (4) of this Decree (hereafter in this Decree referred to as “the appointed day”),—

Department
of Posts and
Telegraphs
reconstitu-
ted.

(a) the Posts and Telegraphs Department shall be known as the Department of Posts and Telecommunications and shall operate under that name and form part of the Ministry of Communications ; and

(b) the powers and duties of the Director of Posts and Telegraphs shall be varied to the extent hereafter referred to in this section ;
so however that the conduct of the technical functions of the department shall devolve upon the director-general hereafter mentioned in subsection (4) of this section.

(2) Accordingly,—

(a) references in the Post Office Act (hereafter in this Decree referred to as “the Act”) to “the Posts and Telegraphs Department” shall be read as references to “the Department of Posts and Telecommunications” ;

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(b) the powers and duties of the Director of that department shall, to the extent set out in the next succeeding subsection, cease to have effect with regard to that official and shall, as the case may require, become and be exercisable by the Permanent Secretary to the Ministry charged with responsibility for Posts and Telecommunications (hereafter in this Decree referred to as “the Permanent Secretary”) ; and

(c) the benefits of all contracts, bonds, securities and things in action vested in the said Director shall be transferred to and vested in and ensure for the benefit of the Federal Executive Council in the same manner as if the said Council had been contracted with instead of the said Director, and as if, where necessary, references to the said Council or to the Ministry, as the case may be, had been inserted in all such contracts, bonds, securities and things in action instead of the name and status of the said Director, with or without reference to any former Government or to the Federal Military Government (hereafter with its successors in this Decree referred to as “the Government”).

(3) The provisions of Part “A” of Schedule 1 of this Decree shall apply to the extent necessary to transfer to the Permanent Secretary powers and duties under subsection (2) of this section.

(4) There shall be an officer to be known as the director-general of posts and telecommunications (hereafter in this Decree referred to as "the director-general") and the powers and duties which, immediately before the appointed day, are exercisable by the Director of Posts and Telegraphs and on the appointed day are not elsewhere by this section transferred to the Permanent Secretary or the Federal Executive Council shall, on that last mentioned day, be exercisable by the director-general; and in so far as under the Act his powers and duties are not subject to control, the director-general shall, when exercising them, be subject to the general direction of the Permanent Secretary. The person who immediately before the appointed day was the Director of Posts and Telegraphs shall, without further authority than this subsection, on the appointed day be deemed to have been appointed as the director-general of Posts and Telecommunications.

(5) The Act is hereby amended to give effect to subsection (4) of this section to the extent set out in Part "B" of the said Schedule 1.

Establish-
ment of
Posts and
Telecom-
munications
Department
Fund.

2.—(1) There shall be established a public fund of the Federation to be called the Posts and Telecommunications Department Fund (hereafter in this Decree referred to as the "Fund") which shall be administered as provided in this Decree.

(2) The Fund shall on the commencement of this Decree comprise the assets set out in the transfer schedule hereafter referred to in this Decree.

(3) Subject to the provisions of this section, all sums received by the Permanent Secretary or, as the case may be, the director-general, not being sums which, but for this Decree, would be payable to the savings bank administered by the department shall, anything in any enactment (other than the Savings Bank Act) to the contrary notwithstanding, be paid into the Fund.

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(4) Out of the Fund there shall be paid—

(a) all sums paid by the Permanent Secretary in, or in connection with, the exercise of functions conferred on him by or under any enactment other than the Savings Bank Act (including any Decree made and in force after the making of this Decree);

(b) all sums paid by the Permanent Secretary or in connection with, the exercise of functions of his other than as aforesaid, being functions relating, directly or indirectly, to the following matters, namely,—

(i) postal matters,

(ii) the remitting of money,

(iii) telegraphs, telephones and wireless telegraph,

(iv) programme and data transmissions including television, and

(v) activities carried on by either of them as an agent (whether for a government department or for any other person whomsoever);

(c) all sums paid by the Permanent Secretary in consequence of the carrying on of activities necessarily or properly carried on by him in connection with the exercise of any function referred to in the foregoing paragraphs; and

(d) such sums as, by the following provisions of this Decree, are required to be paid by the Permanent Secretary.

(5) There shall be excepted from the operation of subsections (2) and (3) of this section sums provided by the Government for payment of salaries of the administrative staff of the Ministry.

(6) Subsection (4) of this section shall have effect in substitution for any enactment in so far as it provides or enables provision to be made for defraying out of moneys provided by the Government, expenses incurred by or on behalf of the Permanent Secretary; and any reference in any instrument having effect by virtue of any enactment to the making of payments by or on behalf of the Permanent Secretary out of moneys so provided, shall be taken as a reference to the making of payments by him or on his behalf out of the Fund.

3.—(1) Except in so far as it may be directed by the Federal Executive Council that they shall be made to any government department or some other authority or person, payments directed by this section to be made, shall be made into the Consolidated Revenue Fund.

Contributions by Ministry in lieu of taxes, etc.

(2) The Permanent Secretary shall pay such sums at such times as may be directed by the Federal Executive Council to be requisite to secure that year by year, he contributes thereto as nearly as may be what he would contribute by way of taxes, duties, fees and other imposts (except stamp duty) but for the exemptions which by law are enjoyed by him from liability thereto, and from liability to comply with enactments, compliance with which would involve the payment of imposts (with the exception aforesaid).

(3) The Permanent Secretary shall, as directed by the Federal Executive Council, pay such sums as are requisite to secure that, year by year, there is contributed to the Consolidated Revenue Fund as nearly as may be what would be contributed thereto by way of stamp duty but for—

(a) the list of exemptions set out in the Schedule to the Stamp Duties Act, at the end of the heading "BILL OF EXCHANGE of any kind whatsoever (except a bank note) and Promissory Note of any kind whatsoever (except a bank note)", in so far as that paragraph applies to a draft or order drawn by an officer of the department;

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(b) paragraph (6) of the list of exemptions set out, in the said Schedule, at the end of the heading "Receipt", in so far as that paragraph applies to a receipt given for or upon the payment of money to the Permanent Secretary other than a receipt given by an officer of the department acknowledging the receipt by the Permanent Secretary or the director-general, as the case may be, of a sum of money paid by way of taxes or duties or otherwise for the use of the State, being a sum no part of which is retained by the Permanent Secretary;

(c) section 17 of this Decree (which exempts from stamp duty every document made or executed for the purposes of the department), except in so far as it applies to—

(i) a draft or order drawn upon the Permanent Secretary by an officer of a public department other than the department, and

(ii) a receipt given by an officer of the department acknowledging the receipt by the Permanent Secretary of a sum of money paid by way of taxes or duties or otherwise for the use of the State, being a sum no part of which is retained by him.

4.—(1) Radio receiving licence revenue shall be treated as being collected by the Permanent Secretary for the benefit of the revenue of the Federation and accordingly he shall from time to time pay into the Consolidated Revenue Fund the sums received by him by way of such revenue.

Provisions as to radio revenue, etc and payment.

(2) In this section "radio receiving licence revenue" means—

(a) revenue received by the Ministry by way of sums paid in respect of the issue of licences of a type which are designed primarily to authorise the reception of—

(i) radio, or

(ii) a broadcast programme, or

(iii) television ; and

(b) such proportion (if any) of the revenue received by way of sums paid in respect of the issue as aforesaid of licences of a type which, though authorising the reception of broadcast programmes, are primarily designed for a purpose other than such reception (not being licences authorising the relaying of broadcast programmes by wire) as may be directed by the Federal Executive Council to be proper to be treated for the purposes of this section as radio receiving licence revenue.

(3) Any reference in subsection (2) of this section to the issue of a licence of the type referred to in paragraph (a) shall be construed as including a reference to the renewal of a licence so issued, and any reference in paragraph (b) to revenue received in respect of the issue of licences of any type shall be construed as references to revenue received after deducting the amount of any refunds thereof (if any) made by the Permanent Secretary with the consent of the Permanent Secretary to the Ministry of Finance.

Annual
authority for
payment out
of the Fund.

5.—(1) Notwithstanding anything in this Decree, the Permanent Secretary shall not, in any financial year subsequent to that beginning at the commencement of this Decree pay any sum out of the Fund unless,—

(a) before the beginning of that year the Federal Executive Council has authorised the making in that year of payments by him out of the Fund, or

(b) the provisions of the next succeeding subsection are invoked.

(2) Where the Permanent Secretary satisfies the Federal Executive Council that it is impracticable to obtain the necessary authority for payment out of the Fund before the beginning of a financial year, the provisions of this subsection shall have effect and the Federal Executive Council shall direct the Permanent Secretary to the Ministry of Finance to authorise the withdrawal of moneys from the Fund to the extent which the Permanent Secretary to the Ministry affected by this Decree certifies in writing is necessary to carry on the services of the Ministry until the expiration of four months from the beginning of that financial year.

General
duty of
Ministry as
to finance.

6. It shall be the responsibility of the Permanent Secretary after consultation with the director-general in proper case to see to the conduct of the business of the department so as to secure that its revenue is not less than sufficient, taking one year with another, to meet its outgoings which are properly chargeable to revenue account (including proper allocations to the general reserve established under the next succeeding section).

General
reserve.

7.—(1) The Permanent Secretary shall establish and maintain a general reserve out of profits.

(2) The sums to be carried from time to time to, and the application of, the general reserve shall be such as the Federal Executive Council may, from time to time, approve.

8.—(1) Subject to the provisions of this section, the Permanent Secretary may, with the prior consent of the Federal Executive Council, borrow by way of loan from the Government or from any bank such sums as he may require for the purposes of this Decree.

Power to borrow.

(2) Where under any scheme of development approved by the government provision is made for the implementation of posts and telecommunications, the Federal Executive Council may authorise the borrowing of moneys outside Nigeria by the Ministry of Finance on behalf of the Ministry for the purpose, or any loan or part of a loan raised outside Nigeria by the Ministry of Finance may be advanced to the Ministry for the purposes of this Decree.

(3) The Permanent Secretary shall not borrow money otherwise than pursuant to this section; and any moneys so borrowed shall, unless the Federal Executive Council otherwise directs, be repaid out of the Fund.

9. Any sums in the hands of the Permanent Secretary which are not immediately required by him for the purposes of the business of the department may be invested by him in Treasury bills, or securities of the Government redeemable (otherwise than at the option of the Permanent Secretary to the Ministry of Finance) in less than five years from the date of investment, or in such other manner as the Permanent Secretary may with the approval of the Federal Executive Council, determine.

Investment powers.

10.—(1) The Permanent Secretary shall keep proper accounts and proper records in relation to the accounts and shall prepare in respect of each financial year a statement of accounts in such form as he may determine after consultation with the Permanent Secretary to the Ministry of Finance, being a form which shall conform to the best commercial standards.

Accounts and reports.

(2) The accounting officer of the Ministry shall, after consultation with the director of audit of the Federation establish a financial code and accounting manual for the department in a form suitable for commercial operation.

(3) The statement of accounts duly certified by the accounting officer of the Ministry prepared in respect of each financial year shall, before the end of October next following the end of that year, be transmitted to the director of audit of the Federation who shall issue a certificate of audit and a report upon his examination and audit of the statement of accounts to the Federal Executive Council within the time prescribed for audit of public accounts of the Government by the Audit Act, and shall also deliver a copy of such certificate and report to the Permanent Secretary of the Ministry.

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(4) The Permanent Secretary shall prepare a report of the business of the department conducted during each financial year and, after receipt of a copy of the audit certificate and report referred to in subsection (3) of this section, shall as soon as possible lay before the Federal Executive Council copies of the report having attached thereto copies of the statement of accounts prepared in respect of the particular year and of the audit report thereon.

11.—(1) It is hereby declared for the avoidance of doubt that officers employed in the department immediately before the appointed day shall, in proper case, on the appointed day continue to be members of the public service subject to the control of the Public Service Commission of the Federation (hereafter in this section referred to as "the commission"); and this section shall apply to employment with the department anywhere in Nigeria.

Officers to continue to be employed by Government.

Posts and
Telecom-
munications
management
Committee.

(2) Accordingly, the commission—

(a) shall after consultation with the Ministry of Establishments as to gradings, from time to time, appoint such officers as may be required, and

(b) may, if it thinks fit, by instrument delegate to the Permanent Secretary of the Ministry or to the director-general of the department as the case may require, such of its powers as to discipline as are from time to time approved by the commission; and to the extent that such delegation is exercised, any officer or person affected by the exercise may appeal to the commission, and the decision of the commission shall be binding on the officer or the person affected, as the case may be, and the Ministry.

12.—(1) There shall be a management committee to be known as the Posts and Telecommunications Management Committee (hereafter in this section referred to as "the committee") established to implement this Decree and formulate policy, and from time to time to advise on matters referred to it by the Permanent Secretary.

(2) The committee shall consist of the following members, or if they are unable to attend, then of persons authorised in writing by them in that behalf, that is to say—

- (a) the Permanent Secretary as chairman,
- (b) the Director-General of posts and telecommunications,
- (c) the Permanent Secretary of the Ministry of Finance,
- (d) the Permanent Secretary of the Ministry of Establishments,
- (e) the Permanent Secretary of the Ministry of Economic Development,
- (f) the Permanent Secretary of the Ministry of Transport,
- (g) the Director of telecommunications,
- (h) the Director of posts,
- (i) the Deputy Permanent Secretary of the Ministry,
- (j) the controller of finance and accounts in the Ministry, and
- (k) one member of the armed forces.

(3) The committee shall meet not less than once a month as and when required by the chairman, and the quorum, provided there is representation by at least one member of another Ministry, shall be five.

(4) The secretary shall be provided for meetings of the committee by the Permanent Secretary.

Posts and
Telecom-
munications
Advisory
Council.

13.—(1) There shall be a council to be known as the Posts and Telecommunications Advisory Council (hereafter in this section referred to as "the council") established to represent the interests of consumers of, and the general public in, postal and telecommunication services and of advising the Ministry on such services.

(2) The council shall consist of a fit person as chairman appointed by the Federal Executive Council and thirteen other members representing the following interests and also appointed by that Council, that is to say—

- (a) one fit person nominated by each Regional Military Governor to represent the regional interests;
- (b) one fit person from each Region representing the interest of consumers in the Region;
- (c) one fit person representing the Federal territory;
- (d) one fit person representing the interest of trade unions associated with postal and telecommunication services;

(e) two fit persons representing the public interest ; and

(f) one member of the armed forces.

(3) Members of the council other than those appointed under paragraph (a) or (f), shall hold office for such term not being less than twelve months, as the instrument of appointment may set out and they shall meet at such times and places as the Permanent Secretary may prescribe.

(4) The quorum of the council shall be five, so however that the interests of the groups mentioned in subsection (2) of this section are adequately represented at any meeting.

(5) Matters for consideration shall comprise—

(a) the provision of postal and telecommunication services and facilities in Nigeria,

(b) the extension and improvement of existing services and facilities,

(c) other matters referred to the council by the Permanent Secretary or of its own motion.

(6) Members shall be paid such allowances as the Federal Executive Council may approve.

(7) The secretary shall be provided for meetings of the council by the Permanent Secretary.

14.—(1) The Permanent Secretary may arrange with any authority having charge or control of postal administration outside Nigeria for the conveyance of postal articles by post ; and in any such case the department may give effect to the arrangement made and provide for the scale of weights appropriate to, and the charges to be imposed for, the transit of postal articles. The department shall pay to the authority having charge or control over postal administration outside Nigeria the charges imposed and duly received by the Permanent Secretary, under the arrangement so made.

Power of
Ministry to
arrange
transit of
postal
articles
outside
Nigeria.

(2) The provisions of this section are additional to and not in derogation of the provisions of Part VI of the Act in so far as that Part relates to the carriage of mails by vessels, and that Part shall have effect accordingly.

15.—(1) If the Permanent Secretary is satisfied as to the need for postal or telecommunication facilities in the area administered by a local authority he may require the local authority to contribute a proportion of the cost of providing a post office or the telecommunication facilities, or as the case may be, for such area, in such amount, as he may direct ; and upon payment thereof or upon the local authority giving sufficient security for such payment, the Permanent Secretary shall provide the postal facilities or the telecommunication facilities accordingly.

Power of
Ministry to
provide
additional
post
offices, etc.

(2) For the purposes of this section "area administered by a local authority" means the area, district, or locality under the administration or control of, as the case may be, a local council, native authority, urban district council, county council, or rural district council, and "local authority" shall be construed accordingly.

16.—(1) The Ministry shall, for the purposes of this section, be a corporation sole by the name of the Federal Ministry of Communications, and by that name shall have perpetual succession and an official seal, and may sue and be sued ; and accordingly the Permanent Secretary with the approval of the Federal Executive Council may acquire land for departmental purposes.

Acquisition
of land.

Cap. 167.

(2) Where it is made to appear to the Head of the Government that any land is required for departmental purposes but it may not be acquired upon fair and reasonable terms by private treaty or agreement, the Head of the Government may by order direct the taking of proceedings under the Public Lands Acquisition Act to acquire such land on behalf of the State and to determine the compensation payable to interested parties; and the land shall upon the making of the order, be land required for departmental purposes and those purposes accordingly shall be a public purpose within the meaning of the last-mentioned Act.

(3) Where land is acquired under the provisions of subsection (2) of this section, the Head of the Government shall vest the land in the Ministry as a corporation sole by a certificate under the hand and seal of the Chief Federal Land Officer, freed from all adverse or competing rights, claims, and demands whatsoever.

No. 33 of 1958.

(4) Any money paid out of the Consolidated Revenue Fund or out of the Contingencies Fund established under the Finance (Control and Management) Act 1958, as the case may be, in or towards the purchase of any land for departmental purposes shall be paid into the Consolidated Revenue Fund out of the general revenue of the department.

(5) All land so vested in the Ministry under this section shall be held in trust for departmental purposes and shall not be alienated or charged without the prior approval of the Federal Executive Council.

(6) For the purposes of this section,—

(a) "land" includes any leasehold interest;

(b) "departmental purposes" means any operation performed by the department in Nigeria, and accordingly shall include any telegraph station and any station for wireless telegraph, used or operated in conjunction with any office of, or established by, the department.

Exemption of certain documents from stamp duty.

17.—(1) Every document made or executed for the purposes of the department by, to, or with the State or any officer of the department shall be exempt from stamp duty imposed by any enactment, passed or made before or after the appointed day, except where that duty is declared by the document or by some memorandum endorsed thereon to be payable by some person other than the Permanent Secretary.

(2) In this section, "document" includes any deed, instrument, money order, bill, cheque, or receipt.

Preservation of pension rights.

18.—(1) For the purpose of securing that eligibility for the payment out of moneys provided by the Government of a pension, gratuity, allowance or other like benefit to any person in respect of service of his, or that of another's in the civil service of the State is not prejudiced by reason of the fact that, in consequence of this Decree, his or the other's salary or remuneration has at any time been paid out of the Fund instead of out of moneys so provided, reference in section 5 of the Pensions Act to payment out of the revenue of the Federation shall be construed as including reference to the Fund; and the reference, in section 3 of the Pensions (Increase) Act, to pensions affected by such last-mentioned Act shall be similarly construed.

Cap. 147.

Cap. 147.

(2) The Permanent Secretary shall from time to time pay into the Consolidated Revenue Fund sums of such amounts as may be agreed between him and the Permanent Secretary to the Ministry of Finance, in respect of liabilities accruing to that Fund in respect of the payment of pensions, gratuities, allowances and other like benefits, in so far as those liabilities are referable to the service of persons in the department.

19.—(1) The Federal Executive Council may make regulations generally for the purposes of the Act as affected by this Decree.

Regulations.

(2) In the application of this section and without prejudice to the generality thereof, regulations may provide for fixing of charges in respect of any operation of the Ministry; and accordingly sections 21 and 23 of the Telegraphs Act shall have effect as amended by section 22 (3) of this Decree.

Cap. 195.

(3) Regulations when made shall be published in the Federal Gazette and shall have effect from the date of publication, or from such later date as the Federal Executive Council may direct, and different days may be prescribed for different provisions.

20.—(1) The Accountant-General of the Federation shall, when directed by the Permanent Secretary of the Ministry of Finance at the instigation of the Permanent Secretary of the Ministry and acting in collaboration with the director-general, prepare a schedule (hereafter in this section referred to as "the transfer schedule") of the assets of the department approved by the Federal Executive Council for transfer to the Fund under this Decree and the said Accountant-General shall prepare the transfer schedule accordingly. The transfer schedule shall be certified to by the persons so collaborating, and after examination and certification by the director of audit of the Federation, copies shall be supplied by the said Accountant-General to the Federal Executive Council and to the Permanent Secretary of the Ministry.

Transfer Schedule.

(2) It is hereby declared for the avoidance of doubt that the savings bank administered by the department is not part of the Fund; and accordingly the assets thereof shall not be included in the transfer schedule.

(3) On the appointed day, the Permanent Secretary shall have and may exercise control over all property shown as assets in the transfer schedule; and such assets together with all other assets acquired after the commencement of this section, shall comprise the Fund and may be dealt with under this Decree.

(4) All acts, matters and things pending on the appointed day by or against the department and relating to property transferred by this section to the Fund, may be continued on or after that day by or against Permanent Secretary on behalf of the Ministry under this Decree.

(5) If the law in force at the place where any property transferred pursuant to this section is situated provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees, or any other matter), apply with the necessary modifications to the transfer of the property aforesaid; and it shall be duty of the Permanent Secretary to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.

Interpre-
tation.

21. In this Decree unless the context otherwise requires—
“the Act” means the Post Office Act ;

“appointed day” has the meaning assigned by section 1 (1) of this Decree ;

“department” means the department of posts and telecommunications forming part of the Ministry affected by this Decree ;

“director-general” means the director-general of posts and telecommunications ;

“the Fund” has the meaning assigned to it in section 2 (1) of this Decree ;

“the Government” has the meaning assigned to it in Section 1 (2) (c) of this Decree ;

“Ministry” or the “Ministry affected by this Decree” means the Ministry of the Federation charged with responsibility for posts and telecommunications, and “Permanent Secretary” in relation to the Ministry means the Permanent Secretary thereof ;

“Ministry of Finance” means the Ministry of the Federation charged with responsibility for finance ;

Citation,
miscellaneous
amendments,
commence-
ment etc.

22.—(1) This Decree may be cited as the Post Office (Miscellaneous Provisions) Decree 1966 ; and this Decree and the Post Office Act may be cited together as the Post Office Acts 1928 to 1966.

(2) The Act, in addition to the amendments made by the foregoing provisions of this Decree, is further amended to the extent set out in Schedule 2 of this Decree.

(3) The Acts mentioned in Schedule 3 of this Decree are hereby consequentially amended to the extent necessary to give effect to the provisions of this Decree.

(4) The appointed day for the purpose of this Decree shall be the day of its making, so however that section 20 shall be deemed to have come into operation on 1st April 1966 as the appointed day ; and this Decree shall apply throughout Nigeria.

SCHEDULES

SCHEDULE 1

Section 1 (3) and (5)

PART "A" being powers, etc., of the Director transferred to the Permanent Secretary.

*Sections affected**Extent of amendment.*

4 (2), 5, 8, 17, 29 and 31

delete the words "Director of Posts and Telegraphs" where they respectively occur in the sections and *substitute* the word "Permanent Secretary after consultation with the Director-General of Posts and Telecommunications"

PART "B" being powers, etc., of the Director to be exercised by the Director-General

*Sections affected**Extent of amendment*6, 7 (2), 12 (1), 21, 25,
26 (1), 27, 32 (1),
33, 35 and 37

delete the words "Director of Posts and Telegraphs" where they respectively occur in the sections and *substitute* the words "Director-General of Posts and Telecommunications"

SCHEDULE 2

Section 22 (2)

MISCELLANEOUS AMENDMENTS TO THE ACT

*Title and sections affected**Amendment*

In the title

delete the words "Posts and Telegraphs Department" and *substitute* the words "Department of Posts and Telecommunications"

section 7 (1)

delete the word "he" and *substitute* the words "the Commission"

7 (2)

delete the word "hereby"

10 (1)

delete the word "Government" and *substitute* the word "State"

22 (1)
(as affected by the Post
Office (Amendment) Act
1958)

delete the words "the Posts and Telegraphs Department" and the words "such Department" where they respectively occur and *substitute* in both cases the words "the department"

28

delete this section

SCHEDULE 3

Section 22 (3)

CONSEQUENTIAL AMENDMENTS

Act

Cap. 195—
Telegraphs Act
section 2

Extent of Amendment

sections 7 and 9

(a) in the definition of "telegraph" *insert* immediately following the words "and includes" the words "a telephone and";

(b) *insert* in alphabetical sequence the following definition— "Ministry" means the Federal Ministry charged with responsibility for telecommunications";

section 10

delete the words "Director of Post and Telegraphs" where they occur and *substitute* in both sections the words "Director-General of Posts and Telecommunications";

delete all words after "section 7," up to the words "shall pay" and *substitute* the words "there shall be as little damage as possible done, and the Permanent Secretary";

section 20

delete the words "Government or the Director of Post and Telegraphs" and *substitute* the word "Federal Military Government or the Ministry";

section 21

delete all words after "charged for the" up to the end of the section and *substitute* the words "installation, operation, maintenance or removal of any telegraph or for the transmission and forwarding of telegrams by the department of posts and telecommunications, by regulations under this Act.";

section 22

delete the words "Director of Posts and Telegraphs" and *substitute* the words "Director-General of Posts and Telecommunications";

section 23

delete this section save as to the marginal note and *substitute* the following new section—

"23.—(1) The Federal Executive Council may make regulations—

(a) for the protection of government telegraphs; and

(b) generally for the carrying into effect of the purposes of this Act.

<i>Act</i>	<i>Extent of Amendment</i>
Cap. 195— Telegraphs Act— <i>continued</i>	<p>“(2) Different provision and charges may be made and fixed by or under regulations under this section or for the purposes of section 21 and in relation to different circumstances and classes of case; and any such regulations may provide for any incidental or supplementary matters for which it appears to the Federal Executive Council to be requisite or expedient for the purpose of the regulations to provide.</p> <p>“(3) Regulations made under this Act shall have effect from the such date as the Federal Executive Council may direct; and for the avoidance of doubt any such regulations may provide for their commencement before the date of the commencement of the Post Office (Miscellaneous Provisions) Decree 1966.”</p>
1961 No. 31— Wireless Telegraphy Act 1961 section 3 (a)	<p><i>delete</i> in the proviso the words “Director of Posts and Telegraphs” and <i>substitute</i> the words “Director-General of Posts and Telecommunications”</p>
section 31 (1)	<p><i>delete</i> the word “Communications” and <i>substitute</i> the words “Posts and Telecommunications”</p>
1962 No. 18— Savings Bonds and Certificates Act 1962 section 1 (3)	<p><i>delete</i> the words “Director of Posts and Telegraphs” and <i>substitute</i> the words “Director-General of Posts and Telecommunications”</p>

MADE at Lagos this 4th day of April 1966.

MAJOR-GENERAL J. T. U. AGUIYI-IRONSI,
*Head of the Federal Military Government,
Supreme Commander of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This Note is not part of the Decree but is intended to explain its effect)

This Decree provides for the reconstitution of the Posts and Telegraphs Department and for the establishment of a special fund which will be operated with the minimum of control by Treasury.

Sundry powers at present vested in the director of posts and telegraphs are to be distributed to the extent mentioned in this Decree, and officers presently or in the future employed will be subject to control by the Public Service of the Federation as heretofore.