

**THE PUBLIC ORDER (BAR TO CERTAIN PROCEEDINGS)
DECREE 1970**



Decree No. 41

[16th July 1970]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees
as follows :—

1.—(1) No proceeding, whether civil or criminal, shall lie or be instituted in any court for or on account of the broadcasting, production, reproduction or publication of any statement issued or made or purported to be issued or made by any government functionary between 27th May 1967 and 15th January 1970 if the statement gives or is intended to give information to the public in connection with matters of defence, public safety, security, morality or health.

Bar to
certain
proceedings.

(2) Where any such proceeding has been or is instituted before, on or after the commencement of this Decree, the proceeding shall abate and be discharged and be void.

(3) The foregoing provisions relate to any act, matter or thing done or purported to be done in connection with any statement by any member of the armed forces of the Federation or of the Nigeria Police Force, or of any official of the government of the Federation or of a State in the execution of his duties, or by any person acting under the authority of any such member, official or person, or under any enactment or law; and the reference in subsection (1) above to "government functionary" shall be so construed.

(4) If any question shall arise as to whether such statement was issued or made or purported to be issued or made or that the act, matter or thing was done or purported to be done by any person to whom this section relates, a certificate—

(a) by the Chief of Staff of the armed forces of the Federation or the Inspector-General of Police or the Secretary to the Federal Military Government;

(b) by the Secretary to the Military Government of a State,
shall be sufficient evidence of the matter so certified.

(5) Chapter III of the Constitution of the Federation 1963 is hereby suspended for the purpose of this Decree, and the question whether any provisions thereof has been or is being or would be contravened by anything done or purported to be done in pursuance of this Decree shall not be enquired into in any court of law.

1963 No. 20.

(6) For the purpose of this Decree—

(a) "court" does not include a court-martial ; and

(b) "statement" includes—

(i) any item of news ;

(ii) any statement relating to, connected with or intended for the purposes of any programme of talks arranged by any corporation duly established under any enactment or law ; and

(iii) any relevant record of item of news or of any statement to which this Decree relates.

Citation
and extent.

2. This Decree may be cited as the Public Order (Bar to Certain Proceedings) Decree 1970 and shall apply throughout the Federation.

MADE at Lagos this 16th day of July 1970.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*