

L.N. 80 of 1970

STATUTORY CORPORATIONS SERVICE  
COMMISSION DECREE 1968

(1968 No. 53)

**Statutory Corporations Service Commission Disciplinary  
Regulations 1970**

*Commencement : 26th November 1970*

In exercise of the powers conferred by section 12 (1) of the Statutory Corporations Service Commission Decree 1968, and of all other powers enabling it in that behalf, the Statutory Corporations Service Commission hereby makes the following regulations :—

*The Disciplinary Tribunal*

1.—(1) Whenever any disciplinary charge which in the opinion of the Commission may lead to dismissal is brought against an officer of any corporation, the Commission shall direct that the officer be informed in writing of the charge and be called upon to answer in like manner within a specified period.

Composition  
of Disciplinary  
Tribunal.

(2) Where the officer fails to furnish a statement in writing before the expiration of the specified period or fails in his reply to exculpate himself in a way satisfactory to the Commission, the Commission shall set up a Disciplinary Tribunal to inquire into the charge.

(3) Every Tribunal set up under paragraph (2) above shall consist of not less than three members one of whom shall be designated chairman and, in the composition of any particular Tribunal, no member and no officer of the corporation bringing the charge (hereafter in these regulations referred to as "the corporation concerned") shall qualify for membership therein.

(4) In constituting a Tribunal under this regulation, the Commission shall have due regard to the standing of the officer concerned and the nature of the charge brought against that officer.

(5) For the purposes of this regulation, "specified period" means any period (not being less than seven days) within which an officer may be required to answer to a charge.

*Proceedings before the Tribunal*

2. In any case where in pursuance of regulation 1 (2) a charge is to be referred to a Tribunal, the Commission shall direct—

Reference  
of charge to  
Tribunal,  
etc.,

(a) the corporation concerned to prepare a report of the case and formulate the appropriate charge and forward them together with all the documents considered by that corporation to the Commission for transmission to the chairman,

(b) the chairman to fix a date for the hearing of the charge,

(c) that the officer be informed of such date of hearing.

3.—(1) Proceedings before the Tribunal shall be informal and, accordingly, no hearing shall be invalidated by reason only of its informality.

Proceedings  
to be  
informal.

(2) The Tribunal shall regulate its own proceedings and the chairman shall decide any points of procedure which may arise during the course of the proceedings.

Appearance and representation of parties.

4.—(1) The officer may appear in person or be represented by any officer of his choice of—

- (a) his trade union or any other professional or trade association, or
- (b) the corporation concerned,

and where the Tribunal allows the corporation concerned to be represented by a legal practitioner, it shall not refuse permission to the officer to be similarly represented.

(2) Subject to regulation 5 of these regulations, where an officer is required to appear before the Tribunal and he fails to do so, the Tribunal may hear and determine the charge in his absence.

Witnesses and evidence.

5.—(1) In any case where a charge is to be brought against an officer, that officer shall be directed to forward to the Tribunal—

- (a) a statement in writing of the facts he intends to bring to the notice of the Tribunal,
- (b) the names and addresses of his witnesses (if any), and
- (c) such other particulars as the Tribunal may require,

but where the officer fails to forward any or all of the foregoing, such failure shall not preclude the Tribunal from inquiring into the charge.

(2) The Tribunal may in the course of its proceedings hear such witnesses and receive such documentary evidence as in its opinion may assist in arriving at a conclusion as to the truth or otherwise of the charge referred to it by the Commission.

(3) Where witnesses are examined by the Tribunal, the officer or his representative under regulation 4 above shall be given the opportunity of being present and of putting questions to the witnesses, and no documentary evidence shall be used against him if no copy thereof or access thereto has been given to him.

Amendment of charge.

6. If in the course of the proceedings it appears to the Tribunal that the charge referred to it requires to be amended in any respect, the Tribunal may permit such amendment as it may think fit.

Record of proceedings.

7. Shorthand notes of the proceedings may be taken by a person appointed by the Tribunal and if no shorthand notes are taken the chairman shall take a note of the proceedings.

Submission of Tribunal's report to Commission.

8.—(1) Subject to paragraph (2) below, the Tribunal shall, at the conclusion of the proceedings record its findings and the recommendations thereon together with the notes of the proceedings and any documents or exhibits produced before it in the form of a report and present that report to the Commission.

(2) If the Tribunal, by a majority decides that the charge against the officer is sufficiently proved, a copy of the officer's departmental history shall be produced before the Tribunal and, after due consideration thereof, it shall then recommend in its report to the Commission whether in all the circumstances that officer shall be dismissed or not.

*Consideration of Report, etc., by Commission*

9.—(1) After considering the report of the Tribunal, the Commission may—

Powers of  
the Com-  
mission.

(a) if of opinion that the officer should be dismissed, direct that the officer be dismissed forthwith from the service of the corporation concerned, or

(b) if of opinion that a lesser punishment should be imposed, direct that such lesser punishment as it thinks fit be imposed on the officer, and where an officer is dismissed, he shall not be entitled to any emoluments of office after the date of dismissal or, as the case may be, after the date of his suspension from office, whichever is earlier.

(2) Where the Commission is of opinion that no punishment should be imposed it shall direct that the officer (whether already under interdiction or not) be reinstated in office.

(3) Where the Commission is of opinion that the officer does not deserve to be dismissed but that having regard to all the circumstances of the matter that officer should be required to retire from the service of the corporation concerned, it shall so direct.

10.—(1) Whenever an officer is charged with a criminal offence, no proceedings under these regulations shall be taken against him until the case against him has been finally disposed of.

Action in  
respect of  
criminal  
proceedings.

(2) Where the officer is subsequently convicted on the criminal charge, the Commission instead of setting up a Tribunal under these regulations may, upon consideration of the proceedings of the court apply any of the provisions of regulation 9 of these regulations as it thinks fit.

*Supplementary and miscellaneous*

11. In any case where under these regulations a decision is to be taken by a majority of the members of the Tribunal, the chairman shall have a second or casting vote.

Chairman to  
have casting  
vote.

12. As from the commencement of these regulations, the provisions relating to matters of staff discipline—

Repeal of  
certain  
provisions.

(a) in any regulations in any statutory corporation,

(b) in any contract between any company affected by the Decree and any officer thereof,

as in force by virtue of section 14 (7) of the Decree, are hereby revoked to the extent necessary to give effect to these regulations.

13.—(1) In these regulations, unless the context otherwise requires—

Interpreta-  
tion.

“chairman” means the person appointed as the chairman of a Tribunal ;

“the charge” means the disciplinary charge brought before a Tribunal in pursuance of these regulations ;

“the Commission” means the Statutory Corporations Service Commission appointed under section 1 of the Decree ;

“Corporation” means any statutory corporation or company under section 14 of the Decree and “the corporation concerned” has the meaning assigned under regulation 1 (3) of these regulations ;

“the Decree” means the Statutory Corporations Service Commission Decree 1968 ;

“officer” means any person appointed under section 4 of the Decree who has been confirmed in his appointment and is pensionable and whose conduct is the subject of an inquiry under these regulations ;

“the report” means the report submitted by the Tribunal to the Commission under regulation 8 of these regulations ;

“Tribunal” means any Disciplinary Tribunal set up by the Commission under these regulations.

(2) In these regulations reference to “the corporation concerned” includes, wherever appropriate, the most senior executive officer (howsoever known) or any other officer designated in that behalf of the corporation.

Citation and extent.

14. These regulations may be cited as the Statutory Corporations Service Commission Disciplinary Regulations 1970 and shall apply throughout the Federation.

MADE at Lagos this 16th day of November, 1970.

N. ADE MARTINS  
*Chairman*

T. O. EJIWUNMI  
*Commissioner*

J. O. ATUONA,  
*Commissioner*

A. IMAM  
*Commissioner*

F. A. OGISI,  
*Commissioner*