

THE LAGOS PORT OPERATIONS (SPECIAL PROVISIONS) DECREE 1971



Decree No. 15

[23rd January 1971]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. There is hereby established for the purposes of this Decree, a body to be known as the Lagos Port Operations Committee (hereinafter in this Decree referred to as "the Committee") which shall be constituted in accordance with and shall have such functions as are conferred by, or by virtue of, the following provisions of this Decree.

The Lagos
Port Opera-
tions
Committee.

2.—(1) The Committee shall consist of the following members—

Composition
of the
Committee.

(a) as Chairman, the person appointed to be the Port Manager for Lagos Port Operations (hereinafter in this Decree referred to as "the Port Manager");

(b) one representative of each of the following bodies or organisations—

- (i) the Nigerian Ports Authority ;
- (ii) the Nigerian Railway Corporation ;
- (iii) the Board of Customs and Excise ;
- (iv) the Nigerian Produce Marketing Company ;
- (v) the Nigerian Chamber of Commerce ;
- (vi) Shipping Companies and Shipping Agencies in Nigeria ;
- (vii) the Association of Forwarding and Clearing Agencies in Nigeria ;
- (viii) the Federal Ministry of Transport and Aviation ;
- (ix) the Nigerian Army.

(2) The members of the Committee shall be appointed by the Commissioner.

3. Subject to this Decree, the Committee shall have the function of—

Functions
of the
Committee.

- (a) co-ordinating all operations at Lagos Port ;
- (b) securing in accordance with the provisions of this Decree the efficient discharge of functions by any person carrying on operations at Lagos Port ;
- (c) performing the other functions conferred on the Committee by this Decree.

Proceedings
of the
Committee.

4.—(1) Subject to this Decree, the Committee shall have power to regulate its own proceedings.

(2) The proceedings of the Committee shall not be affected by any vacancy in the membership of the Committee, or by any defect in the appointment of a member of the Committee, or by reason that a person not entitled to do so took part in the proceedings.

Power of the
Port
Manager.

5.—(1) The Port Manager shall be responsible for the discharge of the functions of the Committee and the transaction of its day to day business.

(2) In the discharge of the functions under subsection (1) of this section, the Port Manager shall have power—

(a) to supervise the work of persons carrying on operations at Lagos Port ;

(b) after consultation with the Committee, to direct persons carrying on operations at Lagos Port to acquire, construct, maintain, repair or do anything as appears to the Port Manager advantageous, necessary or convenient for the efficient discharge of the functions conferred on the Committee by this Decree ;

(c) to expel from Lagos Port any person whose presence thereat is not conducive to the performance of the functions of the Committee.

(3) It shall be the duty of persons carrying on operations at Lagos Port to whom any directives are given under this section to comply with the directives within the time specified therein or, if no time is so specified, within a reasonable time after the directives are given.

Disciplinary
control.
1963 No. 20.
1968 No. 53.

6.—(1) Notwithstanding the provisions of section 147 (1) of the Constitution of the Federation, and section 4 (1) of the Statutory Corporations Service Commission Decree 1968 (which provisions relate to appointment, dismissal and exercise of disciplinary control over persons to whom those provisions apply) the Port Manager shall have power to suspend from duty, with or without pay, any person to whom this section applies.

(2) So soon as possible after a person has been suspended from duty in exercise of the powers conferred by subsection (1) of this section, the Port Manager shall report the facts thereof and the reasons for the suspension to the Public Service Commission of the Federation or, as the case may be, the Statutory Corporations Service Commission, and that Commission may dismiss or exercise any disciplinary control over that person, or take any other action thereon, as it considers appropriate having regard to the facts of the case.

(3) This section applies to persons carrying on operations at Lagos Port, being—

(a) persons holding or acting in any offices in the Public Service of the Federation ;

(b) persons holding or acting in any offices in any statutory corporation or company to which the Statutory Corporations Service Commission Decree 1968 applies.

Supply of
equipment,
etc. to the
Committee.

7. The Nigerian Ports Authority shall, whenever required to do so by notice in writing given to it by the Port Manager, make available to the Committee expeditiously such plant, equipment, vehicle or other thing as the Committee may require for the efficient discharge of its functions under this Decree.

8. Any person who at Lagos Port obstructs or interferes with the Committee or any of its members in the discharge of its functions or fails to comply with the requirements of any directive given under section 5 of this Decree shall be guilty of an offence under this Decree and on conviction shall be liable to a fine not exceeding £500 or to imprisonment for a period not exceeding 5 years or to both.

Offences.

9. No civil proceedings shall lie or be instituted in any court for or on account of or in respect of any act, matter or thing done or purported to be done by the Port Manager or any other member of the Committee under this Decree and if any such proceedings have been or are instituted before or after the commencement of this Decree, the proceedings shall abate, be discharged and made void.

Supplementary provisions.

10.—(1) In this Decree, except where the context otherwise requires—

“the Committee” has the meaning assigned to it in section 1 of this Decree ;

Interpretation.

“the Commissioner” means the Federal Commissioner for Transport ;

“function” includes powers and duties ;

“Lagos Port” means the area of the port of Lagos (including Apapa) as described in the Schedule to the Customs Ports (Amendment) Order 1967 ;

L.N. 18 of 1967.

“operations at Lagos Port” means any activities which are carried on at Lagos Port by any person whether in pursuance of functions conferred under the Ports Act, this Decree, or otherwise ;

“Port Manager” has the meaning assigned to it in section 2 of this Decree.

Cap. 155.

(2) References in this Decree to a person carrying on operations at Lagos Port include references to any officer, servant or agent of that person.

11.—(1) This Decree may be cited as the Lagos Port Operations (Special Provisions) Decree 1971 and shall apply throughout the Federation.

Citation, extent, commencement and repeal.

(2) This Decree shall be deemed to have come into force on 23rd January 1971.

(3) The Lagos Port Operations (Special Provisions) Decree 1970, which has expired, is hereby repealed.

1970 No. 31.

MADE at Lagos this 30th day of March 1971.

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

FINANCE (AMENDMENT) DECREE 1971



Decree No. 16

[Section 3 (2)]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) After section 3 of the Finance Decree 1969 there shall be inserted the following new sections—

Amendment
of section 3
of 1969
No. 32.

“Special
Drawing
Rights.”

3A.—(1) Subject to the provisions of section 3 above all allocations of Special Drawing Rights to Nigeria by the International Monetary Fund shall belong to the Central Bank of Nigeria and shall form part of the external reserves of that bank.

(2) In this section—

“Special Drawing Rights” means allocations of additional liquidity by the International Monetary Fund.”

(2) Accordingly, the Central Bank of Nigeria Act, as amended by the Finance Decree 1969, is hereby further amended in section 25 by inserting immediately after paragraph (f) the following new paragraph, that is—

Cap. 30.

“(g) allocation of Special Drawing Rights made to Nigeria by the International Monetary Fund.”

2. The International Financial Organisation Act 1960 is hereby amended by inserting immediately after section 4A the following new section, that is—

Amendment
of 1960
No. 47.

“Allocations
of Special
Drawing
Rights by
the Fund.”

4B.—(1) Without prejudice to the provisions of sections 4 and 4A of this Act, all allocations of Special Drawing Rights by the Fund to Nigeria shall belong to the Central Bank of Nigeria and shall form part of its assets ; and accordingly, the Central Bank of Nigeria shall repay to the Fund, on maturity all drawings made from such allocations.

(2) In this section—

“Special Drawing Rights means allocations of additional liquidity by the Fund.”

Citation,
extent and
commence-
ment.

3.—(1) This Decree may be cited as the Finance (Amendment) Decree 1971 and shall apply throughout the Federation.

(2) This Decree shall be deemed to have come into force on 1st January 1970.

MADE at Lagos this 30th day of March 1971.

MAJOR-GENERAL Y. GOWON,
*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)*

This Decree vests all allocations of Special Drawing Rights to Nigeria by the International Monetary Fund in the Central Bank of Nigeria and authorises the Bank to repay to the Fund, on maturity, all drawings from such allocations.

THE AIR FORCE (AMENDMENT) DECREE 1971



Decree No. 17

[1st October 1970]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The Air Force Act 1964 (as amended by section 8 (1) of the Forces Acts (Amendment) Decree 1966 and section 1 (3) of the Forces Acts (Amendment) (No. 2) Decree 1966) is amended in section 4 (1) by substituting the words "the Military Secretary" for the words "the Paymaster-General".

Alteration
of the
constitution
of Air
Council
1964 No. 11.

2.—(1) This Decree may be cited as the Air Force (Amendment) Decree 1971 and shall apply throughout the Federation.

Citation,
extent and
commence-
ment.

(2) This Decree shall be deemed to have come into force on 1st October 1970.

MADE at Lagos this 24th day of March 1971.

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