

NATIONAL LIBRARY BOARD (AMENDMENT) DECREE 1976



Decree No. 9

[23rd February 1976]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Paragraph 1 of Schedule 1 to the National Library Board Decree 1970 (which deals with the composition of the membership of the Board) is hereby amended as follows—

Amendment
of 1970
No. 29.

(a) by the substitution for the word "seventeen" appearing on the first line of the paragraph of the word "nineteen" ;

(b) by the deletion of the word "and" at the end of the sub-paragraph (c) thereof and the insertion immediately after the said sub-paragraph (c) of two new sub-paragraphs (d) and (e), that is—

"(d) one member representing the armed forces of the Federation,

(e) one member representing the Federal Ministry of Information;" and

(c) by renumbering the existing sub-paragraph (d) as sub-paragraph (f).

2. This Decree may be cited as the National Library Board (Amendment) Decree 1976.

Citation.

MADE at Lagos this 23rd day of February 1976.

LT.-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 amends the National Library Board Decree 1970 to provide for the enlargement of the membership of the Board by two, by the addition of a member of the Armed Forces and a member representing the Federal Ministry of Information.

PUBLIC OFFICERS (SPECIAL PROVISIONS) DECREE 1976



Decree No. 10

[29th July 1975]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Notwithstanding anything to the contrary in any law, the appropriate authority if satisfied that—

Dismissal,
removal or
compulsory
retirement
of certain
public
officers.

(a) it is necessary to do so in order to facilitate improvements in the organisation of the department or service to which a public officer belongs ; or

(b) by reason of age or ill health or due to any other cause a public officer has been inefficient in the performance of his duties ; or

(c) a public officer has been engaged in corrupt practices or has in any way corruptly enriched himself or any other person ; or

(d) the general conduct of a public officer in relation to the performance of his duties has been such that his further or continued employment in the relevant service would not be in the public interest,

the appropriate authority may, at any time before 1st January 1976—

(i) dismiss or remove the public officer summarily from his office ; or

(ii) require the public officer to retire compulsorily from the relevant service.

2.—(1) Where a public officer is dismissed, removed or retired compulsorily from his office pursuant to section 1 of this Decree the appropriate authority shall direct—

Grant or
forfeiture
of
retirement
benefits.

(a) whether appropriate retirement benefits are to be paid in respect of that officer and if so what proportion of those benefits are to be paid ; or

(b) whether those benefits shall be forfeited.

(2) In this section, the reference to appropriate retirement benefits is a reference to any benefits payable under any enactment or law of the Federation or of a State or under any instrument, providing for the grant of pension, gratuity or compensation to any public officer in respect of his service or to the widow, children, dependants or personal representatives of that public officer in respect of such service.

3.—(1) For the purpose of ascertaining whether any public officer has been engaged in corrupt practices or has corruptly enriched himself or any other person, the appropriate authority may constitute a panel to conduct an investigation into any matter with which the officer has been concerned in the performance of his duties or to conduct an investigation into the assets of the public officer.

Conduct of
investigation
into assets,
etc.

(2) A panel constituted under subsection (1) of this section—

(a) shall consist of such persons, and shall be presided over by such one of them, as the appropriate authority may direct ; and

(b) may, subject to any general or specific direction that may be given in that behalf by the appropriate authority, regulate its proceeding as it may deem fit.

Application
of Decree
No. 37 of
1968.

4. The Investigation of Assets (Public Officers and Other Persons) Decree 1968, or so much of that Decree as the appropriate authority may direct, shall apply in respect of investigations into, and forfeiture of, the assets of a public officer under this Decree to the same extent as it applies in respect of an inquiry conducted under that Decree, but shall, for the purposes of this Decree, have effect as if—

(a) the references in the Decree of 1968 to the appropriate authority were references to the appropriate authority under this Decree ; and

(b) the references in that Decree to a tribunal of inquiry and the chairman of a tribunal of inquiry were references to a panel constituted pursuant to section 3 of this Decree and chairman of that panel, respectively.

Special
saving
provision.

5. For the avoidance of doubt, any act or thing done at any time between 29th July 1975 and 1st January 1976 by the appropriate authority in respect of—

(a) the dismissal, removal from office or compulsory retirement of any public officer ; or

(b) the conduct of an inquiry into any aspect of the exercise by a public officer of his duties ; or

(c) the investigation or forfeiture of the assets of any public officer—shall, unless the act or thing in question was expressed as having been done by the appropriate authority under any other enactment or law, be deemed to have been done pursuant to this Decree.

Exclusion
of provision
of certain
enact-
ments.

6.—(1) For the purposes of this Decree the operation of the provisions of section 152 of the Constitution of the Federation and the corresponding provisions of the constitution of a State, which protect certain pension rights, is hereby excluded.

(2) The provision of any enactment, law or instrument (including the Constitution of the Federation and the constitution of a State) relating to the benefits to which this Decree applies or relating to appointment; dismissal and disciplinary control of a public officer shall have effect subject to this Decree.

(3) 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 any person under this Decree and if any such proceeding has been or is instituted before or after the commencement of the Decree, the proceedings shall abate, be discharged and made void.

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

7.—(1) In this Decree “public officer” means any person who holds or has held any office in—

Interpretation, etc.

(a) the public service of the Federation within the meaning of the Constitution of the Federation ; or

1963
No. 20.

(b) the public service of a State within the meaning of the corresponding provisions of the constitution of that state ;

(c) the service of a body whether corporate or unincorporate established under a Federal or State law ;

(d) a company in which any of the Governments in the Federation has controlling or substantial interest—

and, for the purposes of this Decree only, includes any person who at any time before the commencement of this Decree held office as a member of the Supreme Military Council or the Federal Executive Council or as Military Governor (or Administrator) of a State or as commissioner in the Government of the Federation or of a State.

(2) In the operation of this Decree the appropriate authority—

(i) in respect of any office which was held in right for the purposes of a State, shall be the Military Governor of that State or any person authorised by him, and

(ii) in any other case, shall be the Head of the Federal Military Government or any person authorised by him, or the Supreme Military Council.

(3) Nothing in this Decree shall be construed as limiting, to any extent whatsoever, any powers that may be conferred on the appropriate authority under any other enactment or law with respect to any matter to which this Decree relates.

8. This Decree may be cited as the Public Officers (Special Provisions) Decree 1976 and shall be deemed to have come into operation on 29th July 1975.

Citation
and
commence-
ment.

MADE at Lagos this 23rd day of February 1976.

LT. 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 relates to the recent removal from the public services of the Federation of persons falling within the categories set out in section 1 of the Decree. Provisions are made providing for the constitution of panels to conduct investigations into any matter with which any public officer has been concerned, and applying the provisions of the Investigation of Assets (Public Officers and Other Persons) Decree 1968 respecting the conduct of investigations and the recovery of public property unlawfully acquired. The institution of proceeding in any court on account of anything done under the Decree is specifically excluded.