

**NIGERIAN EDUCATIONAL RESEARCH COUNCIL
(AMENDMENT) DECREE 1979**



Decree No. 6

[20th February 1979]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. For sub-paragraph (1) of paragraph 1 of the Schedule to the Nigerian Educational Research Council Decree 1972 (which relates to the membership of the Council) there shall be substituted a new sub-paragraph, that is—

Amendment
of 1972
No. 31.

“(1) Subject to this Schedule, the Council shall consist of a Chairman to be appointed by the Federal Executive Council on the recommendation of the Commissioner and the following other members to be appointed by the Commissioner that is—

- (a) two representatives from the Federal Ministry of Education ;
- (b) a representative from each State Ministry of Education ;
- (c) two representatives selected from the universities in the Federation in rotation ;
- (d) one representative selected from each of the following, that is—
 - (i) principals of secondary schools,
 - (ii) principals of teacher training colleges,
 - (iii) the West African Examinations Council,
 - (iv) the Nigerian Union of Teachers,
 - (v) the National Manpower Board, and
 - (vi) the Nigerian Institute of Social and Economic Research.”

2. This Decree may be cited as the Nigerian Educational Research Council (Amendment) Decree 1979.

Citation.

MADE at Lagos this 20th day of February 1979.

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 reconstitutes the membership of the Nigerian Educational Research Council.

**NIGERIAN LAW REFORM COMMISSION
DECREE 1979**



ARRANGEMENT OF SECTIONS

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Establishment of Commission

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Decree No. 7

[See section 15 (2)]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

Establishment of Commission

1.—(1) There is hereby established a commission to be known as the Nigerian Law Reform Commission (hereinafter in this Decree referred to as "the Commission").

Establish-
ment of
Nigerian
Law Reform
Commission.

(2) The Commission shall be a body corporate with perpetual succession and a common seal and may hold, acquire and dispose of any property or interest in property, movable and immovable.

2.—(1) The members of the Commission shall be appointed by the Supreme Military Council and shall consist of—

Appoint-
ment and
tenure of
office of
members,
etc.

(a) four full-time Commissioners, one of whom shall be designated as the Chairman and at least one of whom shall be a non-legally qualified person ; and

(b) three part-time Commissioners, at least one of whom shall be a non-legally qualified person but a person with appropriate qualifications in the social sciences or in the humanities.

(2) The persons appointed to be full-time Commissioners under paragraph (a) of subsection (1) above shall (except as already provided therein) be persons appearing to the Supreme Military Council to be suitably qualified—

(a) by the holding of high judicial office ;

(b) by experience as a legal practitioner of not less than 12 years standing ; or

(c) by being an eminent scholar in law.

(3) A person who holds high judicial office may be appointed as a Commissioner without relinquishing that office, but shall not (unless otherwise provided by the terms of his appointment) be required to perform his duties as the holder of that office while he remains a member of the Commission and such appointment shall not affect his tenure of that judicial office or his rank, title, status, precedence and (except where this is less than as prescribed in subsection (6) of this section) salary or allowances or other rights and privileges as the holder of that judicial office and, accordingly, his service as a member of the Commission shall be taken to be service as the holder of that judicial office.

(4) Subject to subsection (5) below, a person appointed as a Commissioner shall hold office for five years and shall be eligible for reappointment for one further period of five years.

(5) The Supreme Military Council may terminate the appointment of a member on grounds of misbehaviour or inability to discharge the duties of his office by reason of physical or mental incapacity :

Provided that this subsection shall not apply to a member who is the holder of high judicial office ; but if a member who is the holder of high judicial office ceases to hold such office, the Supreme Military Council may terminate his appointment.

(6) There shall be paid to every Commissioner such salaries and allowances as the Head of the Federal Military Government may from time to time direct :

Provided that the salary and allowances of the Chairman shall not be less than such as are paid to a Justice of the Supreme Court of Nigeria.

(7) Except in the case of persons holding high judicial office, the Chairman and the full-time Commissioners shall not while holding office as Commissioners hold any other offices of emolument either in the public service or in any other service whatsoever.

Proceedings.

3.—(1) The Commission shall have power to regulate its proceedings and may make standing orders for that purpose and, subject to any such standing orders and to subsection (2) below, may function notwithstanding—

(a) any vacancy in its membership or the absence of any member ;

(b) any defect in the appointment of a member ; or

(c) that a person not entitled to do so took part in its proceedings.

(2) The quorum at any meeting of the Commission shall be three of whom at least one shall be a part-time Commissioner.

(3) Where standing orders made under subsection (1) above provide for the Commission to co-opt persons who are not members of the Commission, such persons may attend meetings of the Commission and advise it on any matter referred to them by the Commission but shall not count towards a quorum and shall not be entitled to vote at any meeting of the Commission.

4.—(1) Subject to its standing orders, the Commission may appoint such number of standing and *ad hoc* committees as it thinks fit to consider and report on any matter with which the Commission is concerned.

Committees.

(2) Every committee set up under this section shall be presided over by a member of the Commission and shall be made up of such number of other persons (who need not be members of the Commission) as the Commission may determine in each case.

(3) The quorum of any committee set up by the Commission shall be as may be determined by the Commission.

Functions

5.—(1) Subject to the following provisions of this section, it shall be the duty of the Commission generally to take and keep under review all Federal laws with a view to their systematic and progressive development and reform in consonance with the prevailing norms of Nigerian society including, in particular, the codification of such laws, the elimination of anomalies, the repeal of obsolete, spent and unnecessary enactments, the reduction in number of separate enactments, the reform of procedural laws in consonance with changes in the machinery of the administration of justice and generally the simplification and modernisation of the law.

Functions of the Commission.

(2) For the purposes of subsection (1) above, the Commission—

(a) shall receive and consider any proposals for the reform of the law which may be made or referred to it by the Attorney-General of the Federation (hereinafter referred to as the "Attorney-General") ;

(b) may prepare on its own initiative and submit to the Federal Executive Council from time to time programmes for the examination of different branches of the law with a view to reform ;

(c) shall undertake, pursuant to any such recommendations approved by the Federal Executive Council the examination of particular branches of the law and the formulation, by means of draft legislation or otherwise, of proposals for reform therein ;

(d) shall prepare from time to time at the request of the Attorney-General comprehensive programmes of consolidation and statute law revision, and undertake the preparation of draft legislation pursuant to any such programme approved by the Attorney-General ;

(e) may provide advice and information to Federal Government departments and other authorities or bodies concerned, at the instance of the Federal Government, with proposals for the reform or amendment of any branch of the law.

(3) The Attorney-General may—

- (a) modify the terms of a reference ; and
- (b) give directions to the Commission as to the order in which it is to deal with references.

(4) For the purpose of the efficient performance of its functions under this Decree, the Commission may from time to time obtain such information as to the legal systems of other countries as appears to it likely to facilitate the performance of any such function.

(5) The Commission may conduct such seminars and, where appropriate, hold such public sittings concerning any programme for law reform as it may consider necessary from time to time.

(6) The Attorney-General shall lay before the Federal Executive, Council any programmes prepared by the Commission and any proposals for reform formulated by the Commission pursuant to such programmes.

(7) Notwithstanding the foregoing provisions, the Commission shall be autonomous in its day to day operations.

(8) For the purposes of subsection (1) of this section, "Federal laws" means all laws within the legislative competence of the Government of the Federation and includes all received law and rules of law in force in the Federation and having effect as if enacted by the Federal legislature and all procedural laws and all subsidiary instruments made under or pursuant to any such law.

Interim
reports.

6. Where the Attorney-General has referred a matter to the Commission—

(a) the Commission may, at any time before making its report in pursuance of the reference, make an interim report on its work under such reference ; and

(b) the Federal Executive Council may, at any time before the Commission makes its report in pursuance of the reference, direct the Commission to make an interim report on its work under such reference.

References
by States.

7.—(1) Notwithstanding section 5(1) of this Decree, the Commission shall have power to consider proposals for reform of State laws from any State, group of States or all the States in the Federation and submit reports thereon to the appropriate Attorney-General or Attorneys-General.

(2) The Commission may, from time to time, whether in pursuance of subsection (1) above or on its own initiative, consider or put forward proposals for the consideration of the States' Attorneys-General, or such number of them as may be appropriate in the circumstances, for uniformity between laws of the States or, as the case may require, the group of States concerned.

(3) The expenses involved in any references pursuant to subsection (1) of this section shall be borne by the Government of the State concerned or, as the case may be, the Governments of the States concerned.

(4) The provisions of sections 5 and 6 of this Decree shall apply with all necessary modifications to any reference made under this section and, accordingly, references therein to the Attorney-General of the Federation

shall be read as if they were references to the Attorney-General of a State and references to the Federal Executive Council shall be read as if they were references to the Executive Council of a State.

(5) In this section "State laws" includes any law which is not a Federal law as defined in section 5 (8) of this Decree.

Staff and Financial Provisions

8.—(1) There shall be appointed by the Commission a Secretary who shall carry out such duties as may be directed from time to time by the Commission.

Secretary and other staff of the Commission.

(2) The Commission may appoint such number of other persons to be employees of the Commission as it may deem fit.

(3) The remuneration and tenure of office of the employees of the Commission shall be determined by the Commission after consultation with the Federal Commissioner for Establishments.

9.—(1) Subject to subsection (3) below, persons employed in the Commission shall in respect of their service in the Commission be entitled to pensions, gratuities and other retirement benefits as prescribed under the Pensions Act in respect of persons holding equivalent posts; and accordingly, and notwithstanding the provisions of the Pensions Act, it is hereby declared that service in the Commission shall be approved service for the purposes of that Act.

Service in the Commission to be pensionable, etc. Cap. 147.

(2) It is hereby declared for the avoidance of doubt that references in this section to persons employed in the Commission do not include references to full-time Commissioners holding high judicial office in respect of whom other provisions relating to pensions, gratuities and other retirement benefits are in force or to part-time Commissioners.

(3) Nothing in this section shall prevent the appointment of a person to any office in the Commission on terms and conditions which preclude the grant of a pension or gratuity in respect of service in that office.

10.—(1) The Commission shall establish and maintain a fund consisting of such moneys as may in each financial year be appropriated by the Government of the Federation for the purposes of the Commission.

Establishment of fund by the Commission.

(2) The Commission shall defray from the fund established pursuant to subsection (1) above all the amounts payable under or in pursuance of this Decree being sums representing—

(a) amounts payable to the Chairman and other members of the Commission (including allowances);

(b) costs of employment of staff of the Commission;

(c) amounts payable as pensions, gratuities and other retirement benefits under or pursuant to this Decree or any other enactment;

(d) costs of acquisition and upkeep of premises belonging to the Commission and any other capital expenditure of the Commission;

(e) any other payment for anything incidental to the foregoing provisions or in connection with or incidental to any other function of the Commission under or pursuant to this Decree.

(3) The Secretary to the Commission shall be the accounting officer for the purpose of controlling and disbursing amounts from the fund established pursuant to this section.

Accounts
and audit.

11.—(1) The Secretary to the Commission shall in each financial year prepare estimates of recurrent and capital expenditure and, when approved by the Commission, the estimates shall be forwarded through the Attorney-General for approval by the Government of the Federation.

(2) The Secretary shall keep proper accounts and proper records in relation thereto.

(3) The accounts of the Commission shall be audited by an auditor appointed annually by the Commission on such terms as the Commission may, with the approval of the Federal Commissioner for Finance, determine.

Supplementary

Annual
reports.

12.—(1) In addition to any other report prescribed under this Decree, the Commission shall prepare and submit to the Federal Executive Council, through the Attorney-General, not later than 30th June in each Financial year, a report on the activities of the Commission during the immediately preceding financial year, and shall include in such report a copy of the audited accounts of the Commission for that year and the auditor's report thereon.

(2) The Commission may, from time to time, publish general reports on its activities for sale to members of the public.

Regulations.

13.—The Federal Executive Council may make regulations generally for the purposes of carrying out or giving full effect to the provisions of this Decree.

Interpreta-
tion.

14.—In this Decree, unless the context otherwise requires—

“the Chairman” means the Chairman of Commission ;

“the Commission” means the Nigerian Law Reform Commission established under section 1 of this Decree ;

“high judicial office” means any judicial office not below the office of a High Court Judge ;

“member” means any member of the Commission including the Chairman.

Citation and
commence-
ment.

15.—(1) This Decree may be cited as the Nigerian Law Reform Commission Decree 1979.

(2) This Decree shall come into operation on such day as the Attorney-General may appoint by order published in the *Gazette*.

MADE at Lagos this 23rd day of February 1979:

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 sets up a Law Reform Commission for Nigeria to undertake the progressive development and reform, in consonance with the norms prevailing in Nigerian society, of substantive and procedural laws applicable in this country by way of codification, elimination of anomalous or obsolete laws and general simplification of the law, and in accordance with general directions issued from time to time to the Commission by Government