

APPROPRIATION ACT 1981



1981 No. 3

AN ACT TO AUTHORISE THE ISSUE OUT OF THE CONSOLIDATED REVENUE FUND OF THE FEDERATION OF EIGHT BILLION, FOUR HUNDRED AND THIRTY MILLION, EIGHT HUNDRED AND NINETY-SEVEN THOUSAND, SIX HUNDRED AND SEVENTY NAIRA (₦8,430,897,670) FOR THE SERVICE OF THE FEDERATION FOR THE PERIOD OF TWELVE MONTHS COMMENCING ON 1ST JANUARY AND ENDING ON 31ST DECEMBER, 1981.

[8th May 1981]

Commence-
ment.

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows :—

1.—(1) The Accountant-General of the Federation may, when authorised to do so by warrants signed by the Minister of Finance pay out of the Consolidated Revenue Fund of the Federation during the financial year ending 31st December, 1981 the sums specified by the warrants, not exceeding in the aggregate eight billion, four hundred and thirty million, eight hundred and ninety-seven thousand, six hundred and seventy naira.

Issue and
appropria-
tion of
₦8,430-
897,670,
from the
Consoli-
dated
Revenue
Fund for
1981.

(2) The amount mentioned in subsection (1) of this section shall be appropriated to heads of expenditure as indicated in the Schedule to this Act.

(3) No part of the amount aforesaid shall be issued out of the Consolidated Revenue Fund of the Federation after the end of the year mentioned in subsection (1) of this section.

2. This Act may be cited as the Appropriation Act 1981.

Short title

SCHEDULE

Section 1

HEAD

N

20	National Assembly	138,537,270
21	Presidency	401,884,490
22	Police	489,897,570
23	Police Service Commission	1,058,216
24	Ministry of Agriculture	33,870,930
25	Audit	4,320,320
26	Ministry of Aviation	39,862,066
27	Ministry of Communications	1,477,070
28	Ministry of Defence	725,136,450
29	Ministry of National Planning	30,457,110
30	Ministry of Education	543,664,300
31	Federal Capital Territory	16,009,290
32	Ministry of External Affairs	69,727,780
33	Ministry of Finance	133,762,260
34	Ministry of Health	119,802,740
35	Ministry of Industries	11,789,450
36	Ministry of Social Development, Youth, Sports and Culture	117,082,400
37	Ministry of Internal Affairs	91,926,680
38	Judicial Service Commission	71,800
39	Ministry of Justice	5,973,210
40	Ministry of Employment, Labour and Productivity	15,112,122
41	Ministry of Mines and Power	9,708,970
42	Ministry of Science and Technology	86,221,970
43	Ministry of Housing and Environment	75,385,270
44	Public Complaints Commission	5,178,510
45	Federal Civil Service Commission	5,652,370
46	Ministry of Commerce	15,464,600
47	Ministry of Transport	17,883,140
48	Ministry of Water Resources	4,950,510
49	Ministry of Works	278,217,090
50	Federal Electoral Commission	29,583,312
51	Non-Statutory Appropriation to Revenue	2,000,000
52	Contingencies	150,000,000
53	Contribution to Development Fund	4,759,228,404
	Total	8,430,897,670

I certify in accordance with Section 2 (1) of the Acts Authentication Act 1961, that this Bill is a true copy of the Bill passed by the National Assembly.

GIDADO IDRIS,
Clerk to the National Assembly

**NIGERIAN COUNCIL FOR MANAGEMENT DEVELOPMENT
(AMENDMENT) ACT 1981**



1981 No. 4

**AN ACT TO MAKE PROVISION FOR RECONSTITUTION OF THE NIGERIAN COUNCIL
FOR MANAGEMENT DEVELOPMENT**

[19th August 1981]

Commence-
ment.

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria and by authority of same as follows :—

1. For subsection (1) of section 3 of the Nigerian Council for Management Development Act 1976, there shall be substituted the following new subsection—

“Member-
ship of the
Council, etc.

3.—(1) The Council shall consist of twenty members, namely :

Amendment
of the Nige-
rian Council
for Manage-
ment Deve-
lopment
Act 1976.
1976 No. 51

(a) a Chairman to be appointed by the President on the recommendation of the Minister ;

(b) nine persons with extensive knowledge of and close association with, management training, industry and commerce, each chosen by the Minister on his individual merit and appointed by the President ;

(c) two representatives of the Nigerian Employers' Consultative Association ;

(d) two representatives of labour organisations ;

(e) four representatives of professional management training institutions ;

(f) one representative of the Ministry charged with responsibility for matters relating to the Council ; and

(g) the Director, Centre for Management Development.”

Short title.

2. This Act may be cited as the Nigerian Council for Management Development (Amendment) Act 1981.

I certify, in accordance with Section 2 (1) of the Acts Authentication Act 1961, that this is a true copy of the Bill passed by both Houses of the National Assembly.

GIDÀDO IDRIS,
Clerk of the National Assembly

19th day of August, 1981.

NATIONAL ASSEMBLY SERVICE COMMISSION ACT, 1981



1981 No. 5

ARRANGEMENT OF SECTIONS

Sections

- | | |
|---|--|
| 1. Establishment of National Assembly Service Commission. | 7. Power of Delegation and certain restrictions thereon. |
| 2. Membership of the Commission. | 8. Staff of National Assembly prescribed. |
| 3. Qualification for Membership. | 9. Pensions. |
| 4. Removal from Office. | 10. Staff Regulations. |
| 5. Proceedings of the Commission. Quorum. | 11. Interpretation. |
| 6. Functions of the Commission. | 12. Citation. |

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL ASSEMBLY SERVICE COMMISSION AND TO EMPOWER THE COMMISSION TO APPOINT THE CLERK TO THE NATIONAL ASSEMBLY AND OTHER STAFF OF THE NATIONAL ASSEMBLY AND FOR PURPOSES CONNECTED THEREWITH.

[19th August 1981]

Commence-
ment.

* Pursuant to section 47 of the Constitution of the Federal Republic of Nigeria 1979.

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria and by authority of same as follows :—

NATIONAL ASSEMBLY SERVICE COMMISSION

1.—(1) There is hereby established a body to be known as the National Assembly Service Commission (hereinafter in this Act referred to as “the commission”) which shall have and exercise the powers conferred on it by this Act.

Establish-
ment of
National
Assembly
Service
Commission.

(2) The Commission shall be a body corporate with perpetual succession and shall have power to sue and be sued.

Membership
of the
Commission.

2.—(1) the Commission shall comprise a Chairman and 8 other Members who shall, in the opinion of the President, be persons of unquestionable integrity and sound judgment, who had not been associated with party politics for the previous 5 years ;

(2) the Chairman and Members of the Commission shall be nominated by the President of the Federal Republic of Nigeria and the nomination shall be subject to confirmation by the National Assembly ;

(3) a Member of the Commission shall hold office for a period of 5 years from the date of his appointment and he may be re-appointed for another term only ;

(4) a Member of the Commission shall cease to be a Member if any circumstances arise that, if he were not a Member of the Commission, would cause him to be disqualified for appointment as such a Member.

(5) There shall be a Secretary to the Commission to be appointed by the Commission.

Qualification
for member-
ship.

3.—(1) No person shall be qualified for appointment as a Member of the Commission if—

(a) he is not qualified or if he is disqualified for election as a Member of the House of Representatives ;

(b) within the preceding 10 years, he has been removed as a Member of any of the bodies established by Section 140 of the Constitution of the Federal Republic of Nigeria of 1979, or as the holder of any other office on the ground of misconduct.

(2) Any person employed in the Public Service of the Federation or of a State shall not be disqualified for appointment as a Chairman or Member of the Commission : Provided that where such person has been duly appointed on full-time basis, he shall, on his appointment, be deemed to have resigned or retired from his former office as from the date of his appointment.

Removal
from Office.

4.—(1) The Chairman and any Member of the Commission shall be removed from that office by the President acting upon an address supported by two-thirds majority of the National Assembly praying that he be so removed for inability to discharge the functions of the office (whether arising from infirmity of mind or body or any other cause) or for misconduct.

(2) In exercising its powers to make appointments or to exercise disciplinary control over persons, the Commission shall not be subject to the direction or control of any other authority or persons.

(3) Upon the coming into force of this law, or upon the expiration of the life of the Commission at any time or upon a vacancy occurring in the Membership of the Commission, the President of the Federal Republic of Nigeria shall send the appropriate nominations to the National Assembly within 30 days of being requested so to do.

5.—(1) At any meeting of the Commission, the Chairman shall preside and in his absence such member of the Commission as the other members may elect from among themselves for that purpose shall preside.

Proceedings
of the
Commission.

(2) The quorum for meetings of the Commission shall be three.

Quorum.

(3) The Commission shall have power to regulate its proceedings and may make standing orders for that purpose and subject to such standing orders and subsection (2) of this section, may function notwithstanding any vacancy in its membership or the absence of any member.

(4) The Commission may appoint one or more committees to carry out, on behalf of the Commission, such of its functions as the Commission may determine but no decision of any such committee shall have effect unless ratified by the Commission.

(5) The Commission may co-opt persons who are not members of the Commission to any meeting of the Commission or any committee thereof and such persons may take part in the deliberations of the Commission or any committee thereof but shall not be entitled to vote thereat.

6.—(1) Power to appoint persons to hold or act in offices of the Clerk to the National Assembly, the Clerk of the Senate, the Clerk of the House of Representatives and in all other offices in the service of the National Assembly (including power to make appointments on promotion and transfer and to confirm appointments) and to dismiss and exercise disciplinary control over persons holding or acting in such offices shall vest in the Commission.

Functions
of the
Commission.

(2) If the Commission thinks it expedient that any vacancy in the staff of the National Assembly should be filled by a person holding office in the civil service of the Federation or of a State, it shall notify the appropriate Civil Service Commission to that effect and thereafter the Commission may, by arrangement with the Civil Service Commission concerned, cause such vacancy to be filled by way of secondment or transfer.

(3) Where any member of a civil service is seconded under subsection (2) of this section, he shall be notified of the terms and conditions of the secondment; and the secondment shall be without prejudice to any pension rights which, but for the secondment, would still accrue to him.

(4) A person seconded pursuant to subsection (2) of this section may elect subject to the approval of the Commission to be transferred to the service of the National Assembly, in which case any previous service

in the civil service concerned shall count as service for the purposes of pensions subsequently payable by the Commission.

(5) Any Member of Staff of the National Assembly may elect to transfer or be seconded to any other Public Service of the Federation and such right of transfer or secondment shall not operate to the disadvantage of the officer concerned.

Power of
Delegation
and certain
restrictions
thereon.

7.—(1) The commission may, subject to such conditions as it may think fit, delegate any of its powers under section 6 of this Act—

(a) to any of its members ;

(b) to a Committee consisting of such persons (one of whom shall be named as Chairman) as may be prescribed by the Commission, and

(c) subject to the foregoing, to the Clerk of the National Assembly or to any other Officer in the service of the National Assembly :

Provided that no delegation shall prevent the exercise by the Commission of any power vested in it by this Act.

(2) Notwithstanding subsection (1) of this section or any other provision of this Act, the Commission shall not delegate any of its powers aforesaid in respect of offices of the Clerk to the National Assembly, the Clerk of the Senate and the Clerk of the House of Representatives, and such other staff not below Grade Level 08.

STAFF OF THE NATIONAL ASSEMBLY

Staff of
National
Assembly
prescribed.

8. The staff of the National Assembly shall comprise—

(a) the Clerk to the National Assembly ;

(b) the Clerk of the Senate ;

(c) the Clerk of the House of Representatives ;

(d) the Secretary to the Commission ; and

(e) holders of the offices set out in the Schedule to this Act.

Pensions.
1979 No. 102.

9.—(1) Notwithstanding the provisions of the Pensions Act 1979, it is hereby declared that service in the National Assembly shall be public service for the purposes of that Act and, accordingly, officers and other staff of the National Assembly shall in respect of their services in the National Assembly be entitled to such pensions, gratuities and other retirement benefits as are prescribed thereunder.

(2) For the purposes of the application of the provisions of the Pensions Act 1979, any power exercisable thereunder by a Minister or other authority of the Government of the Federation (not being the

power to make regulations under section 23 thereof) are hereby vested in and shall be exercisable by the Commission and not by any other person or authority.

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

10.—(1) Subject to the provisions of this Act, the Commission may make regulations relating generally to the conditions of service, including the power to fix salaries and allowances, of the staff of the National Assembly and, without prejudice to the generality of the foregoing, such regulations may provide for—

Staff
Regulations.

(a) the composition of membership of the Committee mentioned in section 7 of this Act;

(b) the appointment, promotion and disciplinary control (including dismissal) of staff of the National Assembly;

(c) appeals by such staff against dismissal or other disciplinary measures;

and until such regulations are made, any instrument relating to the conditions of service of persons in the service of the Federation shall, with such modifications as may be necessary, be applicable to the staff of the National Assembly.

(2) Any regulations made under subsection (1) of this section need not be published in the *Gazette* but the Commission shall cause them to be laid before each House of the National Assembly and to be brought to the notice of all affected persons in such manner as it may from time to time determine.

SUPPLEMENTARY

11. In this Act, unless the context otherwise requires—

Interpre-
tation.

“the Chairman” means the Chairman of the Commission;

“the Commission” means the National Assembly Service Commission established by section 1 of this Act;

“member” means any member of the Commission appointed under section 2 of this Act, including the Chairman;

“the Secretary” means the Secretary to the Commission appointed pursuant to section 2 of this Act.

12. This Act may be cited as the National Assembly Service Commission Act 1981.

Citation.

SCHEDULE

STAFF OF NATIONAL ASSEMBLY

POLICY AND MANAGEMENT

1. Clerk to the National Assembly
2. Clerk of the Senate
3. Clerk of the House of Representatives
4. Parliamentarian
5. Parliamentary Aide
6. Senior Deputy Clerk
7. Special Assistant
8. Director of Administration
9. Chief Legal Counsel
10. Secretary to the National Assembly Service Commission
11. Secretary, National Secretariat of Nigeria Legislatures
12. Deputy Clerk
13. Deputy Director of Administration
14. Principal Clerk Assistant
15. Principal Legal Counsel
16. Deputy Secretary
17. Assistant Director of Administration
18. Under Secretary
19. Senior Clerk Assistant
20. Principal Assistant Secretary
21. Clerk Assistant
22. Principal Personal Secretary
23. Principal Legislative Clerk
24. Principal Executive Officer
25. Senior Personal Secretary
26. Senior Assistant Secretary
27. Personal Secretary
28. Senior Legislative Clerk
29. Senior Executive Officer
30. Assistant Secretary
31. Higher Legislative Clerk
32. Higher Executive Officer
33. Translator/Interpreter
34. Confidential Secretary
35. Legislative Clerk
36. Executive Officer
37. Assistant Legislative Clerk
38. Assistant Executive Officer
39. Senior Clerical Officer
40. Clerical Officer
41. Senior Telephone Attendant
42. Senior Messenger
43. Senior Gardener
44. Senior Day/Night Watchman
45. Senior Lift Attendant
46. Head Messenger
47. Head Gardener
48. Head Day/Night Watchman
49. Head Lift Attendant

POLICY AND MANAGEMENT—*continued*

50. Senior Cleaner
51. Clerical Assistant
52. Telephone Attendant
53. Head Cleaner
54. Messenger
55. Lift Attendant
56. Gardener
57. Day/Night Watchman
58. Cleaner
59. Washerman

OFFICIAL REPORT DEPARTMENT

60. Chief Editor
61. Editor
62. Deputy Editor
63. Assistant Editor
64. Principal Official Reporter
65. Senior Official Reporter
66. Official Reporter
67. Senior Audio-Transcriber
68. Audio-Transcriber
69. Chief Typist
70. Senior Typist
71. Typist

DEPARTMENT OF SERJEANT-AT-ARMS

72. Serjeant-at-Arms
73. Deputy Serjeant-at-Arms
74. Senior Assistant Serjeant-at-Arms
75. Assistant Serjeant-at-Arms
76. Senior Chamber Superintendent
77. Higher Chamber Superintendent
78. Chamber Superintendent
79. Assistant Chamber Superintendent
80. Senior Chamber Assistant
81. Chamber Assistant
82. Receptionist
83. Chamber Attendant
84. Head Security Attendant
85. Senior Security Attendant
86. Security Attendant
87. Assistant Security Attendant
88. Commissionnaire

LIBRARY AND RESEARCH DEPARTMENT

89. Chief Librarian
90. Deputy Chief Librarian
91. Assistant Chief Librarian
92. Principal Librarian
93. Principal Research Officer
94. Senior Librarian
95. Senior Research Officer
96. Principal Library Officer
97. Librarian

LIBRARY AND RESEARCH DEPARTMENT—*continued*

- 98. Research Officer
- 99. Senior Library Officer
- 100. Higher Library Officer
- 101. Library Officer
- 102. Assistant Library Officer
- 103. Library Assistant
- 104. Library Attendant

ACCOUNTS DEPARTMENT

- 105. Director of Finance
- 106. Controller of Finance and Accounts
- 107. Chief Accountant
- 108. Assistant Chief Accountant
- 109. Principal Accountant
- 110. Senior Accountant
- 111. Accountant
- 112. Senior Executive Officer (Accounts)
- 113. Higher Executive Officer (Accounts)
- 114. Executive Officer (Accounts)
- 115. Assistant Executive Officer (Accounts)

LEGAL DRAFTING DEPARTMENT

- 116. Chief Legal Draftsman
- 117. Deputy Chief Legal Draftsman
- 118. Assistant Chief Legal Draftsman
- 119. Principal Legal Draftsman
- 120. Senior Legal Draftsman
- 121. Legal Draftsman

OFFICE OF THE DIRECTOR OF BUDGET AND PLANNING

- 122. Director of Budget and Planning
- 123. Deputy Director of Budget
- 124. Deputy Director of Planning
- 125. Chief Fiscal Analyst
- 126. Principal Fiscal Analyst
- 127. Senior Fiscal Analyst
- 128. Fiscal Analyst

INTERNAL AUDIT SECTION

- 129. Chief Internal Auditor
- 130. Principal Auditor
- 131. Senior Auditor
- 132. Auditor
- 133. Senior Executive Officer (Audit)
- 134. Higher Executive Officer (Audit)
- 135. Executive Officer (Audit)
- 136. Assistant Executive Officer (Audit)

PROTOCOL DIVISION

- 137. Director of Protocol
- 138. Deputy Director
- 139. Assistant Director
- 140. Principal Protocol Officer
- 141. Senior Protocol Officer
- 142. Protocol Officer

INFORMATION DEPARTMENT

- 143. Chief Information Officer
- 144. Assistant Chief Information Officer
- 145. Principal Information Officer
- 146. Senior Information Officer
- 147. Principal Cameraman
- 148. Principal Scriptwriter
- 149. Information Officer
- 150. Senior Cameraman
- 151. Senior Scriptwriter
- 152. Assistant Information Officer
- 153. Photographer
- 154. Cameraman
- 155. Scriptwriter
- 156. Assistant Photographer
- 157. Senior Photographic Assistant
- 158. Photographic Assistant-in-Training
- 159. Photographic Attendants

PRINTING AND PUBLICATION DEPARTMENT

PRINTING DIVISION

- 160. Chief Superintendent of Press
- 161. Assistant Chief Superintendent of Press
- 162. Principal Superintendent of Press
- 163. Senior Maintenance Engineer
- 164. Principal Press Electrician
- 165. Senior Superintendent of Press
- 166. Maintenance Engineer (Electronics)
- 167. Senior Press Electrician
- 168. Higher Superintendent of Press
- 169. Higher Press Electrician
- 170. Superintendent of Press
- 171. Press Electrician
- 172. Assistant Superintendent of Press
- 173. Printer
- 174. Apprentice Printer
- 175. Senior Craftsman
- 176. Craftsman

PUBLICATIONS SECTION

- 177. Chief Superintendent of Papers
- 178. Principal Superintendent of Papers
- 179. Senior Superintendent of Papers
- 180. Higher Superintendent of Papers
- 181. Superintendent of Papers
- 182. Assistant Superintendent of Papers
- 183. Chief Duplicating Machine Operator
- 184. Senior Duplicating Machine Operator
- 185. Duplicating Machine Operator

STORES SECTION

- 186. Chief Stores Officer
- 187. Assistant Chief Stores Officer
- 188. Principal Stores Officer
- 189. Senior Stores Officer
- 190. Higher Stores Officer
- 191. Stores Officer
- 192. Assistant Stores Officer
- 193. Senior Storekeeper
- 194. Storekeeper
- 195. Stores Assistant
- 196. Storeman

TRANSPORT DEPARTMENT

- 197. Assistant Chief Engineer
- 198. Principal Engineer
- 199. Principal Technical Officer (Mechanical)
- 200. Senior Works Superintendent
- 201. Transport Officer
- 202. Higher Works Superintendent
- 203. Workshop Superintendent
- 204. Chief Motor Driver-Mechanic
- 205. Assistant Workshop Superintendent
- 206. Senior Driver-Mechanic
- 207. Senior Craftsman
- 208. Motor-Driver Mechanic
- 209. Craftsman
- 210. Motor Driver
- 211. Despatch Rider
- 212. Assistant Craftsman

WORKS DEPARTMENT

- 213. Director
- 214. Assistant Director
- 215. Chief Architect
- 216. Chief Engineer

PLANTS AND ELECTRICAL DIVISION

- 217. Assistant Chief Engineer
- 218. Assistant Chief Technical Officer
- 219. Principal Technical Officer
- 220. Senior Technical Officer
- 221. Higher Electrical Superintendent
- 222. Electrical Superintendent
- 223. Assistant Electrical Superintendent
- 224. Senior Craftsman
- 225. Craftsman
- 226. Assistant Craftsman

ELECTRONICS DIVISION

- 227. Chief Technical Officer
- 228. Assistant Chief Technical Officer
- 229. Principal Technical Officer
- 230. Senior Technical Officer
- 231. Higher Technical Officer
- 232. Technical Officer
- 233. Assistant Technical Officer
- 234. Senior Technician
- 235. Technician

AIR CONDITIONING DIVISION

- 236. Chief Mechanical Superintendent
- 237. Assistant Chief Mechanical Superintendent
- 238. Principal Mechanical Superintendent
- 239. Senior Mechanical Superintendent
- 240. Higher Mechanical Superintendent
- 241. Mechanical Superintendent
- 242. Assistant Mechanical Superintendent
- 243. Senior Mechanical Craftsman
- 244. Craftsman
- 245. Assistant Craftsman

BUILDING DIVISION

- 246. Chief Building Superintendent
- 247. Assistant Chief Building Superintendent
- 248. Principal Building Superintendent
- 249. Senior Works Superintendent
- 250. Higher Works Superintendent
- 251. Works Superintendent
- 252. Assistant Works Superintendent
- 253. Senior Craftsman
- 254. Senior Artisan
- 255. Assistant Craftsman

CATERING SECTION

- 256. Catering Manager
- 257. Deputy Catering Manager
- 258. Senior Assistant Catering Manager
- 259. Assistant Catering Manager
- 260. Senior Catering Supervisor
- 261. Higher Catering Supervisor
- 262. Catering Supervisor
- 263. Assistant Catering Supervisor
- 264. Head Cook
- 265. Head Waitress
- 266. Senior Cook
- 267. Senior Waitress
- 268. Cook
- 269. Waitress

CLINICAL SECTION

- 270. Chief Medical Officer
- 271. Medical Officer
- 272. Nurse
- 273. Pharmacist
- 274. Laboratory Assistant
- 275. Ambulance Driver
- 276. Attendant
- 277. Record Officer
- 278. Typist
- 279. Clerk
- 280. Messenger

PRIMARY SCHOOL SECTION

- 281. Headmaster/Headmistress
- 282. Assistant Head/Assistant Head mistress
- 283. Class Teacher
- 284. Clerical Officer /Accounts Clerk
- 285. Typist
- 286. Messenger
- 287. Security Man

I certify, in accordance with Section 2 (i) of the Acts Authentication Act 1961, that this is a true copy of the Bill passed by both Houses of the National Assembly.

GIDADO IDRIS,
Clerk to the National Assembly

NATIONAL MINIMUM WAGE ACT 1981



1981 No. 6

AN ACT TO PRESCRIBE A NATIONAL MINIMUM WAGE FOR WORKERS AND FOR OTHER MATTERS CONNECTED THEREWITH.

[3rd September 1981]

Commence-
ment.

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria and by the authority of same as follows :—

1.—(1) As from the commencement of this Act, it shall be the duty of every employer (except as provided for under this Act) to pay a wage not less than a national minimum wage of ₦125 per month to every worker under his establishment.

Employer to
pay
minimum
wage.

(2) Any agreement for the payment of wages less than the national minimum wage as prescribed in subsection (1) above, shall be void and of no effect whatsoever.

2.—(1) The provisions of subsection (1) of section 1 above shall not apply to :—

Exemptions.

- (a) an establishment in which less than 50 workers are employed ;
- (b) an establishment in which workers are employed on part-time basis ;
- (c) an establishment at which workers are paid on commission or on piece-rate basis ;
- (d) workers in seasonal employment such as agriculture ;
- (e) any person employed in a vessel or aircraft to which the laws regulating merchant shipping or civil aviation apply.

(2) The Minister may by order published in the *Gazette* grant other exemptions as he deems necessary in the interest of the national economy taking into consideration reports from Wages Boards or such other body as might make representation for exemption on this behalf.

3.—(1) An employer shall pay to the worker a wage not less than the national minimum wage, clear of all deductions (except any deductions required by law or deductions in respect of contributions to provident or pension funds or schemes agreed to by the workers and approved by the

Employer's
obligations
in respect of
minimum
wage.

Minister) and, if the employer fails to do so he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding ₦100 and in the case of continuing offence to a fine not exceeding ₦10 for each day during which the offence continues.

(2) On the conviction of an employer under this section for failing to pay to a worker wages not less than the national minimum wage, the court may make an order that the employer convicted shall pay, in addition to any fine, such sum as appears to the court to be due to the worker on account of wages, the wages being calculated on the basis of the national minimum wage : provided that the power to order payment on account of wages under this subsection shall not be in derogation of the right of the worker to recover wages due to him by any other proceedings in a court of competent jurisdiction.

4.—(1) If the Minister is satisfied that any worker employed or desiring to be employed, in any occupation to which the national minimum wage is applicable is affected by any infirmity or physical injury which renders him incapable of earning the national minimum wage, the Minister may, if he thinks fit, grant to the employer (subject to such conditions, if any, as he may impose) a permit exempting the employer from the provisions of this Act relating to the payment of wages less than the national minimum wage in respect of that worker ; and, while the permit is in force and any conditions imposed thereon are complied with, the employer shall not be guilty of an offence if he pays to the worker a lesser wage than the national minimum wage.

(2) A permit granted under this section may be so granted as to have effect from the date on which the application therefor was made to the Minister, and may be suspended or revoked at any time by the Minister.

5. It shall be the duty of every employer of workers in respect of whom this Act applies to keep such records of wages or conditions of employment as are necessary to show that the provisions of this Act are being complied with in respect of workers in his employment, and to retain the records for a period of three years after the period to which they refer, and if he fails to do so, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding ₦100 and to a penalty not exceeding ₦10 for each day during which the offence continues.

6.—(1) The Minister may authorise any public officer in the Civil Service of the Federation to act for the purpose of this Act ; and every authorized labour officer within the meaning of the Labour Act 1973 shall be deemed to have been so authorised.

(2) Every authorised officer shall be furnished with a certificate of his authority and when visiting an employer's premises for the purposes of this Act shall, if so required, produce the certificate to the employer or other person holding a responsible position of management at the said premises.

(3) An authorised officer may—

(a) require the production by an employer of wages sheets or other records of wages and records of conditions of employment, and inspect and examine them and copy any part thereof ;

Permit of exemption—
for workers
affected by
infirmity or
physical
injury.

Employer to
keep records.

Officers and
their powers.

(b) order any person or body of persons found to have contravened any of the provisions of this Act to take remedial action within a specified period of time ; and

(c) subject generally to the powers of the Attorney-General of the Federation, institute proceedings for any offence under this Act and, if he so wishes appear and have all the necessary powers for the conduct of the proceedings.

(4) An officer who is authorised in that behalf by general or special directions of the Minister may, if it appears to him that a sum is due from an employer to a worker to whom this Act applies, or to a person who has been such a worker, on account of the payment to him of wages less than the national minimum wage may institute on behalf and in the name of that worker or person civil proceedings for the recovery of that sum, and in any such proceedings the court may make an order for the payment of costs by the authorised officer as if he were a party to the proceedings.

(5) The power given by subsection (4) above for the recovery of a sum due from an employer to a worker or other person shall not be in derogation of any right of that worker or other person himself to recover that sum by civil proceedings.

7.—(1) Where an offence for which an employer is by virtue of this Act liable to a penalty has in fact been committed by some agent of the employer or by some other person, that agent or other person shall be liable to be proceeded against for the offence in the same manner as if he were the employer.

Offences by
agent, etc.

(2) Where an employer is charged with an offence under this Act, he shall be entitled, upon complaint duly made by him and on giving to the prosecution not less than three days' notice in writing of his intention, to have any other person to whose act or default he alleges that the offence in question was due, brought before the court at the time appointed for the hearing of the charge, and, if after the commission of the offence has been proved the employer proves that the offence was due to the act or the default of that other person, that other person may be charged with the offence, or, if the employer further proves that he has used all due diligence to secure that this Act is complied with, he shall be acquitted of the offence.

(3) Where a defendant seeks to avail himself of the provisions of subsection (2) above—

(a) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him if he gives evidence, and any witness called by him in support of his plea, and to call rebutting evidence ; and

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings, other than the prosecution, to any other party thereto.

(4) Where it appears to an authorised officer that an offence has been committed in respect of which proceedings might be taken under this Act against an employer, and the officer is reasonably satisfied that the offence

of which complaint is made was due to an act or default of some other person and that the employer could establish a defence under subsection (2) above, the officer may cause proceedings to be taken against that other person and in any such proceedings the defendant may be charged with the offence and on proof that the offence was due to his act or default, be convicted for the offence for which the employer might have been charged.

Offences and penalties.

8. Any person who—

(a) refuses or neglects to furnish the means required by an authorised officer as being necessary for any entry in the exercise of his powers under this Act or;

(b) hinders any authorised officer in the exercise of his powers under this Act ; or

(c) refuses or neglects to produce any document, or to give any information which any authorised officer in the exercise of his powers under this Act requires him to produce or give ; or

(d) makes, or causes to be made, or knowingly allows to be made, any wages sheet, record of wages or record of conditions of employment which is false in any material particular ; or

(e) produces, or causes to be produced, or knowingly allows to be produced, any such wages sheet or record to an authorised officer acting in the exercise of his powers under this Act, knowing the wage sheet or record to be false, or

(f) furnishes any information to any authorised officer acting in the exercise of his powers under this Act knowing the information to be false ; shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦500 or to imprisonment for a period not exceeding three months, or to both such fine and such imprisonment.

9. In this Act, unless the context otherwise requires—

“authorised officer” means an officer authorised or deemed to have been authorised under section 6 of this Act ;

“national minimum wage” means the national minimum wage prescribed by section 1 of this Act ;

“Minister” means the Federal Minister charged with responsibility for labour matters ;

“part time work” means work of a duration of less than 40 hours per week ;

“wage” means a total emolument paid every month to a worker for performing services on the basis of a 40-hour week howsoever the emolument may be designated ;

“worker” means any employee, that is to say any member of the civil service of the Federation or of a State or Local Government or any individual (other than persons occupying executive, administrative, technical or professional position in any such public service)

Interpretation.

who has entered into or works under a contract with an employer whether the contract is for manual labour, clerical work or otherwise, expressed or implied, oral or in writing, and whether it is a contract personally to execute any work or labour.

10.—This Act may be cited as the National Minimum Wage Act 1981 and shall come into operation on the day it is assented to by the President.

Short title
and com-
mencement.

I certify, in accordance with Section 2 (1) of the Acts Authentication Act 1961, that this is a true copy of the Bill passed by both Houses of the National Assembly.

GIDADO IDRIS,
Clerk to the National Assembly