

A BILL

FOR

AN ACT TO AMEND THE ELECTORAL ACT 1982 AND FOR MATTERS CONNECTED THEREWITH.

*Sponsored by : SENATOR J. A. ODEBIYI,
Egbado North-South Senatorial District,
Ogun State*

[. . .]

Commence-
ment.

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

3 1. Section 5 of the principal Act is hereby amended—

4 (a) in subsection (1) thereof by *substituting* for the words “an
5 Executive” the word “a”; and

Amendment
to section 5
of principal
Act.

6 (b) in subsection (2) thereof by *inserting* immediately after the
7 words “general direction of the Commission” the following words—
8 “expressed by majority vote of its members”.

9 2. Section 8 of the principal Act is hereby amended by *adding*
10 immediately after subsection (6) thereof the following new subsection—

Amendment
to section 8
of principal
Act.

11 “(7) Where there is a gross abuse of the use of registration cards
12 and they are found in large quantities during or after the compilation
13 or revision of voters’ registers, in unauthorized hands, the National
14 Assembly in joint session shall, by majority vote pass a resolution,
15 six months before the dissolution of the National Assembly or an
16 election, as the case may be, cancelling the use of registration cards
17 at any election.”

Amendment
to section 30
of principal
Act.

1 3. Section 30 of the principal Act is hereby amended in subsection
2 (1) thereof by *deleting* paragraph (e)

Amendment
to section 49
of principal
Act.

3 4. For section 49 of the principal Act there shall be substituted the
4 following section—

5 "Plural 49.—(1) No voter shall vote for more candidates than one
6 voting pro- or record more than one vote in favour of any candidate, at
7 hibited any one election.

8 (2) If the number of votes cast in any polling station
9 exceeds the number of registered votes for that polling station
10 the votes cast in that polling station shall be declared null
11 and void and another poll shall be conducted within seven
12 days, at that polling station :

13 Provided that where having regard to the number of
14 registered voters in that polling station, the result of the
15 election in a constituency of which that polling station is
16 a part, cannot naturally affect the result of the election in that
17 constituency, the votes cast for all candidates at that polling
18 station shall be nullified without any further election."

Amendment
to section 64
of principal
Act.

19 5. Section 64 of the principal Act is hereby amended by *substituting*
20 for subsection (1) thereof the following new subsection—

21 "(1) The returning officer shall make arrangements to check the
22 number of votes as counted under the provisions of section 62 and
23 proceed in the presence of any candidates or counting agents who wish
24 to be present, to count the votes of all the polling stations within the
25 constituency at such place as the Commission may direct and when
26 commenced the counting of the votes shall proceed continuously until
27 it is completed but subject to the allowance of a reasonable time for
28 refreshments."

- 1 6. Section 65 of the principal Act is hereby amended by *deleting* Amendment
2 subsection (1) thereof. *section 65 of principal Act*
- 3 7. Section 71 of the principal Act is hereby amended Amendment
4 (a) by re-numbering that section as section 71 (1), and to section 71
5 (b) by *adding* immediately after subsection (1) thereof the following of principal
6 new subsection— Act.
- 7 “(2) Where the Commission, whether at the State or National
8 Headquarters, decides to count and publish the result of an election
9 by means of electronic mass media, it shall permit the attendance of
10 watch committees of five persons from each political party to be
11 present both at counting and at the announcement to watch the
12 proceedings.”
- 13 8. In this Act— Interpretation
14 “principal Act” means Electoral Act 1982.
- 15 9. This Act may be cited as the Electoral (Amendment) Act 1982. Short title.

EXPLANATORY MEMORANDUM

The purpose of this Bill is to amend the Electoral Act 1982 in order to simplify certain provisions of the Act.

A BILL

FOR

AN ACT TO AMEND THE COMMODITY BOARDS ACT 1977 AND FOR MATTERS
CONNECTED THEREWITH.

*Sponsored by HON. FOLA OMIDIJI,
Egba Alake Federal Constituency,
Ogun State*

[] Commence-
ment.

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

3 1. Sections 2 and 3 of the principal Act are hereby amended by
4 *substituting* for the expression "Federal Executive Council" wherever
5 it may occur, the word "President".

Amendments
sections 2
and 3 of
principal
Act.

6 2. Section 5 of the principal Act is hereby amended by
7 substituting for subsection (1) thereof the following new subsection—

Amendment
to section 5
of principal
Act.

8 "(1) It shall be the duty of each Commodity Board—

9 (a) to produce and market the relevant commodities ;

10 (b) to secure the most favourable arrangements for the purchase
11 and export of the relevant commodities and their products ;

12 (c) to procure and distribute sufficient quantities of the
13 relevant commodities to meet domestic needs throughout Nigeria ;

14 (d) to export any surplus of such relevant commodities not
15 required for domestic use ; and

	1	(e) to promote the development and rehabilitation of the
	2	producer areas generally and to ensure that all requisite inputs
	3	are made available to the producers.
Amendment to section 19 of principal Act.	4	3. For section 19 there shall be substituted the following new
	5	section—
	6	“Rights of 19. Notwithstanding anything contained in this Act
	7	other processors preserved”. any person engaged in the processing of any commodity—
	8	(a) shall be entitled to purchase the relevant
	9	commodity from any source ;
	10	(b) shall not be obliged to sell the relevant commodity
	11	to the Board; and
	12	(c) shall be entitled to sell the products derived from
	13	the relevant commodity at any market of his choice.
Amendment to section 26 of principal Act.	14	4. Section 26 of the principal Act is amended by <i>inserting</i>
	15	immediately after the definition of the word “export” the following
	16	new definition—
	17	“President” means President of the Federal Republic of Nigeria.
Interpreta- tion.	18	5. In this Act—
	19	“principal Act” means Commodity Board Act 1977.
Short title.	20	6. This Act may be cited as the Commodity Board (Amendment)
	21	Act 1982.

EXPLANATORY MEMORANDUM

This Bill seeks to harmonize the functions of the Commodity Boards with section 16 of the Constitution of the Federal Republic of Nigeria 1979 and thereby protect the right of every Nigerian citizen to engage in any economic activity outside the major sectors of the economy.

A BILL

FOR

AN ACT TO AMEND THE ARMED FORCES PENSIONS ACT 1979 AND FOR MATTERS
CONNECTED THEREWITH.

*Sponsored by HON. DAVID ATTAH,
Okpokwu East Federal Constituency,
Benue State*

*HON. F. O. IYAYI,
Okpebho Federal Constituency,
Bendel State*

*HON. BARDE M. GADAKA,
Fika South Federal Constituency,
Borno State*

*HON. MUSA GAMMO,
Kabo Federal Constituency,
Kano State*

AND

*HON. UMAR SADIQ,
Kumbotso Federal Constituency,
Kano State*

[

]

Commence-
ment

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

3 1. Section 1 of the principal Act is hereby amended in subsection (1)
4 thereof—

Amendment
to section 1
of principal
Act.

5 (a) by substituting for the full stop at the end of that subsection,
6 a colon ;

7 (b) by inserting immediately after that subsection the following
8 proviso—

1 "Provided that if a new salary structure for the armed forces
2 of the Federation is at any time approved, the pension paid to a
3 pensioner under this Act, shall forthwith be adjusted from the
4 effective date of the new salary structure so that his new rate of
5 pension from that date shall be re-computed on the basis of the
6 terminal pay to which he would have been entitled if he had retired
7 after the approval of the new salary structure." ; and

8 (c) by *adding* immediately after subsection (3) thereof the following
9 new subsection—

10 "(4) The gratuity to which an officer is entitled under this Act
11 shall be paid to him on the date of his retirement and where the
12 payment of such gratuity or up to 50% thereof, is delayed, the
13 period during which the said payment is delayed shall count in
14 full as qualifying service and the gratuity and pension of such
15 officer shall be re-computed to take into account the period during
16 which the said payment is delayed.

Amendment
to section 6
of principal
Act.

17 2. Section 6 of the principal Act is hereby amended by *substituting*
18 for subsection (2) thereof the following new subsection—

19 "(2) A pension granted under this Act shall not be less than the
20 national minimum wage prescribed by law."

Interpreta-
tion.

21 3. In this Act—

22 "principal Act" means Armed Forces Pensions Act 1979.

Short title.

23 4. This Act may be cited as the Armed Forces Pensions
24 (Amendment) Act 1982.

EXPLANATORY MEMORANDUM

This Bill seeks to make provisions for the automatic adjustment of pensions vis-a-vis increases of salaries for the armed forces and to enable pensioners from the armed forces receive not less than the amount of national wage as minimum pension.

A BILL

FOR

AN ACT TO AMEND THE FEDERAL HIGHWAYS ACT AND FOR MATTERS CONNECTED THEREWITH.

*Sponsored by HON. D. M. ONWUZULIKE,
Aguata Northwest Federal Constituency,
Anambra State*

AND

*HON. ALHAJI MUHAMMADU A. T. WADA,
Waje/Nasarawa Federal Constituency,
Kano State*

[]

Commence-
ment.

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

3 1. Section 1 of the Federal Highways Act 1971 is hereby amended
4 in subsection (2) (b) thereof by deleting the expression "and maintenance".

Amendment
to Section 1.
1971 No. 4.

5 2. This Act may be cited as the Federal Highways (Amendment)
6 Act 1982.

Short title.

EXPLANATORY MEMORANDUM

The purpose of this Bill is to enable the establishment of Government agencies such as the proposed Federal Highways Authority to undertake on a permanent and continuing basis, the maintenance of federal highways.

NIGERIAN INTERNAL TELECOMMUNICATIONS AUTHORITY BILL, 1982

ARRANGEMENT OF CLAUSES

Clause

PART I—ESTABLISHMENT OF THE AUTHORITY

1. Establishment and functions of the Authority
2. Board of Directors of the Authority.
3. Director-General, Secretary and other staff of the Authority.
4. Assets of the Authority.

PART II—POWERS OF THE AUTHORITY, ETC.

5. General functions of the Authority.
6. Particular functions of the Authority.
7. Continuity in the supply of services.
8. Land vested in the Authority.
9. Rates and scales of charges for telecommunication services.
10. Powers of the Minister in relation to the activities of the Authority.
11. Borrowing powers.
12. Funds of the Authority.
13. Investment of surplus funds.

PART III—INSPECTORATE DEPARTMENT

14. Inspectorate Department of the Authority.
15. Appointment of Head of the Inspectorate, etc.

PART IV—SPECIAL POWERS

16. Control of other telecommunication undertakings.

17. Power of the Authority to disconnect on failure to pay arrears, etc.
18. Provision as to work which involves damage or alteration to telecommunication works.
19. Power to enter land for certain purposes.
20. Notice of intention to enter land to lay cable or construct telecommunication facility.

PART V—MISCELLANEOUS AND SUPPLEMENTAL

21. Compensation for damage, etc.
22. Private installations.
23. Restriction on the grant of licences under 1961 No. 31.
24. Exemption of agreement for the supply of telecommunication services from stamp duties.
25. Main transmissions systems excluded from rates.
26. Authority not otherwise exempted from tax.
27. Limitation as to award of contracts.
28. Regulation of public access to Authority's premises.
29. Power to make regulation.
30. Interpretation.
31. Short title and commencement.

SCHEDULE

Supplementary Provisions
Relating to the Authority.

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NIGERIA INTERNAL TELECOMMUNICATIONS AUTHORITY ; TO TRANSFER TO IT CERTAIN PROPERTY AND STAFF OF THE DEPARTMENT OF POSTS AND TELECOMMUNICATIONS ; AND FOR PURPOSES CONNECTED THEREWITH.

*Sponsored by HON. MIKE UGWU,
Udi Federal Constituency, Anambra State*

[]

Commence-
ment.

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

3 PART I—ESTABLISHMENT OF THE AUTHORITY

4 1.—(1) There is hereby established an Authority to be known as the
5 Nigerian Internal Telecommunications Authority (hereinafter in this
6 Act referred to as “the Authority”) and it shall be the duty of the
7 Authority as from the vesting date to administer, plan, provide and
8 operate internal telecommunication services for all parts of the Federa-
9 tion in an efficient, co-ordinated, economical and profitable manner.

Establish-
ment, etc.,
of the Autho-
rity.

10 (2) The Authority shall be a body corporate with perpetual succes-
11 sion and a common seal and shall, subject to the provisions of this Act,
12 have the power to hold land and all movable and immovable property
13 vested in it under or pursuant to this Act and may, subject to the
14 provisions of this Act or of any other enactment, grant, demise,
15 alienate or otherwise dispose of same.

16 (3) The Authority shall have power to sue and be sued in its
17 corporate name.

Board of
Directors of
the Authority.

1 2.—(1) The affairs of the Authority shall be conducted by a Board
2 of Directors of the Authority (hereinafter in this Act referred to as
3 “the Board”) and the Board shall accordingly be responsible for the
4 determination of the overall policy of the Authority and in particular
5 for the financial, economic and operational programmes of the Authority
6 and for ensuring the implementation of such policies and programmes.

7 (2) The Board shall consist of a Chairman to be appointed by the
8 President and the following other members, that is—

9 (b) the Director-General of the Authority ;

10 (c) the Permanent Secretary of the Ministry charged with responsi-
11 bility for the Authority ; and

12 (d) five other persons appointed by the President who by reason of
13 any requisite ability, experience and specialised knowledge, have
14 special skills that will be useful and will enable them to make effective
15 contributions to the work of the Authority.

16 (3) Subject to this Act, a member of the Board who is not an
17 *ex officio* member shall, unless he previously relinquishes his member-
18 ship on the Board—

19 (a) hold office for three years on such terms as may be specified in
20 his letter of appointment ; and

21 (b) be eligible for re-appointment for a further term of three years,
22 but shall vacate his office at the expiration of a period of six years.

23 (4) Members of the Board, other than *ex officio* members, shall be
24 paid out of moneys at the disposal of the Board such remuneration and
25 allowances as the Minister may, with the approval of the President,
26 determine.

1 (5) The provisions of the Schedule to this Act shall apply in relation
2 to the proceedings of the Board and the other matters mentioned therein.

3 3.—(1) There shall be appointed by the President, a chief executive
4 officer of the Authority, who shall be known as the Director-General,
5 and who shall be responsible for the execution of the policy of the
6 Authority and the day to day running of the affairs of the Authority.

Director-
General
Secretary
and other
staff of the
Authority.

7 (2) The Board may, subject to subsection (3) of this section,
8 appoint a Secretary to the Board who shall not be a member of the
9 Board, and who shall keep the records and conduct the correspondence
10 of the Board and perform such other duties of a similar nature as the
11 Board may from time to time direct.

12 (3) The Board shall, subject to the provisions of this Act, have
13 power—

14 (a) to appoint such other employees of the Authority as it may
15 determine ;

16 (b) to pay its employees such remuneration and allowances
17 as the Board may with the approval of the Minister determine ; and

18 (c) as regards employee who are eligible therefor to pay to or in
19 respect of them such pensions and gratuities or to provide and maintain
20 for them such superannuation scheme (whether contributory or not)
21 as the Board may determine.

22 (4) Subject to this Act, the transitional and supplemental provisions
23 relating to employees of the Authority set out in Part III of the
24 Schedule to this Act shall apply accordingly.

25 4.—(1) Subject to the provisions of this Act, all property (including
26 Government Quarters now being occupied by the officers of the Depart-
27 ment of Posts and Telecommunications) rights, liabilities and obligations
28 relating to telecommunications which immediately before the vesting

Assets of the
Authority.

1 date were property, rights, liabilities and obligations of a body to whom
2 this Act applies shall, without further assurance, vest in the Authority.

3 (2) Subject to the provisions of this section—

4 (a) transmission systems, exchanges, lines and ancillary works,
5 and any property, assets, powers, rights and privileges held by the
6 body or enjoyed in connection therewith or appertaining thereto ;

7 (b) all property, rights, liabilities and obligations relating to telecom-
8 munications under agreements to which any body to whom this Act
9 applies were a party immediately before the vesting date whether
10 in writing or not and whether or not of such a nature as rights and
11 obligations thereunder could be assigned by the body ; and

12 (c) all investments and cash relating to telecommunications of such
13 body and all rights and liabilities thereof,
14 shall vest in the Authority.

15 (3) Subject to the provisions of this Act, every agreement to which
16 subsection (2) (c) above relates shall, unless its terms or subject-matter
17 make it impossible that it should have effect as modified in a manner
18 provided by this subsection, have effect as from the vesting date, as
19 if—

20 (a) the Authority had been a party to the agreement ;

21 (b) for any reference (however worded and whether express or
22 implied) to the body there were substituted, as respects anything
23 failing to be done on or after the vesting date, a reference to the
24 Authority ;

25 (c) for any reference (however worded, and whether express or
26 implied) to, or to any part of, or to any sum determined by reference
27 to, any profits or receipts of the undertaking of the body or any part
28 of that undertaking there were substituted, as respects profits or

1 receipts arising on or after the vesting date, a reference to, or to the
2 corresponding part of, or to a sum similarly determined by reference
3 to, an estimate of what those profits or receipts would have been for the
4 vesting of the undertaking or part thereof, in the Authority ;

5 (d) for any reference (however worded and whether express or
6 implied) to any member of the body there were substituted, as respect
7 anything falling to be done on or after the vesting date, a reference
8 to such person as the Authority may direct or authorise ;

9 (e) for any reference (however worded and whether express or
10 implied) to any officer of the body there were substituted, as respects
11 anything falling to be done on or after the vesting date, a reference
12 to such person as the Authority may appoint or in default of appoint-
13 ment, to the officer of the Authority who corresponds as nearly as
14 may be to the first mentioned officer ;

15 (f) in the case of an agreement for the rendering of personal services
16 to the body, the services to which the agreement relates were, on and
17 after the vesting date, any services under the Authority to be selected
18 by that Authority which are reasonably equivalent services ; and

19 (g) save as provided by paragraphs (c), (d), (e) and (f) of this sub-
20 section, for any reference (however worded and whether express or
21 implied) to the undertaking of the body or any part of that undertaking
22 or to the area supply by the body or any part of that area there were
23 substituted, as respects anything falling to be done on or after the
24 vesting date, a reference to so much of the business carried on by the
25 Authority as correspondends to the undertaking or part of the under-
26 taking of the body, or as the case may be, a reference to the area
27 constituting the said area of supply or part thereof immediately
28 before the vesting date.

1 (4) Any other documents, not being enactments which refer
2 whether specifically or generally, to any such body, shall be construed in
3 accordance with the provisions of the last foregoing subsection, so far as
4 applicable.

5 (5) Without prejudice to the generality of the foregoing provision
6 of this section, where, by the operation of any of the said provisions,
7 any right, liability or obligation vests in the Authority, the Authority
8 and all other persons shall, as from the vesting date, have the same
9 rights, powers and remedies (and in particular the same rights as to the
10 taking or resisting of legal proceedings or the making or resisting of
11 applications to any authority) for ascertaining, perfecting or enforcing
12 that right, liability or obligation as they would have had if it had at all
13 times been a right, liability or obligation of the Authority and any legal
14 proceedings or applications to any authority pending on the vesting
15 date by or against the body, in so far as they relate to any property
16 right, liability or obligation vested in the Authority by virtue of this Act,
17 or to any agreement or document which has effect in accordance with
18 subsection (3) or subsection (4) of this section, or any other enactment
19 shall be continued by or against the Authority to the exclusion of the
20 body.

21 (6) Notwithstanding anything in this section—

22 (a) where any agreement provides for the borrowing of money by
23 any such body or the raising of money by the issue of securities of
24 any such body and the money has not been borrowed or raised before
25 the vesting date, no right, liability or obligation under the agreement
26 shall be transferred to the Authority ;

(b) no right, liability or obligation under any agreement for the rendering by any person of services to any such body as a member of the body (other than a member who is charged with the management of the body whose functions are substantially those of an employee) shall be transferred to the Authority, except any liability in respect of fees earned or expenses incurred before the vesting date.

(7) If the law in force at the place where any assets vesting in the Authority under this Act is situated provides for the registration of the title of the assets of the kind in question, the law shall, so far as it provides for alterations of a register, apply with necessary modifications to the vesting of the assets in the Authority, and it shall be the duty of the Board to furnish such particulars as may be necessary to the proper officer of the authority which is charged with the duty of registering the assets, and of that officer to register the title of the Authority accordingly, without payment of any fee.

PART II—POWERS OF THE AUTHORITY, ETC.

5.—(1) Subject to the provisions of this Act, the Authority shall be charged with the duty of—

General
functions of
the
Authority.

(a) managing, maintaining and working the telecommunication systems which are vested in the Authority under this Act ;

(b) establishing, managing and working such telecommunication systems as the Authority may deem it expedient to establish in the public interest ;

(c) providing telecommunication services and promoting economic and efficient telecommunication services and supply at reasonable prices to subscribers ;

(d) generally engaging in activities that will enhance the telecommunication systems and services in the overall interest of Nigeria.

1 (2) In connection with the discharge of its duties under sub-
2 section (1) above the Authority shall have power —

1961 No. 31.

3 (a) to provide telecommunication services and supply to subscribers
4 in any part of Nigeria and shall for such purposes have and be subject
5 to all rights, powers, obligations and duties conferred or imposed by
6 the Wireless Telegraphy Act 1961 ;

7 (b) to construct, reconstruct, maintain and operate telephone
8 exchanges, external plant networks, subscriber installations, domestic
9 satellite systems, radio systems, aerostat balloon systems, coaxial cable
10 systems on, above or below the ground or through water and all
11 other ancillary facilities, buildings and works necessary for carrying
12 out its duties under this Act ;

13 (c) with the approval of the Minister, to provide telecommunication
14 services in Nigeria in partnership with other persons or to take shares
15 in any company incorporated for the purposes of providing telecommu-
16 nication services in Nigeria ;

17 (d) with the approval of, and in such manner as may be authorised
18 by the Minister, to enter into agreements with any person, authority
19 or government department established for the production of tele-
20 communication services in the countries bordering on and near to
21 Nigeria for the purchase, sale or interchange of telecommunication
22 services ;

23 (e) to make regulations regarding the standard of equipment to be
24 used with the telecommunication services supplied by the Authority ;

25 (f) to prescribe the general conditions for installation and wiring
26 of buildings for its services ;

27 (g) to do anything which in its opinion is calculated to facilitate the
28 carrying on of its duties under this Act.

Particular
functions
of the
Authority.

6.—(1) In addition to the duties specified under the foregoing provisions of this Act, the Authority may carry on all or any of the following particular functions—

(a) the manufacture or manufacture in joint undertaking with reputable telecommunications enterprise of any plant, equipment and materials required for the running of the telecommunication services ;

(b) the maintenance of shops and showrooms for the display, sale and hire of telecommunication equipment of all kinds.

(2) All charges made by the Authority for the sale or letting on hire of telephone or telex lines, fittings, apparatus or appliances shall be fixed at such rates that the revenue derived by the Authority from such sale and such letting on hire shall not be less than the expenditure incurred in or about such sale and letting on hire including the cost of providing or manufacturing such telephone or telex lines, fittings, apparatus or appliances.

(3) The Authority shall make regulations regarding the technical specifications of equipment, fittings, apparatus or appliances to be used in conjunction with its services.

(4) All telecommunication lines, fittings, apparatus and appliances provided or let on hire by the Authority on a subscriber's premises shall be deemed to form part of the undertakings of the Authority.

7.—(1) Land vested in the Authority by virtue of this Act or otherwise shall not be liable to be acquired compulsorily under any enactment, and notwithstanding anything in any other enactment, no mining operations shall be carried on, in or under any land vested in the Authority or any land over which the Authority is entitled to right of support for the benefit of land so vested, except with the prior consent in writing of the Minister.

Land vested
in the
Authority.

1 (2) Any person who suffers loss by reason of the provisions of
2 subsection (1) above relating to mining operations shall—

3 (a) be paid adequate compensation by the Authority in respect
4 of the loss ; and

5 (b) be entitled to refer any question as to his interest in the subject-
6 matter of the loss and as to the amount of any compensation payable
7 in pursuance of this subsection for determination by the Federal
8 High Court.

9 (3) This section binds the State for the purpose of section 9 of
10 the Interpretation Act 1964 and for the purpose of this subsection
11 “the State” means the Government of the Federation or the Government
12 of any State in the Federation.

Continuity
in the supply
of services.
1961 No. 31

13 8.—(1) The Authority shall maintain continuity in the provision
14 of telecommunication services as required by the Wireless and Telegraphy
15 Act 1961 and any regulations made thereunder :

16 Provided that the Authority shall have the right to suspend the
17 supply of telecommunication service for such periods as may be
18 necessary for carrying out inspection, tests or repairs and for the
19 making of new connections.

20 (2) The Authority shall in no case be under any obligation to pay for
21 damage or compensation for loss, damage or inconvenience caused to
22 any subscriber through any suspension, failure, discontinuance or
23 whole or partial interruption of the supply to any telecommunication
24 services howsoever caused.

Rates and
scales of
charges for
telecommu-
nication
services.

25 9.—(1) The rates and scales of charges for telecommunication
26 services shall be submitted by the Authority for the approval of the
27 Minister, notwithstanding that the rates and scales aforesaid are the
28 subject of an agreement between the Authority and any subscriber.

(2) Subject to the provisions of subsection (1), all charges for telecommunication services provided to subscribers and for services rendered by the Authority shall be fixed at such rates and on such scales that the revenue derived in any year from such scales and services together with its revenue in such year from other sources, will be sufficient as nearly as may be, to pay—

(a) all salaries, working expenses and other out-goings of the Authority properly chargeable to income in that year ;

(b) the payments failing to be made in such year by the Authority in respect of the interest on or repayment of the principal under this Act ;

(c) any sums providing for the redemption of stock issued by the Authority under this Act ; and

(d) such sums as the Authority may think proper to set aside in that year for a reserve fund, extensions, renewals, depreciation, loans and other like purposes.

(3) The charges under this section may, if the Authority thinks fit, be fixed at different rates and scales for different categories of subscribers.

10.—(1) Subject as otherwise provided under section 16 of this Act, the Minister may, after consultation with the Authority, give to the Authority such directions of a general character as appear to the Minister to be requisite in the national interest and in particular, directions as to—

Powers of the Minister in relation to the activities of the Authority.

(a) the expansion of existing telecommunication facilities and ancillary works ;

(b) the establishment and working of new telecommunication facilities ;

1 (c) the rendering of services and the supply of telecommunication
2 services to any Government department ; and

3 (d) the creation and application of a general reserve notwithstanding
4 that these directions may be of a specific character and the Authority
5 shall give effect to such directions.

6 (2) The Authority shall afford the Minister every necessary
7 facility for obtaining information with respect to the property and
8 activities of the Authority and shall furnish him with returns, copies
9 of any minutes, accounts and other information with respect thereto
10 and afford him facility for the verification of information furnished in
11 such a manner and at such time as he may require.

12 (3) In this section the reference to a Government department
13 includes the Government of a State or any department of that Govern-
14 ment.

Borrowing
powers.

15 11.—(1) The Authority may, with the approval of the Minister,
16 borrow by way of loan from any source any moneys required by the
17 Authority for meeting its obligations and discharging the functions of
18 the Authority under this Act.

19 (2) Without prejudice to the generality of subsection (1) of this
20 section, the Authority may from time to time and subject as aforesaid
21 borrow money or raise capital by the issue of debenture stock upon
22 such terms touching the issue, transfer, interest and redemption as may
23 be so approved for all or any of the following purposes—

24 (a) the provision of working capital ;

25 (b) the fulfilling of the functions of the Authority under this Act ;

26 (c) the redemption of any stock which the Authority are required or
27 entitled to redeem ;

1 (d) any other expenditure properly chargeable to capital account.

2 (3) The Government may guarantee, in such manner and on such
3 conditions as it may think fit, the redemption or repayment of, and the
4 payment of any interest on, any debenture stock issued by or any
5 temporary loan raised by the Authority.

6 12.—(1) The Authority shall keep proper accounts and proper
7 records in relation thereto, and shall prepare in respect of each financial
8 year a statement of accounts in such form as the Minister may direct,
9 being a form which shall conform with the best commercial standards.

Funds of the
Authority.

10 (2) The Authority shall not later than three months after the end
11 of the financial year the end of the financial year to which the accounts
12 relate cause its accounts to be audited.

13 (3) The auditors shall, on the completion of the audit of the
14 accounts of the Authority for each financial year, prepare and submit
15 to the Authority reports setting out—

16 (a) general observations and recommendations of the auditors on
17 the financial affairs of the Authority for the year and on any important
18 matters which the auditors desire to bring to the notice of the Authority ;
19 and

20 (b) detailed observations and recommendations of the auditors on
21 all aspects of the operations of the Authority for that year.

22 (4) The Authority shall maintain a fund which shall consist of—

23 (a) such moneys as may from time to time be provided by the
24 Government of the Federation for the purposes of this Act by way
25 of grants or loans as the case may be ; and

26 (b) such moneys as may be received by the Authority in the course
27 of its operations or in relation to the exercise by the Authority of any
28 of its functions under this Act,

1 and from such fund there shall be defrayed all expenses incurred
2 by the Board ; and the Board shall submit to the Minister not later
3 than 3 months before the end of each financial year, estimates of its
4 expenditure and income (which shall exclude payments to the Board
5 out of moneys provided by the Government of the Federation relating
6 to the next following financial year.

7 (5) The funds of the Authority for any financial year shall be
8 applied in defraying the following charges—

9 (a) the remuneration, fees and allowances of the members of the
10 Board ;

11 (b) the salaries, fees, remuneration, pensions, superannuation allow-
12 ances or gratuities of the employees, agents and other persons
13 acting under the directive of the Authority ;

14 (c) working and establishment expenses and expenditure on, or
15 provision for, the maintenance and renewal of any of the facilities
16 of the Authority and the discharge of the functions of the Authority
17 properly chargeable to revenue account ;

18 (d) interest on any stock issued, or any temporary loan raised, by
19 the Authority ; and

20 (e) sums required to be transferred to a sinking fund or otherwise
21 set aside for the purpose of making provision for the redemption of
22 debenture stock or the repayment of other borrowed moneys.

23 (6) The balance of such funds shall be applied, to the creation of a
24 general reserve and such other reserves as may be sanctioned by the
25 Minister.

26 (7) Without prejudice to the generality of section 9 (2) above, it

1 shall be the duty of the Authority to prepare and submit to the Minister
2 not later than 4 months after the end of each financial year a report which
3 shall be in such form as the Minister may direct and shall relate to the
4 activities of the Authority during the immediately preceding financial
5 year.

6 (8) The report shall include a copy of the audited accounts of the
7 Authority for that year and a copy of the auditor's report on the accounts,
8 and such report shall be presented to the Government of the Federation
9 by the Minister as soon as may be after the receipt thereof.

10 13. The Minister may, with the approval of the Government of the
11 Federation, issue to the Board such directives as he may think necessary
12 as to the disposal of any surplus funds of the Authority, and subject to
13 any such directives, the Authority may invest its funds and maintain a
14 general reserve.

Investment
of surplus
funds.

15 PART III—INSPECTORATE DEPARTMENT

16 14.—(1) There shall be established a department of the Authority
17 to be known as Postal Services Inspectorate Department which shall,
18 subject to the other provisions of this section, be an integral part of the
19 Authority.

Inspectorate
Department
of the
Authority.

20 (2) The Minister may delegate to the head of the Department such
21 of the powers conferred upon the Minister by this Act or any other
22 enactment as he may deem necessary and in particular but without
23 prejudice to the generality of the foregoing, responsibility for the
24 following matters, that is—

25 (a) issuing permits or licences for all activities connected with
26 telecommunication works ;

27 (b) investigating by members of the public of misconduct by
28 employees of the Authority ;

1 (c) carrying out such other functions of a similar nature as above as
2 the Minister may direct from time to time.

3 (3) In the exercise of the powers conferred upon the head of the
4 Department under this Act, he shall not be subject to the direction or
5 control of any other person or authority in the Authority except the
6 Minister.

7 (4) The Department shall not exercise any commercial functions in
8 respect of any activities of the Authority.

Appointment
of Head of
the
Inspectorate,
etc.

9 15.—(1) There shall be appointed by the Authority with the prior
10 approval of the Minister a person to be the head of the Department to be
11 known by such designation as the Minister may determine.

12 (2) There shall be appointed by the Authority such other employees
13 as may be necessary to assist the head of the Department in the efficient
14 discharge of the functions conferred on him under or pursuant to this
15 Act.

16 PART IV—SPECIAL POWERS

Control of
other tele-
communica-
tion
undertaking.

17 16.—(1) If so requested by the Minister, the Authority shall
18 supervise, manage or take over any telecommunication undertaking un-
19 der the supervision and management of any relevant Government depart-
20 ment subject to—

21 (a) payment of compensation in appropriate cases ;

22 (b) payment of all expenses involved in the supervision, management
23 or taking over of such undertaking ; and

24 (c) such additional charges as could be agreed upon between the
25 parties or as may be specified by the Minister.

26 (2) The reference in this section to “any relevant Government
27 department” is a reference to any department of a Government in the
28 Federation, corporation or any other body, immediately before coming
29 into operation of this Act, not being a body to whom this Act applies.

17.—(1) Whenever any subscriber who has been provided with telecommunication services by the Authority fails to pay the charges due from him, the Authority shall be entitled to disconnect the services and recover the arrears from him.

Power of the Authority to disconnect on failure to pay arrears, etc.

(2) Any person whose services shall be discontinued under subsection (1) of this section shall not be entitled to any of the services rendered by the Authority until the arrears are fully discharged and any relevant penalties shall have been paid.

18.—(1) Where any work proposed to be done in the execution of an authorised undertaking involves or is likely to involve an alteration either temporarily or permanently in any telecommunication works, and provision is not otherwise made by enactment, agreement or otherwise with respect to such alteration or to giving notice to the Authority thereof or to the expenses of or incidental thereto, the following provisions of this Act shall apply, that is to say—

Provision as to work which involves damage or alteration to telecommunication works.

(a) any person wishing to undertake or execute such work shall give to the authorised officer not less than seven or more than fourteen days previous notice of the time and place at which the work will be begun and the nature of the alteration required ;

(b) before the expiration of fourteen days after the notice is given an authorised officer may give the person a counter-notice either stating his intention himself to make, or requiring the person to make under the supervision and to the satisfaction of any authorised officer, such alteration in the telecommunication works as he deems necessary or expedient to be made in consequence of the proposed work ;

(c) if the authorised officer by his counternotice states that it is the intention of the Authority to make such alteration, it shall be lawful for such authorised officer to make the same, and the person shall

1 pay to the Authority all the expenses incurred by authorised officer
2 of and incidental thereto, and the amount of any loss or damage
3 sustained by him in consequence thereof :

4 (d) if the Authority requires the person to make such alteration,
5 it shall issue a certificate in that behalf to the undertakers or their
6 agents to pay the Authority all the expenses incurred by him of and
7 incidental to such supervision, also the amount of any loss or damage
8 sustained by him in consequence of the alteration ;

9 (e) if the Authority fails to give a counternotice, or if having under-
10 taken to make the alteration, the Authority should fail to make within
11 a reasonable time the alteration, the person concerned may make
12 the alteration to reasonable satisfaction of the Authority ;

13 (f) if any person fails to serve on the Authority such notice as is
14 required by this section with respect to any work, or begin to do the
15 work specified in a notice served under this section before the expira-
16 tion of seven days after the notice is given, such person shall be
17 guilty of an offence under this Act and liable—

18 (a) in the case of an individual to a fine of ₦500 or twelve
19 months imprisonment ;

20 (b) in the case of a body corporate to a fine of ₦20,000.

21 Provided, that nothing in this section shall subject any person to a
22 fine for omitting to comply with any requirements of the Authority,
23 or for executing without previous notice any work if they satisfy the
24 court having cognizance of the case that any such requirement was
25 unreasonable or that the immediate execution of the work was required
26 to avoid an accident, or otherwise was a work of emergency, and that
27 they forthwith served on the Authority or the office of the Authority

1 nearest to the place where the work was done a notice of the execution
2 thereof, stating the reason for executing the same without previous
3 notice.

4 (2) In this section, the words "authorised officer" shall include
5 the Director-General, any employee of the Authority and agents of the
6 Authority.

7 "Person" includes contractors, sub-contractors, agents and any
8 Ministry or department of the Government of the Federation (not being
9 any department for which the Minister has responsibility) or a State or
10 Local Government Council or any other public body established by
11 or pursuant to any enactment or law or any other lawful authority
12 whatsoever.

13 19. Where any person destroys or injures any telecommunication
14 works of the Authority, such person shall be liable to pay to the
15 Authority two hundred per cent of the original value of the equip-
16 ment damaged :

Compensation and fine for injury to telecommunication works of the Authority and for interruption to telecommunication works.

17 Provided that a person shall not be liable to pay compensation
18 under the Criminal Justice (Miscellaneous Provisions) Act 1975.

19 20.—(1) Subject to the provisions of subsection (4) of this section,
20 the Authority may by its employees or agents with all necessary workmen
21 and other servants enter from time to time on any lands for all or any
22 of the following purposes—

Power to enter land for certain purpose.

23 (a) the surveying and taking of levels ;

24 (b) the construction, placing, maintenance, examination, repair,
25 alteration, or removal of any telephone or telex or main transmission
26 line ;

1 (c) the cutting and removal underneath or near, or on each side of
2 any proposed or existing cable or other telecommunication or main
3 transmission line of all such trees and underwood as may interfere
4 or be likely to interfere with the construction or proper working or
5 any such cable facility ;

6 (d) attaching to any wall, house or other building any bracket of
7 other suitable fixture required for the carrying or support of telephone
8 pole or cable or any other telecommunication equipment ;

9 (e) any other work connected with the supply of telecommunication
10 services.

11 (2) The Authority shall when practicable give notice to the occupier
12 of any land on which it is intended to enter.

13 (3) For all or any of the purposes aforesaid such employees, agents
14 workmen or other servants may remain on any such land for such
15 reasonable time and execute and do all such work and things as may
16 be necessary.

17 (4) The Authority shall not construct, place, maintain, examine,
18 repair, alter, or remove any cable or other telecommunication facilities
19 under, in, upon, over, along, or across any land, road, building, embank-
20 ment, dock, harbour or pier under the control of a department of Govern-
21 ment or other public authority without the prior approval of the head
22 of the department or of such public authority concerned.

23 (5) Any cable or main transmission system placed across or over
24 any road shall be placed so as not to interfere with passage along such
25 road, and the Authority shall make good any road opened or broken
26 up for the purposes referred to in subsection (1) of this section.

Notice of
intention to
enter land to
lay cable or
construct
telecommu-
nication
facility.

21.—(1) Before laying a new cable or constructing other tele-
communication facility across any land or attaching any fixture to any
building the Authority shall when practicable serve on the occupier of
such land or building such notice as may be prescribed by the Minister
and which shall be in writing giving a description of the nature of the line
or fixture and the manner in which it is intended to be constructed or
attached.

(2) If within 30 days after the service of such notice the occupier
fails to lodge an objection with the Authority in writing to the work
specified in the notice, the Authority may proceed with that work.

(3) If within 30 days after the service of such notice the occupier
lodges an objection with the Authority in writing to the work specified
in the notice, such work shall not be undertaken by the Authority
unless and until the Authority has obtained the approval in writing of the
Minister.

(4) If the owner of any land or building on which a cable
or other telecommunication facility or fixture has been constructed
or attached requires the position of such cable or facility to be altered,
the Minister, if satisfied that the requirements of such owner are such
as to warrant the alteration of the position of the cable or fixture, may
by notice in writing require the Authority to alter the position of such
cable or fixture subject to conditions which, failing agreement between
the parties, may be prescribed by the Minister, and unless the Minister
decides to the contrary the cost of such alteration shall be paid to the
Authority by the person requiring the alteration and the Authority
shall not be compelled to carry out the alteration until the payment of the
cost thereof has been secured to it.

1 PART V—MISCELLANEOUS AND SUPPLEMENTAL

Compensation for,
damage etc.

2 22.—(1) In the exercise of the powers conferred by section 17 of
3 this Act, the Authority, its employees and agents shall do as little damage
4 as may be and the Authority shall pay compensation for any damage done
5 to any buildings, crops or economic trees.

6 (2) In the case of a dispute as to the amount of compensation
7 payable, the same shall be determined by a magistrate exercising jurisdic-
8 tion in the place where the land is situate or the Federal High Court.

Private
installations.

9 23.—(1) A person who wishes the Authority to extend any of its
10 services outside an exchange area shall, subject to the approval of the
11 Authority, bear the cost of such installation and any other charges
12 the Authority may impose.

13 (2) If any dispute or question arises between any person and the
14 Authority as to the amount of such charges such dispute or question
15 shall be determined in the first instance by the Minister or, if the Minister
16 thinks fit by an arbitrator appointed by him.

Restriction
on the grant
of licences
under 1961.
No. 31.

17 24. Notwithstanding any of the provisions of the Wireless Tele-
18 graph Act 1961, no licence shall, on or after the vesting date, be granted
19 under the provisions of the said Act to any person other than the Authority
20 unless notice of the particulars of the application for such licence has been
21 given to the Authority and except with the prior approval of the Minister.

Exemption of
agreement
for the
supply of
telecommu-
nication
services
from stamp
duties.
Cap. 191.

22 25. Transmission systems shall be deemed to be goods, wares or
23 merchandise for the purposes of the exemption numbered (3) under
24 the heading "Agreement of any Memorandum of an Agreement"
25 contained in the Schedule to the Stamp Duties Act.

1 26.—(1) The exchanges, cable network and transmission systems
2 of the Authority with their ancillary equipment and plant shall not be
3 regarded as hereditaments or tenements to be valued for rating purposes.

Main
transmission
systems
excluded
from rates.

4 (2) In this section, "transmission system" includes radio system,
5 satellite communication systems, aerostat balloon systems, cable
6 systems, overhead lines and similar installations used for trans-
7 mitting, conveying or distributing telecommunication traffic from
8 one telephone exchange to another or to a private branch exchange
9 and similar installations but does not include residential buildings.

10 27. Save as is provided in sections 25 and 26 of this Act, nothing in
11 this Act shall be deemed to exempt the Authority from liability for any
12 tax, duty, rate, levy or other charge whatsoever, whether general or local.

Authority
not otherwise
exempted
from tax.

13 28. Notwithstanding anything contained in this Act or any other
14 enactment or law to the contrary, any contract relating to any project
15 shall be awarded in accordance with such directions and guidelines as
16 may be issued by the President from time to time.

Limitation
as to award
of contracts.

17 29.—(1) The Authority may, with the approval of the Minister,
18 make by-laws—

Regulation
of public
access to
Authority's
premises.

19 (a) prohibiting or restricting the access of members of the public
20 to any premises vested in, occupied by or under the control of the
21 Authority ;

22 (b) regulating the hours during which, the means whereby, the
23 purposes for which and the conditions subject to which members of the
24 public or any class of members of the public may have access to or
25 egress from any such premises or part thereof ;

26 (c) for ensuring the maintenance of good order and discipline
27 amongst members of the public at any time when upon any such
28 premises ;

1 (d) prohibiting or restricting the use to which land over, underneath
2 or near which cables or transmission systems run, and for preventing
3 the unauthorised or improper use of or the wilful or negligent
4 occasioning of injury to any property owned, vested in, occupied
5 by or under the control of the Authority.

6 (2) Regulations made under the provisions of this section shall not
7 come into force until they have been approved by the Minister and
8 published in such manner as he shall direct.

9 (3) Regulations made under this section may provide that for the
10 contravention of such regulations there may be imposed on the convic-
11 tion of any person for any such contravention a fine not exceeding
12 ₦2,000 or in default of payment thereof imprisonment for a term not
13 exceeding twelve months.

14 (4) For the purposes of this section members of the Board and
15 employees of the Authority shall not be deemed to be members of the
16 public.

17 (5) In this section "premises" includes telephone exchanges,
18 lands, plants and ancillary works.

Power to
make
regulations.

19 30. The Minister may make regulations for all or any of the follow-
20 ing—

21 (a) prescribing the general conditions under which telecommunica-
22 tion services shall be supplied or discontinued to consumers ;

23 (b) prescribing the general conditions of sale or letting on hire
24 of telecommunication equipment of all kinds ;

25 (c) prescribing the form of and conditions to be contained in and the
26 method of service of any notice required or authorised under this
27 Act ;

1 (d) prescribing any fee or anything which is to be prescribed
2 generally and for the better carrying out of the purposes and provisions
3 of this Act.

4 31. In this Act, unless the context otherwise requires—
5 “the Authority” means the Nigerian Internal Telecommunications
6 Authority established by section 1 of this Act ;

Interpreta-
tion.

7 “the Board” means the Board of Directors appointed pursuant to
8 section 2 of this Act ;

9 “functions” includes powers and duties ;

10 “the Minister” means the Minister charged with responsibility for
11 the Authority.

12 “vesting day” means the day appointed for the coming into force
13 of this Act pursuant to section 32(3) thereof ;

14 32.—(1) This Act may be cited as the Nigerian Internal Telecom-
15 munications Authority Act 1982.

Short title.

16 (2) References in this Act to body affected by this Act are references
17 to the branch of the Department of Post and Telecommunications
18 hereby reconstituted by this Act into the Authority.

19 (3) This Act shall come into force on such day as may be appointed
20 by the Minister by an Order published in the *Gazette*.

SCHEDULE

Section 2

PART I—PROCEEDINGS

1. Subject to this Act and section 26 of the Interpretation Act 1964 (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding to have a second or casting vote) the Board may make standing orders regulating the proceedings of the Board or any committee thereof, especially as regards—

- (a) the holding of meetings ;
- (b) notice to be given of such meetings and proceedings thereat ;
- (c) the keeping of minutes, and the custody, production and inspection of such minutes ; and

(d) the opening, keeping, closing and auditing of accounts.

2. Every meeting of the Board shall be presided over by the Chairman or, if the Chairman is unable to attend any particular meeting, by another member appointed by the members present at the meeting to act as Chairman for that particular meeting.

3. The quorum at a meeting of the Board shall be the Chairman (or, in an appropriate case, the person appointed to act as Chairman under paragraph 2 above) and three other members one of whom is not an *ex-officio* member.

4. Where standing orders made under paragraph 1 of this Schedule provide for the Board to co-opt persons who are not members of the Board such persons may advise the Board on any matter referred to them by the Board, but shall not be entitled to vote at a meeting of the Board.

5. With the approval of the Minister, the Board may make regulations providing for—

(a) the grant of pensions, gratuities and other retiring allowances and benefits to its employees and their dependants, and the grant of gratuities to the estates, or dependants of its deceased employees; and

(b) the establishment and maintenance of medical benefit funds, superannuation funds and provident funds and the contributions payable thereto and the benefits receivable therefrom.

6. The Authority shall have a common seal and the affixing of the seal shall be authenticated by the signatures of the Chairman or some other member of the Board authorised, either generally or specially, by the Board to act for that purpose, and of the Secretary or some person authorised either generally or specially by the Board to act for that purpose; and every document purporting to be an order or other instrument issued by the Board and to seal with the seal of the Authority authenticated in the manner provided by this paragraph, or to be signed by the Secretary, shall be received in evidence and be deemed to be such order or instrument without further proof, unless the contrary is shown.

7. Any contract or instrument which, if made or executed by any person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Authority by any person generally or especially authorised to act for that purpose by the Board.

8. The validity of any proceedings of the Board shall not be affected—

(a) by any vacancy in the membership of the Board, or

(b) by any defect in the appointment of a member of the Board, or

(c) by reason that a person not entitled to do so took part in the proceedings of the Board.

PART II—DUTY OF MEMBERS—DISCLOSURE OF INTEREST

9. A member of the Board who has any interest in any company or concern with which the Board proposes to make any contract or arrangement shall disclose to the Board the fact of such interest and the nature thereof, and such disclosure shall be recorded in the minutes of the Board, and such member shall take no part in any deliberation or decision of the Board relating to such contract or arrangement.

10. Every person appointed to be a member of the Board shall within three months after his appointment absolutely sell and dispose of all shares in any telecommunication business which he shall at the time of his appointment own or be interested in for his own benefit, and if any shares in any such business shall come to or vest in a member of the Board by will or succession for his own benefit, he shall within three months after the same have so come to or vested in him, absolutely sell and dispose of the same or his interest therein.

11. A member of the Board shall not, while he holds that office, purchase, take or become interested in or for his own benefit any shares in any telecommunication business.

12. Any member of the Board who shall retain, purchase, take or become interested in any shares in any telecommunication business in contravention of this section shall be disqualified from and be deemed to have vacated his office as such member.

13. In this section, the expression "shares in any telecommunication business" includes any stock, shares, debentures, debenture stock, bonds, or other securities of any company engaged in telecommunication business or the manufacture of or wholesale or retail dealing in telecommunication equipment, materials or fittings and includes any shares or interest in any undertaking similarly engaged.

PART III—EMPLOYEES OF THE AUTHORITY, ETC.

14. Employees of a body to whom this Act applies who, on the vesting date, are on the established staff of such body shall be deemed to be seconded for such period as may be specified by the Board by an instrument addressed to the said officer or servant from the service of the body in question to the service of the Authority subject to such limitation as regards periods of service as may be provided by their existing terms of service in that body.

15. The Board shall within the period specified in such instrument offer to each employee who is then in the service of the body, employment by the Authority on such terms and conditions as the Authority shall determine.

16. No such employee shall be offered employment by the Authority upon terms and conditions generally less favourable than those enjoyed by the employee at the date of such offer.

17. If the Board thinks it expedient that any vacancy in the staff of the Authority should be filled by a person holding office in any of the public service in the Federation, it shall inform the relevant Civil Service Commission or other appropriate body to that effect and thereafter the Board may fill the vacancy by way of secondment or transfer.

18. Where a member of any of the public services of the Federation is seconded under paragraph 17 above, 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 accrue to him.

19. A person seconded under paragraph 17 of this Part may elect to be transferred to the staff of the Authority, in which case any previous service in any of the public services as aforesaid shall count as service for the purposes of any pension subsequently payable by the Authority.

20. The Board may with the approval of the Minister make rules and regulations for matters connected with the foregoing, and also in relation to the appointment, promotion and discipline of the employee of the Authority.

21. Within the twelve months next after the making of this Act the Minister, if he thinks fit, may by order in the *Gazette* make additional transitional or saving provisions for the better carrying out of the objectives of this Schedule.

EXPLANATORY MEMORANDUM

The Bill hives off the telecommunications section of the Department of Posts and Telecommunications to constitute an authority to be known as the Nigerian Internal Telecommunications Authority and confers upon it the duty to administer, plan, provide and operate internal telecommunication services for all parts of the Federation in an efficient, co-ordinated, economical and profitable manner. In addition to the general duties of the Authority, the Authority may carry on all or any of the following particular functions—

(a) the manufacture or manufacture in joint undertaking with any reputable telecommunication enterprise of any plant, equipment and materials required for the running of the telecommunication services ;

(b) the maintenance of shops and showrooms for the display, sale and hire of telecommunication equipment of all kinds.

The Bill also provides that the affairs of the Authority shall be conducted by a Board of Directors of the Authority which shall accordingly be responsible for the determination of the overall policy of the Authority and in particular for the financial, economic and operational programmes of the Authority and for ensuring the implementation of such policies and programmes. The Board shall consist of a Chairman to be appointed by the President and the following other members, that is—

(a) the General Manager, Nigerian External Telecommunications Limited ;

(b) the Director-General of the Authority ;

(c) the Permanent Secretary of the Ministry charged with responsibility for the Authority ; and

(d) five other persons appointed by the President who by reason of any requisite ability, experience and specialised knowledge, have special skills that will be useful and will enable them to make effective contributions to the work of the Authority.

Provisions are made for the appointment of a Director-General, a Secretary to the Board and other staff of the Authority. The Bill confers upon the General Manager the responsibility for the execution of the policy of the Authority and the day to day running of the affairs of the Authority.

The Bill also provides for the transfer of the staff, assets and liabilities of the Department of Posts and Telecommunications of the Ministry of Communications in so far as they relate to Telecommunications Services to the new Authority to be established pursuant to the provisions of the Bill.

NIGERIAN POSTAL SERVICES AUTHORITY BILL 1982

ARRANGEMENT OF CLAUSES

Clause

PART I—ESTABLISHMENT OF NIGERIA POSTAL SERVICES AUTHORITY, ETC.

1. Establishment of the Nigerian Postal Services Authority.
2. Membership of the Board.
3. Tenure of office.
4. Power of the Minister to give directions to the Authority.
5. The Director-General of the Authority.
6. Appointment of other staff.
7. Pensions Act 1979 No. 102.
8. Exclusive privilege to convey letters.
9. Vesting of property and assets.

PART II—INSPECTORATE DEPARTMENT

10. Inspectorate Department of the Authority.
11. Appointment of Head of the Inspectorate, etc.

PART III—ESTABLISHMENT OF POST OFFICES

12. Postal offices.
13. Postal communications.
14. Receiving boxes, etc.
15. Exclusive privilege and exemptions, etc.
16. Special prohibition.
17. Offence and penalty.
18. Restriction on conveyance of letters except by post.
19. Exception from liability for loss, mis-delivery, delay or damage.
20. Power to fix rates.
21. Issue of stamped envelopes by the Authority, etc.
22. Power to exempt from payment of postage.
23. Payment of postage.
24. Surcharge for insufficiently stamped articles.
25. Articles posted by mistake.
26. Recovery of postage dues.
27. Post office mark prima facie evidence.
28. Evidence of amount of postage.
29. Power to detain and open mail bag.
30. Prohibition of employees of the Authority to open or return postal articles.

31. Opening and return of postal articles.
32. Interception of postal articles in emergency.
33. Power to deal with postal articles.
34. Power to deal with postal article in respect of which an offence is being committed.
35. Inspection of postal article.
36. Rates of gratuity.
37. Penalty of carrier of mail bag opening same.
38. Contracts for the conveyance of mails and postal articles.
39. Penalty for unlawful opening of sealed mail bags.
40. Issue of Post Office Guide.
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A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A POSTAL SERVICES AUTHORITY THE TRANSFER THERETO OF CERTAIN STAFF ASSETS AND LIABILITIES OF THE AUTHORITY OF POSTS AND TELECOMMUNICATIONS AND FOR PURPOSES CONNECTED THEREWITH.

*Sponsored by HON. MIKE UGWU,
Udi Federal Constituency, Anambra State*

[]

Commence-
ment.

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

3 PART I.—ESTABLISHMENT OF THE NIGERIAN POSTAL

4 SERVICES AUTHORITY, ETC.

5 1.—(1) There is hereby established a quasi-commercial Authority
6 in the Ministry of Communications to be known as the Nigerian Postal
7 Services Authority (hereinafter in this Act referred to as “the Autho-
8 rity”) which under that name shall be a body corporate with perpetual
9 succession and a common seal and may sue and be sued in its corporate
10 name.

Establish-
ment of the
Nigerian
Postal
Services
Authority.

11 (2) It shall be the duty of the Authority as from the vesting date
12 to develop and maintain efficient, co-ordinated and economic postal
13 services for the Federation and to arrange and exchange mails with
14 foreign postal administrations in accordance with international regulations.

15 (3) The provisions of the Schedule to this Act shall apply in
16 relation to the proceedings of the Board and the other matters therein
17 mentioned.

18 2.—(1) There is hereby established a body to be known as the
19 management Board of the Nigerian Postal Services Authority herein-
20 after in this Act referred to the “Board” which shall
21 consist of a Chairman to be appointed by the President and the follo-
22 wing other members, that is—

Membership
of the
Advisory
Council.

23 (a) the Director-General of the Authority ;

1 (b) the Permanent Secretary, Ministry of Communications or his
2 representative ; and

3 (c) 5 other persons to be appointed by the President being persons
4 who by reason of their ability, experience or specialised knowledge of
5 postal services or of business or professional attainments are capable
6 of making useful contributions to the work of the Authority.

7 (2) Subject to any general or special guidelines issued to the Board
8 in that behalf by the Minister, the Board shall be responsible for—

9 (a) determining the financial and operational programmes of the
10 Authority and for ensuring implementation of such programmes ;

11 (b) advising the Minister on the discharge of the function of the
12 Authority under this Act and or such other matters as may be
13 referred to it from time to time by the Minister;

14 (c) the discharge of any other function vested in it under the other
15 provisions of this Act ; and

16 (d) carrying out such other activities as are necessary or expedient
17 for the full discharge of its functions under or pursuant to this Act.

Tenure of
office

18 3.—(1) Subject to the provisions of this Act, a person appointed
19 to be a member of the Board of the Authority, not being an *ex-officio*
20 member, shall hold office for a period of three years from the date of
21 his appointment and shall be eligible for re-appointment for one further
22 period of three years.

23 (2) Any member, not being an *ex-officio* member, may resign his
24 appointment by a letter addressed to the Minister.

25 (3) Members of the Board, not being *ex-officio* members, shall be
26 paid such remuneration and allowances as the President may from
27 time to time determine.

1 (4) If it appears to the Minister that a member of the Board
2 should be removed from office on the ground of misconduct or inability
3 to perform the functions of his office, the Minister shall make a
4 recommendation to that effect to the President and if the President
5 approves the recommendation, the Minister may declare, in writing,
6 the office of that member vacant.

7 4.—(1) Without prejudice to the power of the Minister to issue
8 guidelines to the Board pursuant to section 2 (2) of this Act, the Mini-
9 ster may give the Board directions of a general character or relating
10 generally to particular matters (but not to any individual or case) with
11 regard to the exercise by the Authority of its functions under this Act
12 and it shall be the duty of the Board to comply with such directions or
13 cause them to be complied with.

Power of the
Minister to
give
directions
to the
Authority.

14 5.—(1) There shall be a Director-General of the Authority who
15 shall be appointed by the President.

The Direc-
tor-General
of the
Authority.

16 (2) Subject to the general control of the Minister and subject
17 thereto, of the Board, the Director-General shall be the chief executive
18 officer of the Authority and shall be responsible for the execution of the
19 policy of the Authority and the day-to-day running of the affairs of
20 the Authority.

21 6.—(1) The Board may appoint any fit and proper persons on
22 permanent, temporary or contract basis as employees of the Authority
23 as it may consider necessary.

Appointment
of other
staff.

24 (2) Without prejudice to the generality of subsection (1) of this
25 section, the Board may appoint persons as employees of the Authority
26 either by way of transfer or secondment from any of the public services
27 in the Federation or otherwise howsoever as it considers necessary.

28 7.—(1) It is hereby declared that service in the Authority shall
29 be approved service for the purposes of the Pensions Act 1979 and,
30 accordingly, officers and other persons employed in the Authority

Pensions.
1979 No 102.

1 shall in respect of their service in the Authority be entitled to pensions,
2 gratuities and other retirement benefits as are prescribed thereunder, so
3 however that nothing in this Act shall prevent the appointment of a
4 person to any office on terms which preclude the grant of a pension and
5 gratuity in respect of that office.

6 (2) For the purposes of the application of the provisions of the
7 Pensions Act 1979, any power exercisable thereunder by a Minister or
8 other authority of the Government of the Federation (not being power
9 to make regulations under section 23 thereof) are hereby vested in and
10 shall be exercisable by the Board and not by any other person or
11 authority.

Exclusive
privilege to
convey
letters.

12 8.—(1) The Authority shall have the exclusive privilege of
13 conveying all letters from one place to another between which postal
14 communication shall be established under this Act.

15 (2) The Authority shall have the exclusive privilege of performing
16 all the incidental services of receiving, collecting, sending, despatching
17 and delivering all letters from any one place to another between
18 which such postal communication shall be established.

19 (3) The Authority shall have the exclusive privilege of issuing
20 postal orders and money orders on a commission basis and any
21 other financial instrument as may from time to time be approved by
22 the President.

23 (4) The Authority shall also take on desirable agency services
24 on commission for the Federal Ministry of Finance in respect of
25 Federal Savings Bank and collection of custom duties on incoming
26 overseas parcels and any other agency services approved by the Minister.

VESTING OF PROPERTY AND ASSETS

Vesting of
property and
assets

9.—(1) Subject to the provisions of this Act, all property, including Government quarters now being occupied by the officers of the Authority of Posts and Telecommunications and all rights, liabilities and obligations in so far as they exclusively relate to postal services which immediately before the vesting date were property, rights, liabilities and obligations of a body to whom this Act applies shall on that day vest or be deemed to have vested by virtue of this Act and without any further assurance in the Authority.

(2) Subject to the provisions of this section—

(a) post offices, lands and ancillary works and any property, assets, powers, rights and privileges held by the body or enjoyed in connection therewith or appertaining thereto ;

(b) all property relating to postal services rights, liabilities and obligations under agreements to which any body to whom this Act applied was a party immediately before the vesting date whether in writing or not and whether or not of such a nature as rights and obligations thereunder could be assigned by the body ; and

(c) all investments and cash relating to postal services of such body and all rights and liabilities thereof ;

shall vest in the Authority.

(3) Subject to the provisions of this Act, every agreement to which subsection (2) (c) above relates shall, unless its terms or subject-matter make it impossible that it should have effect as modified in the manner provided by this subsection, have effect as from the vesting date as if—

(a) the Authority had been a party to the agreement ;

(b) for any reference (howsoever worded and whether express or implied) to the body there were substituted, as respects anything

1 falling to be done on or after the vesting date, a reference to the
2 Authority ;

3 (c) for any reference (howsoever worded and whether express or
4 implied) to, or to any part of, or to any sum determined by reference
5 to, any profits or receipts of the postal undertaking of the body or
6 any part of that undertaking there were substituted, as respects
7 profits or receipts arising on or after the vesting date, a reference to,
8 or to the corresponding part of, or to a sum similarly determined
9 by reference to, an estimate of what those profits or receipts would
10 have been for the vesting of the undertaking or part thereof in the
11 Authority ;

12 (d) for any reference (howsoever worded and whether express or
13 implied) to any member of the body there were substituted, as
14 respects anything falling to be done on or after the vesting date, a
15 reference to such person as the Authority may direct or authorise ;

16 (e) for any reference (howsoever worded and whether express or
17 implied) to any officer of the body there were substituted, as respects
18 anything falling to be done on or after the vesting date, a reference
19 to such person as the Authority may appoint or, in default of
20 appointment, to the officer of the Authority who corresponds as
21 nearly as may be to the first mentioned officer ;

22 (f) in the case of an agreement for the rendering of personal services
23 to the body, the services to which the agreement relates were,
24 on and after the vesting date, any services under the Authority
25 which are reasonably equivalent services ; and

26 (g) save as provided by the last foregoing paragraphs, for any
27 reference (howsoever worded and whether express or implied) to the

1 undertaking of the body or any part of that undertaking or to the
2 area of supply of the body or any part of that area there were sub-
3 stituted, as respects anything falling to be done on or after the vesting
4 date, a reference to so much of the business carried on by the Authority
5 as corresponds to the undertaking or part of the undertaking of
6 the body or, as the case may be, a reference to the area constituting
7 the said area of supply or part thereof immediately before the vesting
8 date.

9 (4) Other documents, not being enactments, which refer whether
10 specifically or generally, to any such body, shall be construed in accord-
11 ance with the provisions of the last foregoing subsection, so far as
12 applicable.

13 (5) Without prejudice to the generality of the foregoing provisions
14 of this section, where by the operation of any of the said provisions,
15 any right, liability or obligation vested in the Authority by virtue
16 of this Act or to any agreement or document which has effect in accord-
17 ance with subsection (3) or subsection (4) of this section or any other
18 enactment shall be continued by or against the Authority to the
19 exclusion of the body.

20 (6) Notwithstanding anything in this section—

21 (a) where any agreement provides for the issue of securities of any
22 such body and the money has not been borrowed or raised
23 before the vesting date, all rights, liabilities or obligations under
24 the agreement shall be transferred to the Authority ;

25 (b) no right, liability or obligation under any agreement for the
26 rendering by any person of service to any such body as a member of
27 the body (other than a member who is charged with the management
28 of the body whose functions are substantially those of an employee)

1 shall be transferred to the Authority, except any liability in respect
2 of fees earned or expenses incurred before the vesting date.

3 (7) If the law in force at the place where any assets vesting in the
4 Authority under this Act is situated provides for the registration of
5 the title of the assets of the kind in question the law shall, so far as it
6 provides for alterations of a register, apply with necessary modifications
7 to the vesting of the assets in the Authority and it shall be the duty
8 of the Director-General to furnish such particulars as may be
9 necessary to the proper officer of the authority which is charged with the
10 duty of registering the assets and of that officer to register the title of the
11 Authority accordingly without payment of any fee.

12 (8) Subject to the provisions of this Act, a body to whom this Act
13 applies shall be dissolved or be deemed to have been dissolved on the
14 vesting date.

15 PART II—INSPECTORATE DEPARTMENT

Inspectorate
Department
of the
Authority.

16 10.—(1) There shall be established a division of the Authority
17 to be known as Postal Services Inspectorate Department which shall,
18 subject to the other provisions of this section, be an integral part of the
19 Authority.

20 (2) The Minister may delegate to the head of the Department such of
21 the powers conferred upon the Minister by this Act or any other enact-
22 ment as he may deem necessary and in particular but without prejudice
23 to the generality of the foregoing, responsibility for the following
24 matters, that is—

25 (a) issuing permits or licences for all activities connected with
26 postal services works ;

27 (b) investigating by members of the public of misconduct by
28 employees of the Authority ;

(c) carrying out such other functions of a similar nature as above as the Minister may direct from time to time.

(3) In the exercise of the powers conferred upon the head of the Department under this Act, he shall not be subject to the direction or control of any other person or authority in the Authority except the Minister.

(4) The Department shall not exercise any commercial functions in respect of any activities of the Authority.

11.—(1) There shall be appointed by the Authority with the prior approval of the Minister a person to be the head of the Department to be known by such designation as the Minister may determine.

Appointment
of Head of
the Inspector-
rate, etc.

(2) There shall be appointed by the Authority such other employees as may be necessary to assist the head of the Department in the efficient discharge of the functions conferred on him under or pursuant to this Act.

PART III.—ESTABLISHMENT OF POST OFFICES

12.—(1) All postal establishments heretofore established in Nigeria shall be deemed to be established under this Act.

Postal
offices.

(2) The Authority may establish post offices, sub-post offices and postal agencies at such places as it thinks fit and discontinue any such post offices, sub-post offices and postal agencies.

13. The Authority may establish postal communications between places in Nigeria and between Nigeria and other countries.

Postal
communica-
tions.

14.—(1) The Authority may provide receiving boxes for the deposit of postal articles and shall cause the boxes to be cleared as often as public convenience reasonably requires.

Receiving
boxes, etc.

(2) The Authority may also provide private mail bags, private letter boxes, sub-post offices and postal agencies for delivery of mails.

Exclusive
privilege and
exemptions,
etc.

- 1 **15.** The exclusive privilege of conveying letters conferred upon the
2 Authority by subsection (2) of section 1 of this Act shall not extend to—
3 (a) letters sent by a private friend, without hire or reward, on his
4 way, journey or travel, so as such letters be delivered to the party to
5 whom they shall be directed ;
6 (b) letters sent by a messenger concerning or connected with the
7 private affair or business of the sender or receiver thereof ;
8 (c) commissions or returns thereof and affidavits and writs, processes
9 or proceedings or returns thereof, issuing out of a court of justice ;
10 (d) letters of merchant, owners of vessels of merchandise or the
11 cargo or loading therein sent by such vessels or by any person employed
12 by such owners for the carriage of such letter according to their
13 respective directions and delivered to the respective persons to
14 whom they shall be directed, without paying or receiving hire, re-
15 ward advantages or profit for the same in any manner howsoever ;
16 (e) letters concerning goods or merchandise sent by persons known
17 as common carriers, to be delivered with the goods which such letters
18 concern without hire or reward or other profit or advantage for
19 receiving or delivering such letters :

20 Provided that nothing herein contained shall authorise any
21 person to make a collection of such excepted letters for the purpose of
22 sending them in the manner hereby authorise.

Special
prohibition.

- 23 **16.** The following persons are expressly forbidden to carry a letter
24 or to receive or collect or deliver a letter and shall not receive hire or
25 reward for the same—
26 (a) common carriers, except a letter concerning goods which they
27 are conveying ;

(b) officers of the Authority, except in the discharge of their duties ;

(c) owners, masters or commanders of vessels sailing or passing coastwise or otherwise between ports or places in Nigeria, except in respect of letters concerning goods on board or letters belonging to the owners of such vessels or letters carried for the Authority ;

(d) passengers, members of the crew or other persons on board any such vessel as is mentioned in paragraph (c) above ;

(e) the owners of or members of the crew or others on board a vessel passing or repassing on a river, lagoon or navigable canal in Nigeria with which postal communication has not been established or with respect to letters carried for the Authority.

17. If any person, not authorised by or in pursuance of this Act, does any of the following things, namely, sends or causes to be sent, or tenders or delivers in order to be sent or conveys or performs any service incidental to conveying, otherwise than by post, any letter not excepted from the exclusive privilege of the Authority or makes a collection of those excepted letters for the purpose of conveying or sending them either by post or otherwise, he shall be guilty of an offence under this Act and shall be liable on conviction to a fine of ₦200 or 6 months imprisonment or to both such fine and imprisonment.

Offence and penalty.

18.—(1) No letters, unless exempted by law, shall be conveyed into or out of Nigeria from or to any place between which any Nigerian postal communications are established or be delivered or be distributed in Nigeria otherwise than by or through the post.

Restriction on conveyance of letters except by post.

(2) A person who contravenes the provisions of subsection of this section shall be guilty of an offence and shall—

(a) in the case of an individual be liable to a fine of ₦200 ;

1 (b) in the case of a body corporate be liable to a fine of not less than
2 ₦2,000.

Exception
from
liability for
loss, mis-
delivery,
delay or
damage.

3 19.—(1) The Authority shall not incur any liability by reason
4 of the loss, mis-delivery or delay of or damage to any postal article in
5 course of transmission by post.

6 (2) No officer of the Authority shall incur any liability by reason
7 of any such loss, mis-delivery, delay or damage, unless that person has
8 knowingly caused the same fraudulently or maliciously or by wilful
9 act or default.

Power to
fix rates.

10 20. The Board subject to the approval of the Minister, may
11 determine the rates to be charged for the transmission, registration
12 and insurance of the different descriptions of postal articles and com-
13 missions to be charged on postal orders and money orders by the
14 Authority.

Issue of
stamped
envelopes
by the
Authority,
etc.

15 21.—(1) The Authority may cause to be provided stamps,
16 postal orders and money orders, stamped envelopes, stamped wrappers
17 and envelopes for registered postal matter and postal cards of all kinds
18 and the Authority shall have the exclusive privilege of issuing the
19 same : Provided that the Minister may appoint persons to retail the same
20 under such conditions as regards remuneration and otherwise as may be
21 prescribed.

22 (2) Any person so appointed who shall sell any such stamp, enve-
23 lope, wrapper or postal card at a price other than that fixed by the
24 Authority shall be guilty of an offence and shall on conviction be
25 liable—

26 (a) in the case of an individual to a fine of ₦100 or three months
27 imprisonment or to both such fine and imprisonment ;

1 (b) in the case of a body corporate to a fine of not less than ₦1,000.

2 22.—(1) The President may, by notice in the *Gazette*, exempt any
3 person or class or body of persons from the payment of postage for
4 the transmission within Nigeria by the Authority of any postal
5 article or class of postal articles.

Power to
exempt from
payment of
postage.

6 (2) Any exemption granted under the provisions of subsection
7 (1) of this section shall be subject to such conditions or limitations as
8 the President may think fit to impose and may be for a specified period
9 or otherwise.

10 23. Except where special arrangements for payment are made,
11 all postage imposed under this Act shall be paid by means of stamps,
12 which shall be affixed before posting to all postal articles liable to such
13 postage to the amount of the rates of postage payable thereon.

Payment of
postage.

14 24. If any postal articles shall be underpaid with stamps or shall
15 not have any stamps thereon, the same shall be liable to double the
16 unpaid or underpaid postage as the case may be and such double
17 postage shall be paid by the person to whom such postal article may
18 be addressed or on his behalf, unless he or such person shall refuse to
19 receive the same, in which case such double postage may be recovered
20 from the person sending such postal article, if he is in Nigeria.

Surcharge
for insuffi-
ciently
stamped
articles.

21 25. When any article is delivered to the Authority and has
22 thereby become liable to postage and evidence is adduced to the satisfac-
23 tion of the Authority that such article has been delivered to the Authority
24 by mistake, any authorised officer may cause such article to be
25 opened in the presence of another officer of the Authority and may
26 return the same without charge to the person interested, unless such
27 article contains any letter or manuscript liable to postage, in which case

Articles
posted by
mistake.

1 the said authorised officer shall retain the article until the full rate of
2 postal upon such letter or manuscript has been paid thereon.

Recovery of
postage
dues.

3 26. All postage imposed by or under this Act may be sued for
4 and recovered with full costs of suit before any court on the complaint
5 of any officer of the Authority in charge of a post office.

Post office
mark *prima*
facie
evidence.

6 27. In every proceeding for the recovery of any postage or other
7 sum alleged to be due under this Act in respect of a postal article—

8 (a) the production of a postal article having thereon the official
9 mark of the Authority denoting that the article has been refused
10 or unclaimed or that the addressee is dead or cannot be found,
11 shall be *prima facie* evidence of the fact so denoted ; and

12 (b) the person from whom the postal article purports to have come
13 shall, until the contrary is proved, be deemed to be the sender thereof.

Evidence of
amount of
postage.

14 28. The official mark on a postal article denoting that any postage
15 or other sum is due in respect thereof to the Authority of Nigeria
16 or of any foreign country shall be *prima facie* evidence that the sum
17 denoted as aforesaid is due.

Power to
detain and
open mail
bag.

18 29. Any mail bag may be detained or opened under the written
19 authority of the Director-General

Prohibition
of
employees
of the
Authority
to open or
return postal
article.

20 30.—(1) After any postal article has been delivered to the post
21 office, no person employed by or under the Authority shall, except
22 as otherwise prescribed, open or return the same to any person or
23 procure or suffer the same to be opened or returned unless he is
24 authorised to do so by express warrant in writing under the hand of the
25 Director.

26 (2) Any person found guilty of an offence under this section shall
27 on conviction be liable to a fine of ₦500 or imprisonment for one year
28 or to both such fine and imprisonment.

31. The Director-General may, in the interests of justice or in any individual circumstance which appears to him to warrant such a course, grant warrants for the opening or returning of any specified postal articles.

Opening and return of postal articles.

32.—(1) On the occurrence of any public emergency or in the interest of public safety or tranquillity, the Director-General may, by order in writing, direct that any postal article or class or description of postal articles shall be intercepted or detained, or shall be delivered to any officer of the Government mentioned in the order to be disposed of in such manner as the Director-General may direct.

Interception of postal articles in emergency.

(2) If any doubt arises as to the existence of a public emergency or as to whether any act done under the last preceding subsection was in the interest of public safety or tranquillity a certificate signed by the Minister charged with responsibility for matters relating to public safety and public order shall be conclusive proof on the point.

33. Any officer in charge of a post office may detain any postal article which has been posted contrary to the provisions of this Act and deal with the same in such manner as may be prescribed.

Power to deal with postal articles.

34.—(1) If the officer in charge of a post office has reason to believe that any postal article contains goods in respect of which an offence is being committed or is being attempted to be committed or if he is requested to do so by a police officer not below the prescribed rank, he shall require by notice in writing, the attendance of such postal article or of some agent deputed in writing by such addressee and of the person, if any, who made the request or of his agent deputed in writing and such postal article shall then be opened by the addressee or his agent in the presence of an officer of the Department deputed for the purpose by the Director-General and of any other person named or referred to in the notice who attends.

Power to deal with postal article in respect of which an offence is being committed.

1 (2) If the addressee or his agent fails to attend in pursuance of the
2 notice or refuses to open the article the same shall be opened by the
3 officer of the Authority in the presence of any of the persons named
4 or referred to in the notice who attends.

5 (3) In all cases a postal article, after being opened under this
6 section, shall be delivered to the addressee unless it is required for the
7 purpose of any further proceedings under this or any other Act for
8 the time being in force.

Inspection
of postal
article,

9 35.—(1) The officer in charge of a post office may detain and
10 withhold from delivery any postal article bearing or containing any
11 fictitious postage stamp or purporting to be prepaid with any postage
12 stamp which has been previously used to prepay the postage on any other
13 postal article or for the payment of any revenue, duty or tax.

14 (2) Any postal article detained under this section shall be dealt with
15 as the Director-General shall in such case direct, but shall not be deli-
16 vered to the addressee without a direction to that effect, nor until such
17 addressee shall have given such information with regard to the name and
18 address of the sender and such other particulars as the Director-General
19 may require.

Rates of
gratuity.

20 36.—(1) The Minister may determine the rates of gratuities to be
21 paid to the carriers, owners or agents of vessels, not being Government
22 or contract vessels, for the conveyance of mail bags and postal articles
23 generally or in particular cases.

24 (2) Before payment is made the Director-General may require the
25 master of any vessel to produce a certificate from the post office of desti-
26 nation that such articles have been duly received from him.

1 (3) No gratuity shall be payable—

2 (a) for a second or subsequent transmission of any mail bags or
3 postal articles when such second or subsequent transmission is in
4 the same vessel as the first transmission or in vessel having the same
5 owner or agent as the vessel of first transmission ;

6 (b) for the transmission of any mail bags or postal articles to be
7 delivered to an officer of the Authority in Nigeria for onward
8 transmission by a contract vessel when such first transmission is
9 in the same vessel as the intended onward transmission or in a vessel
10 having the same owner or agent as the vessel of intended onward
11 transmission ;

12 (c) unless application be made for payment within twelve months
13 of the date of despatch of such postal articles ;

14 (d) if there has been unreasonable delay on the part of the carrier
15 in delivering any mail bag or postal article at the post office of desti-
16 nation ; or

17 (e) if any mail bag or postal article has been damaged in transit
18 unless the master proves to the satisfaction of the Director-General
19 that such damage is not due to any fault or to lack of sufficient care on
20 his part,

21 (4) If the carrier of mails satisfies the Director-General that he will
22 not return to Nigeria within the twelve months prescribed by subsection

23 (3) (c) of this section, the Authority may pay the gratuities in advance.

24 37. Any carrier of mails who unlawfully—

25 (a) opens or suffers to be opened a sealed mail bag with which
26 he is entrusted for conveyance ; or

27 (b) takes out or suffers to be taken out of a mail bag any postal
28 articles with which he is entrusted for conveyance ;

Penalty of
carrier of
mail bag
opening
same.

1 shall be guilty of an offence and liable on conviction—

2 (i) in the case of an individual to a fine of ₦500 or imprisonment
3 for six months or to both such fine and imprisonment ;

4 (ii) in the case of a corporate body to a fine of ₦5,000.

Contracts
for the
conveyance
of mails and
postal
articles.

Penalty for
unlawful
opening of
sealed mail
bags.

5 38. The Authority may enter into such contracts as may be
6 necessary for the conveyance of mails and other postal articles.

7 39. Any person under a contract for the conveyance of mails or
8 postal articles and any person employed by any such person who
9 unlawfully—

10 (a) opens or suffers to be opened a sealed mail bag with which he
11 is entrusted for conveyance ; or

(b) takes out or suffers to be taken out of a mail bag any postal
13 article with which he is entrusted for conveyance ;

14 shall be guilty of an offence and liable on conviction to a fine of ₦500 or
15 imprisonment for twelve months or to both such fine and imprisonment.

Issue of Post
Office Guide.

16 40. The Director-General may, with the approval of the Minister,
17 issue and from time to time issue a revised edition of a Post Office Guide
18 containing all or any of the following—

19 (a) a declaration of the adoption of the regulations agreed upon
20 by the Universal Postal Union for or respecting or relating to the
21 transmission of postal matter and that the same or any part or modifi-
22 cation thereof shall be in force within Nigeria ;

23 (b) rules for the guidance and control of the public dealing with the
24 Authority ;

25 (c) a statement of the rates of postage fixed by the Minister pur-
26 suant to this Act ;

27 (d) a declaration of what articles may and what articles may not
28 be transmitted as postal articles ;

(e) a classification of postal articles for the purposes of postal charges ;

(f) the conditions for the registration and insurance of postal articles and a declaration of the cases in which registration and insurance may be compulsory ;

(g) any regulations made by the Minister under section 50 ;

(h) conditions for the issue and payment of money orders and postal orders, including the rates of commission thereon ;

(i) rules for the disposal of undeliverable postal articles ;

(j) the conditions under which and the manner in which special services will be performed for the convenience of individuals ;

(k) rules for the guidance, conduct and discipline of officers and servants of the Authority and the performance of their several duties ;

(l) a statement of the hours during which post offices shall be open for the transaction of various classes of public business ;

(m) a statement of the hours for the posting of postal articles.

PART IV—DAMAGE OR ALTERATION TO POSTAL SERVICES

WORKS AND COMPENSATION THERETO

41.—(1) Where any work proposed to be done in the execution of an authorised undertaking involves or is likely to involve an alteration either temporarily or permanently in any postal services works, and provision is not otherwise made by enactment, agreement or otherwise with respect to such alteration or to giving notice to the Authority thereof or to the expenses of or incidental thereto, the following provisions of this Act shall apply, that is to say—

(a) any person wishing to undertake or execute such work shall give to the authorised officer not less than seven or more than fourteen days previous notice of the time, and place at which the work will be begun and the nature of the alteration required ;

Provision as to work which involves damage or alteration in postal services works.

1 (b) before the expiration of fourteen days after the notice is given
2 an authorised officer may give the person a counternotice either
3 stating his intention himself to make, or requiring the person to make
4 under the supervision and to the satisfaction of any authorised officer,
5 such alteration in the postal works as he deems necessary or expedient
6 to be made in consequence of the proposed work ;

7 (c) if the authorised officer by his counternotice states that it is the
8 intention of the Authority to make such alteration, it shall be lawful
9 for such authorised officer to make the same, and the person shall pay
10 to the Authority all the expenses incurred by the authorised officer of
11 and incidental thereto, and the amount of any loss or damage sustained
12 by him in consequence thereof ;

13 (d) if the Authority requires the person to make such alteration,
14 it shall issue a certificate in that behalf to the undertakers or their
15 agents to pay the Authority all the expenses incurred by him of and
16 incidental to such supervision, also the amount of any loss or damage
17 sustained by him in consequence of the alteration ;

18 (e) if the Authority fails to give a counternotice, or if having
19 undertaken to make the alteration, the Authority should fail to make
20 within a reasonable time the alteration, the person concerned may
21 make the alteration to reasonable satisfaction of the Authority ;

22 (f) if any person fails to serve on the Authority such notice as
23 is required by this section with respect to any work, or begin to do
24 the work specified in a notice served under this section before the
25 expiration of seven days after the notice is given, such person shall
26 be guilty of an offence under this Act and shall be liable—

27 (a) in the case of an individual to a fine of ₦500 or twelve months
28 imprisonment ;

1 (b) in the case of a body corporate to a fine of ₦20,000 :

2 Provided that nothing in this section shall subject any person to
3 a fine for omitting to comply with any requirements of the Authority
4 or for executing without previous notice any work if they satisfy the
5 court having cognizance of the case that any such requirement was
6 unreasonable or that the immediate execution of the work was required
7 to avoid an accident, or otherwise was a work of emergency, and that
8 he forthwith served on the Authority or the office of the Authority
9 nearest to the place where the work was done a notice of the execution
10 thereof, stating the reason for executing the same without previous
11 notice.

12 (2) In this section, the words—

13 “authorised officer” shall include the Director-General, any employee
14 of the Authority and agents of the Authority and the word ;

15 “Person” includes contractors, sub-contractors, agents and any
16 Ministry or department of the Government of the Federation (not
17 being any department for which the Minister has responsibility) or a
18 State or Local Government Council or any other public body estab-
19 lished by or pursuant to any enactment or law or any other lawful De-
20 partment whatsoever.

21 42. Where any person destroys or injures any postal services
22 works of the Department, such person shall be liable to pay to the
23 Department two hundred per cent of the original value of the equipment
24 damaged :

25 Provided that a person shall not be liable to pay compensation
26 under the Criminal Justice (Miscellaneous Provisions) Act 1975.

Compensa-
tion and fine
for injury to
postal servi-
ces works of
the Authority
interruption
to the postal
services
works.

Power of
Minister in
relation to
the activities
of the
Authority.

1 43.—(1) Subject as otherwise provided in this Act, the Minister may
2 give to the Board such directions of a general character as appear
3 to the Minister to be requisite in the national interest and in particular,
4 directions as to—

5 (a) the expansion of existing postal services and ancillary works ;

6 (b) the establishment and working of Postal Union and Postal
7 Services ;

8 (c) the rendering of services and the supply of postal services to
9 any Government department ; and

10 (d) the creation and application of a general reserve and, notwith-
11 standing that these directions may be of a specific character, the
12 Authority shall give effect to any such directions.

13 (2) The Board shall afford the Minister every necessary facility
14 for obtaining information with respect to the property and activities of
15 the Department and shall furnish him with returns, copies of any
16 minutes, accounts and other information with respect thereto and
17 afford him facility for the verification of information furnished in such a
18 manner at such time as he may require.

19 (3) In this section the reference to a Government authority includes
20 the Government of a State or Local Government Council or any depart-
21 ment thereof.

22 PART IV—FINANCIAL PROVISIONS

Borrowing
powers.

23 44.—(1) The Board may, with the approval of the Minister,
24 borrow by way of loan from any source any moneys required by the
25 Authority for meeting its obligations and discharging the functions
26 of the Authority under this Act.

27 (2) Without prejudice to the generality of subsection (1) above,
28 the Board may from time to time and subject as aforesaid borrow money or

1 raise capital by the issue of debenture stock upon such terms touching
2 the issue, transfer, interest and redemption as may be so approved
3 for all or any of the following purposes—

4 (a) the provision of working capital ;

5 (b) the fulfilling of the functions of the Authority under this Act ;

6 (c) the redemption of any stock which they are required or entitled
7 to redeem ;

8 (d) any other expenditure properly chargeable to capital account.

9 (3) The Government may guarantee, in such manner and on such
10 conditions as it may think fit, the redemption or repayment of and the
11 payment of any interest on any debenture stock issued by or any tempo-
12 rary loan raised by the Board.

13 45.—(1) The Board shall cause to be kept proper accounts of the
14 Authority and proper records in relation thereto and shall prepare in
15 respect of each financial year a statement of accounts in such form as the
16 Minister may direct, being a form which shall conform with the best
17 commercial standards.

18 (2) The Board shall as soon as may be after the end of the
19 financial year to which the accounts relate cause the accounts of the
20 Authority to be audited.

21 (3) The Board shall cause to be maintained for the Authority a
22 fund which shall consist of—

23 (a) such moneys as may from time to time be provided by the
24 Federal Government for the purposes of this Act by way of grants
25 or loan as the case may be or both ; and

26 (b) such moneys as may be received by the Authority in the
27 cause of its operations or in relation to the exercise by the Authority of
28 any of its functions under this Act ;

29 and from such fund there shall, subject to subsections (4) and (5)
30 below, be defrayed all expenses incurred by the Authority ; and
31 the Board shall submit to the Minister not later than 5 months

Funds of
the
Authority.

1 before the end of each year, estimates of the expenditure and income
2 of the Authority (which shall exclude payments to the Authority
3 out of moneys provided by the Federal Government) relating to the
4 next following year.

5 (4) The funds of the Authority for any year shall be applied
6 in defraying the following charges—

7 (a) the remuneration, fees and allowances of the members of the
8 Board ;

9 (b) the salaries, fees, remuneration, pensions, superannuation
10 allowances and gratuities of the officers, servants, agents and other
11 persons acting under the directives of the Authority ;

12 (c) working and establishment expenses and expenditure on or
13 provision for the maintenance and renewal of any of the facilities
14 of the Authority and the discharge of the functions of the Authority
15 properly chargeable to revenue account ;

16 (d) interest on any stock issued or any temporary loan raised by
17 the Authority ; and

18 (e) sums required to be transferred to a sinking fund or otherwise
19 set aside for the purpose of making provision for the redemption
20 of debenture stock or the repayment of other borrowed moneys.

21 (5) The balance of such funds shall be applied subject to the
22 provisions of section 44 below to the creation of a general reserve and
23 such other reserves as may be sanctioned by the Minister.

Investment
of surplus
funds.

24 46. The Minister may issue to the Board such directions as he may
25 think necessary as to the disposal of any surplus funds of the Authority
26 and, subject to any such directions, the Board may invest the funds of the
27 Authority and maintain a general reserve.°

PART IV—LEGAL PROCEEDINGS

1
2 **47.—(1)** No suit against the Authority, a member of the Board
3 or any staff of the Authority for any act done in pursuance or execution
4 of any public duties or authority or in respect of any alleged neglect or
5 default in the execution of such duties or authority, shall lie or be
6 instituted in any court unless it is commenced within twelve months
7 next after the act, neglect or default complained of or, in the case of a
8 continuance of damage or injury, within twelve months next after the
9 ceasing thereof.

Limitation
of suits
against the
Authority,
etc.

10 **(2)** No suit shall be commenced against the Authority before
11 the expiration of a period of one month after written notice of intention
12 to commence the suit shall have been served upon the Authority by
13 the intending plaintiff or his agent ; and the notice shall clearly and
14 explicitly state the cause of action, the particulars of the claim, the
15 name and place of abode of the intending plaintiff and the relief which
16 he claims.

17 **48.** The notice referred to in section 45 (2) above and any summons
18 notice or other document required or authorised to be served upon the
19 Authority under the provisions of this Act or any other enactment
20 or law may be served by delivering the same to the Chairman or by
21 sending it by registered post addressed to the Director-General at
22 the principal office of the Authority or the relevant territorial office.

Service of
documents.

23 **49.** In any action or suit against the Authority no execution,
24 attachment or process in the nature thereof shall be issued against the
25 Authority, but any sums of money which by the judgment of the
26 court be awarded against the Authority shall, subject to any directions

Restriction
on
execution
against the
property
of the
Authority.

1 given by the court where notice of appeal had been given by the Authority in respect of the said judgment, be paid by the Board from the funds of the Authority.

Indemnity
of members
and staff
of the
Authority.

4 50. Every member of the Board, agent, auditor or staff for the time being of the Authority shall be indemnified out of the assets of the Authority against any liability incurred by him in defending any proceedings whether civil or criminal in which judgment is given in his favour or in which he is acquitted, if any such proceeding is brought against him in his capacity as such member, agent, auditor or staff as aforesaid.

10 PART V—MISCELLANEOUS AND SUPPLEMENTARY

Annual
report.

11 51. The Board shall prepare and submit to the Minister not later than 30th June in each year a report in such form as he may direct on the activities of the Authority during the immediately preceding year, and shall include in such report a copy of the audited accounts of the Authority for that year and the auditors' report thereon.

Regulations
by the
Minister.

16 52. The Minister may by regulations published in the *Gazette* prescribe anything falling to be prescribed generally for the purposes of this Act.

Staff
regulations.

19 53.—(1) The Board may, with the approval of the Minister make staff regulations relating generally to the conditions of service of the officers and servants of the Authority; and without prejudice to the generality of the foregoing, such staff regulations may provide for—

23 (a) the appointment and disciplinary control of all employees of the Authority; and

25 (b) appeals by such employees against dismissal or other disciplinary measures.

(2) Staff regulations made under subsection (1) above need not be published in the *Gazette* but the Board shall bring them to the notice of all affected persons in such manner as it may from time to time determine.

54. Notwithstanding anything contained in this Act or any other enactment or law to the contrary, any contract relating to any project of a value of not less than ₦500,000 (or such higher limit as may be specified from time to time by the President) shall be referred by the Board to the President for approval through the Minister before any award of such contract is made.

Consideration on contracts

55.--(1) The Post Office Act is hereby repealed and the following enactments, that is to say—

Repeals and savings
Cap. 176

(i) the Post Office (Amendment) Act 1958 ;

1958 No. 40

(ii) the Post Office (Miscellaneous Provisions) Act 1966 ;

1966 No. 22.

(iii) the Post Office (Amendment) Act 1966 ; and

1966 No. 81.

(iv) the Post Office (Miscellaneous Provisions) (Amendment) 1969

1969 No. 14.

are hereby, consequentially, repealed.

(2) Without prejudice to section 6 of the Interpretation Act 1964, nothing in this Act shall invalidate or otherwise prejudicially affect anything done or purported to be done under the repealed enactments.

1964 No. 1.

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

Interpretation.

"the Board" means the Board established by section 2 of this Act ;

"contract vessel" means any vessel for the conveyance of mails pursuant to contract or continuing arrangement ;

"the Authority" means the Nigerian Postal Services Authority established by section 1 of this Act ;

"the Director-General" means the Director-General of the Authority appointed pursuant to section 5 of this Act ;

1 “fictitious postage stamp” means any facsimile or imitation or
2 representation whether on paper or otherwise of any stamp or stamped
3 impression for denoting any rate of postage including any stamp or
4 stamped impression for denoting a rate of postage of any part of the
5 Commonwealth or of any foreign country ;

6 “letter” includes aerogramme and postcard ;

7 “mail bag” means any bag, box, basket, parcel or other envelope
8 or covering in which postal articles in the course of transmission
9 by post are conveyed whether it does not contain any such article ;

10 “master of a vessel” means any person in charge of a vessel except
11 a sea pilot ;

12 “the Minister “means the minister of the Government” of the
13 Federation for the time being charged with responsibility for the
14 Authority ;

15 “port” means any place designated a customs port or customs
16 airport under any enactment ;

17 “post office” includes every house, building, room, vessel, carriage
18 or place used for the purpose of the Authority and every letter
19 box provided by the Authority for the receipt of postal articles ;

20 “postage” means the duty chargeable for the transmission by post
21 of postal articles ;

22 “postage stamp” means any label, stamp or stamped impression
23 for denoting any rate of postage payable in respect of postal articles
24 and includes adhesive postage stamps and stamps printed, embossed,
25 impressed or otherwise indicated on any envelope, wrapper, postcard
26 or other article ;

1 "postal article" includes any letter, aerogramme, postcard, news-
2 paper, book, document, pamphlet, pattern or sample packet, parcel
3 or package or other article whatsoever transmissible by post ;

4 "vessel" means any ship or other vessel including aeroplane or
5 airship.

6 57. For the purposes of this Act—

Meaning
of "in
course of
transmis-
sion" and
"delivery".

7 (a) a postal article shall be deemed to be in course of transmission
8 by post from the time of its being posted at or delivered to a post
9 office to the time of its being delivered to or taken delivery of by
10 the addressee or its being returned to the sender or otherwise disposed
11 of under the provisions of this Act ;

12 (b) a postal article shall be deemed to cease to be such from the
13 time of its being delivered by the addressee or of its being returned
14 and delivered to the sender or otherwise disposed of under the provi-
15 sions of this Act ;

16 (c) the placing of an article in any receiving box for the deposit
17 of postal articles or the delivery of an article to an officer of the
18 Authority in the course of his duties shall be deemed to be delivered
19 to a post office ;

20 (d) the delivery of a postal article at the house or office of the
21 addressee or into any private box or bag used for the receipt of postal
22 articles for the addressee or to the addressee (or to his servant or agent
23 or other person considered to be authorised to receive the article
24 according to the usual manner of delivering postal articles to the
25 addressee), and where the addressee is a guest or is resident at a

Short title,
etc.

- 1 hotel, delivery to the proprietor or manager thereof or to his agent
2 shall be deemed to be delivery to the addressee.

3 58.—(1) This Act may be cited as the Nigerian Postal Services
4 Authority Act 1982.

5 (2) References in this Act to body affected by this Act are references
6 to the branch of the Authority of Posts and Telecommunications
7 hereby reconstituted by this Act into the Authority.

8 (3) This Act shall come into force on such day as may be appointed
9 by the Minister by an Order published in the *Gazette*.

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

PART I—*Proceedings and Powers of the Authority*

1. The Authority shall have a common seal and the affixing of the seal shall be authenticated by the signatures of the Chairman, Director General or some other person authorised, either generally or specially, by the Board to act for that purpose ; and every document purporting to be an order or other instrument issued by the Authority and to be sealed with the seal of the Authority authenticated in the manner provided by this paragraph shall be received in evidence and be deemed to be such order of instrument without further proof, unless the contrary is shown.

2. Any contract or instrument which, if made or executed by any person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Authority by any person generally or specially authorised to act for that purpose by the Board.

PART II—*Officers and Servants of the Authority, etc.*

3. Officers and servants of a body to whom this Act applies who, on the vesting date, are on the established staff of such body shall be deemed to be seconded for such period as may be specified by the Board by an instrument addressed to the said officer or servant from the service of the body in question to the service of the Authority subject to such limitation as regards periods of service as may be provided by their existing terms of service in that body.

4. The Board shall within the period specified in such instrument offer to each such officer or servant who is then in the service of the body, employment by the Board on such terms and conditions as the Board shall determine.

5. No such officer or servant shall be offered employment by the Board upon terms and conditions generally less favourable than those enjoyed by the officer at the date of such offer.

6. If the Board thinks it expedient that any vacancy in the staff of the Authority should be filled by a person holding office in and of the civil services of the Federation, it shall inform the Civil Service Commission concerned to that effect, and thereafter the Board may fill the vacancy by way of secondment or transfer.

7. Where a member of any of the civil services in the Federation is seconded under paragraph 4 above, 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 accrue to him.

8. A person seconded under paragraph 4 above may elect to be transferred to the staff of the Authority, in which case any previous service in any of the civil services as aforesaid shall count as service for the purposes of any pension subsequently payable by the Authority.

9. Where a person who is a member of any of the civil services in the Federation is transferred to the service of the Authority, then,—

(a) that person's former service in that civil service shall be taken into account in applying the provisions of the Pensions Act 1979, and

(b) that Act shall have effect as if that person's subsequent service with the Authority were service in that civil service.

10. Within the twelve months next after the making of this Act the Minister, if he thinks fit, may by order in the *Gazette* make additional transitional or saving provisions for the better carrying out of the objectives of this Part of this Schedule.

EXPLANATORY MEMORANDUM

The Bill establishes a quasi-commercial authority in the Ministry of Communications to be known as "the Nigerian Postal Services Authority" as a body corporate. It confers on the department the exclusive privileges of—

(a) conveying all letters from one place to another between which postal communications are established ;

(b) performing the services of receiving, collecting, sending, dispatching and delivering all letters from one place to another ;

(c) issuing postal orders and money orders on commission basis and in other Government instrument as may be approved by the President from time to time ;

(d) taking on agency services on commission in respect of Federal Saving Banks and collection of Custom duties on incoming Overseas parcels.

The Bill also establishes the Management Board of the Nigerian Postal Services Authority to consist of a Chairman to be appointed by the President and the following other members—

- (a) the Director-General of the Nigerian Postal Services Authority ;
- (b) the Permanent Secretary, Ministry of Communications or his representative ;
- (c) five other persons to be appointed by the President, who by reason of their ability, experience or special knowledge of postal services or of business or profession attainment are capable of making useful contributions to the work of the authority.

Transitional provisions are contained in the Bill for the transfer of staff, assets and liabilities, legal proceedings etc. of the existing equivalent section of the Ministry to the Authority when it becomes operational.

This Bill and the Nigerian Internal Communications Authority Bill are complementary measures designed for the modernisation and re-organisation of the P & T.

A BILL

FOR

AN ACT TO PRESCRIBE THE NATIONAL ORDER OF PRECEDENCE AND FOR
MATTERS CONNECTED THEREWITH.

*Sponsored by SENATOR J. A. O. ODEBIYI,
Egbado North/South Senatorial District,
Ogun State.*

[]

Commence-
ment.

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

3 1. All public office holders of the Federation and other dignitaries
4 shall, at state occasions organized or sponsored by the Government of
5 the Federation, take their precedence in the order prescribed in the
6 Schedule to this Act.

State
occasions by
Federal
Government.

7 2. At state occasions organized or sponsored by the Government
8 of any State, and where public office holders of the Federation are in
9 attendance, such office holders and other dignitaries shall take their
10 precedence in the order prescribed in the Schedule to this Act :

State
occasions by
State
Government.

11 Provided that the Governor of that State shall take his precedence
12 immediately after the Vice-President of the Federal Republic of
13 Nigeria.

Interpretation.	1	3. In this Act—
	2	“Federation” means Federal Republic of Nigeria.
Short title.	3	4. This Act may be cited as the National Order of Precedence
	4	Act 1982.

SCHEDULE

Section 1

NATIONAL ORDER OF PRECEDENCE

1. President of the Federal Republic of Nigeria.
2. Vice-President of the Federal Republic of Nigeria.
3. President of the Senate.
4. Chief Justice of Nigeria.
5. Speaker of the House of Representatives.
6. Former Heads of State of the Government of the Federation.
7. National Leaders of political parties in the order of their respective numerical strength in the National Assembly.
8. Governors of the States of the Federation.
9. Justices of the Supreme Court and President of the Federal Court of Appeal.
10. Deputy President of the Senate and Deputy Speaker of the House of Representatives.
11. Members of the Council of State.
12. Members of the National Assembly.
13. Deputy Governors of the States of the Federation.
14. Federal Ministers of Cabinet Rank and Secretary to the Government of the Federation.
15. Ambassadors and High Commissioners of Foreign Powers.
16. Federal Ministers of Non-Cabinet Rank, Head of the Civil Service of the Federation and Clerk to the National Assembly.
17. Traditional Rulers.
18. Chief of Defence Staff.
19. Deputy Chief of Defence Staff,
Chief of Army Staff,
Chief of Air Staff,
Chief of Naval Staff, and
Inspector-General of Police.
20. Judges of the Federal Court of Appeal,
Chief Judge of the Federal High Court and Chief Judges of State High Courts.

21. Judges of the Federal High Court and Judges of State High Courts.
22. Special Advisers to the President.
23. Chairman of the Federal Civil Service Commission,
Chairman of the Federal Electoral Commission,
Chairman of the National Population Commission, and
Chairman of the Police Service Commission.
24. Governor of the Central Bank of Nigeria.
25. Chairman of the National Assembly Service Commission.
26. Chief Registrar of the Supreme Court,
Auditor-General of the Federation,
Clerk of the Senate,
Clerk of the House of Representatives,
Chief Legislative Draftsman of the National Assembly, and
Federal Permanent Secretaries.
27. Deputy Chief of Army Staff,
Deputy Chief of Air Staff,
Deputy Chief of Naval Staff,
Deputy Inspector-General of Police, and Special Assistants to the
President.
28. Nigerian Ambassadors and High Commissioners.
29. Bishops and Chief Imams.
30. Charge D'Affairs of Foreign Powers and Representatives of International Organisations.
31. Chief of Presidential Personal Staff and
Chief Press Secretary to the President.
32. Chairmen of Federal Boards, Corporations and Parastatals.
33. Directors and Heads of Federal Government Departments and
Parastatals.
34. Federal Officials and Military Personnel on Grade Level 14 and
above.

A BILL

FOR

AN ACT TO AMEND THE PENSIONS ACT 1979 AND FOR MATTERS CONNECTED THEREWITH.

*Sponsored by HON. DAVID ATTAH,
Okpokwu East Federal Constituency,
Benue State*

*HON. F. O. IYAYI,
Okpebho Federal Constituency,
Bendel State*

*HON. BARDE M. GADAKA,
Fika South Federal Constituency,
Borno State*

*HON. MUSA GAMMO,
Kabo Federal Constituency,
Kano State*

*HON. UMAR SADIQ,
Kumbotso Federal Constituency,
Kano State*

[] Commence-
ment.

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

3 1. Section 1 of the principal Act is hereby amended in subsection
4 (1) thereof—

Amendment
to section 1
of principal
Act.

5 (a) by *substituting* for the full stop at the end of that subsection,
6 a colon ;

1 (b) by *inserting* immediately after that subsection the following
2 proviso—

3 “Provided that if a new salary structure for the public service of
4 the Federation is at any time approved, the pension paid to a
5 pensioner under this Act shall forthwith be adjusted from the
6 effective date of the new salary structure, so that his new rate of
7 pension from that date shall be re-computed on the basis of the
8 terminal pay to which he would have been entitled if he had retired
9 after the approval of the new salary structure”; and

10 (c) by *adding* immediately after subsection (3) thereof, the
11 following new subsection—

12 “(4) The gratuity to which an officer is entitled under this Act
13 shall be paid to him on the date of his retirement and where the
14 payment of such gratuity or more than 50% thereof, is delayed,
15 the period during which the said payment is delayed shall count in
16 full as qualifying service and the gratuity and pension of such
17 officer shall be re-computed to take into account the period during
18 which the said payment is delayed.”

Amendment
to section 7 of
principal Act.

19 2. Section 7 of the principal Act is hereby amended in subsection
20 (2) thereof by *substituting* for the figure “70” the new figure “80”.

Amendment
to section 12
of principal
Act.

21 3. Section 12 of the principal Act is hereby amended by *substituting*
22 for subsection (2) thereof the following new subsection—

23 “(2) Where an officer who—

24 (a) had retired from the public service on account of ill health,
25 abolition of office or re-organisation in a ministry or department
26 for the purpose of effecting greater efficiency or economy, is
27 subsequently re-employed in the public service ; or

(b) has left any pensionable service under a voluntary agency teaching service and is subsequently re-employed in the public service in the service of other voluntary agency teaching service ;
or

(c) has left any pensionable service in the public service or in the public service of a State and is subsequently re-employed in the public service ;

the break in service shall be condoned for purposes of the calculation of qualifying service under this Act and the officer shall, on retirement and subject to subsection (3) of this section, be paid such pension or gratuity as may be due him in respect of the total pensionable service rendered by him."

4. For section 13 of the principal Act there shall be substituted the following new section—

Amendment
to section 13
of principal
Act.

13. Where an officer holding an unestablished or temporary appointment followed by permanent appointment transfers to a permanent one, the period during which he was on such unestablished, temporary or contract appointment shall count in full as qualifying service ;

Provided that—

(a) any extra pay in the form of contract addition to salary or contract gratuity which was granted him while holding such unestablished, temporary or contract appointment shall be refunded in full as a debt to the Government of the Federation; and

(b) in calculating a pension or gratuity under this section no account shall be taken of any period during which the officer was not in the service."

Amendment
to section 14
of principal
Act.

1 5. For section 14 of the principal Act there shall be substituted
2 the following new section—

3 "Service not 14.—(1) In the computation of qualifying service, no period
4 reckonable as qualifying service. during which an officer is less than 15 years of age or was
5 absent from duty on leave without pay or withdrew from
6 service, shall be taken into account unless such absence or
7 withdrawal was for the purpose of utilizing a bursary or
8 scholarship awarded to him by the Government of the
9 Federation or of a State or for the purpose of pursuing a
10 course of study after which he is re-employed in the public
11 service or voluntary agency teaching service as the case may
12 be, or for such other purpose as the Minister may permit.

13 (2) Notwithstanding subsection (1) of this section the
14 period of the Nigerian civil war between 27th May 1967
15 and 15th January 1970 inclusive, shall count in full as
16 qualifying service."

Amendment
to section 15
of principal
Act.

17 6. For section 15 of the principal Act there shall be substituted
18 the following new section—

19 "Pension 15.—(1) Where an officer in pensionable service—
20 rights pre- served in certain cases:
21 Prohibition of double benefits.

22 (a) transfers from the public service to the public service
of a State or voluntary agency teaching service within the
Federation or *vice versa* ; or

23 (b) transfers from the public service of one State to the
24 public service of another State ;

25 the Federal Government shall bear responsibility for the
26 payment to him of his pension and gratuity in respect of
27 the total pensionable service rendered by him in the
28 public services concerned or the voluntary agency
29 teaching service, as the case may be.

(2) In addition to any declaration made under any other enactment, service in any of the organizations listed in Schedule 2 to this Act is hereby declared to be public service for purposes of calculating qualifying service under this Act :

Provided that such organization—

(a) is subject to the unified salary structure applicable to the public service ;

(b) transfers to the Federal Government all funds, if any, reserved or established for purposes of the payment of provident or superannuation benefits to its staff ; and

(c) shall not be liable in any way to pay to any of its staff any retirement benefits (by whatever name called) otherwise than under this Act."

7. Section 22 of the principal Act is hereby amended—

(a) in subsection (1) thereof by *substituting* for the figure "70" the new figure "80" ; and

(b) by *substituting* for subsection (2) thereof, the following new subsection—

"(2) A pension granted under this Act shall not be less than the national minimum wage prescribed by law."

8. Schedule 1 to the principal Act is hereby amended by *substituting* for Table A and Table B thereof the new Tables prescribed in the Schedule to this Act.

9. In this Act—

"principal Act" means Pensions Act 1979.

Amendment
to section 22
of principal
Act.

Amendment
to Schedule 1
of principal
Act.

Interpre-
tation.

Short title. 1 10. This Act may be cited as the Pensions (Amendment) Act 1982. . .

SCHEDULE

TABLE A

Section 3 (3) (b)

FORMULA FOR CALCULATION OF PENSIONS AND GRATUITY IN
RESPECT OF RETIREMENT BETWEEN 1ST APRIL 1974 AND
31ST MARCH 1977

<i>Years of Service</i>	<i>Gratuity as percentage of final pay</i>	<i>Pension as per- centage of final pay</i>
10	100%	40%
11	110%	42%
12	120%	44%
13	130%	46%
14	140%	48%
15	150%	50%
16	160%	52%
17	170%	54%
18	180%	56%
19	190%	58%
20	200%	60%
21	210%	62%
22	220%	64%
23	230%	66%
24	240%	68%
25	250%	70%
26	260%	72%
27	270%	74%
28	280%	76%
29	290%	78%
30 and above	300%	80%

TABLE B

Section 3 (5)

FORMULA FOR PENSION AND GRATUITY CALCULATIONS BASED ON
PERCENTAGE OF FINAL SALARY IN RESPECT OF RETIREMENT AFTER
31ST MARCH, 1977

<i>Years of qualifying service</i>	<i>Gratuity as percentage of final pay</i>	<i>Pension as percentage of final pay</i>
10	100%	—
11	110%	—
12	120%	—
13	130%	—
14	140%	—
15	100%	40%
16	110%	42%
17	120%	44%
18	130%	46%
19	140%	48%
20	150%	50%
21	160%	52%
22	170%	54%
23	180%	56%
24	190%	58%
25	200%	60%
26	210%	62%
27	220%	64%
28	230%	66%
29	240%	68%
30	250%	70%
31	260%	72%
32	270%	74%
33	280%	76%
34	290%	78%
35	300%	80%

EXPLANATORY MEMORANDUM

The purpose of this Bill is to update the Pensions Act 1979 thereby removing existing anomalies, inadequacies and discriminatory policies generally affecting pensioners. This Bill also seeks to make provisions for the automatic adjustment of pensions vis-a-vis increases of salaries for public officers and to enable pensioners receive not less than the amount of the national minimum wage as minimum pension.

A BILL

FOR

AN ACT TO AMEND THE FIREARMS ACT AND FOR MATTERS CONNECTED THEREWITH.

*Sponsored by HON. DR CHIKE OBIHARA,
Owerri South Federal Constituency,
Imo State.*

[]

Commence-
ment.

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

3 1. Section 2 of the principal Act is hereby amended by inserting
4 immediately after the definition of the word "firearm" the following
5 new definition—

Amendment
to section 2
of principal
Act.

6 "President" means President of the Federal Republic of Nigeria.

7 2. Section 4 to the principal Act is hereby amended by *deleting*
8 the words from "which licences" to "Council" inclusive.

Amendment
to section 4
of principal
Act.

9 3. Section 7 of the principal Act is hereby amended—

10 (a) by *substituting* for subsection (1) thereof the following new
11 subsection—

Amendment
to section 7
of principal
Act.

12 "(1) Every Nigerian citizen shall be entitled to the grant of any
13 licence or permit under this Act :

14 Provided that—

- 1 (a) the authority having the function of granting such
 2 licence or permit may, at any time, in the public interest or
 3 for the public safety, refuse the grant of such licence or
 4 renewal of such licence or permit already granted as the case
 5 may be ;
- 6 (b) where the authority is not the President any person
 7 aggrieved by the decision of the authority pursuant to para-
 8 graph (a) above, may appeal to the President whose decision
 9 shall be final" ; and
- 10 (b) in subsection (2) thereof by *adding* immediately after paragraph
 11 (e) the following new paragraphs—
- 12 "(f) has no visible means of livelihood ;
 13 (g) has no permanent home address ;
 14 (h) has during the previous five years, failed to pay his
 15 personal income tax for any year".
- Amendment to section 28 of principal Act. 16 4. Section 28 of the principal Act is hereby amended by sub-
 17 *stituting* for the expression "two hundred pounds", the figure "N500".
- Amendment to section 39 of principal Act. 18 5. Section 39 of the principal Act is hereby amended by *deleting*
 19 the words "of the United Kingdom".
- Interpretation. 20 6. In this Act—
 21 "principal Act" means Firearms Act.
- Short title. 22 7. This Act may be cited as the Firearms (Amendment) Act 1982.

EXPLANATORY MEMORANDUM

The purpose of this Bill is to enable every Nigerian citizen obtain, as of right, the licence for the possession of firearms, subject to necessary safeguards.

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL ROAD TRANSPORT CORPORATION AND FOR MATTERS CONNECTED THEREWITH.

*Sponsored by HON. AKINTUNDE ROTIMI
Ekiti North Federal Constituency,
Ondo State*

[]

Commence-
ment.

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

PART I—ESTABLISHMENT AND COMPOSITION

4 1.—(1) There is hereby established a corporation to be known as
5 the National Road Transport Corporation.

Establish-
ment of
Corporation.

6 (2) The Corporation shall be a body corporate with perpetual
7 succession and a common seal, and with power to sue and be sued in
8 its corporate name and to own, hold and dispose of property (whether
9 movable or immovable).

10 2.—(1) The Corporation shall consist of the following members
11 all of whom shall be appointed by the President—

Membership

12 (a) a Chairman ; and

13 (b) one person from each State of the Federation.

14 (2) A member shall hold office for three years from the date of his
15 appointment but shall be eligible for re-appointment.

1 (3) Notwithstanding the provisions of subsection (2) of this
2 section, the President may at any time revoke the appointment of any
3 member and a member may by writing under his hand addressed to
4 the President at any time resign his appointment.

Provisions
applicable to
Corporation.

5 3. The provisions contained in the Schedule to this Act shall
6 apply to the Corporation.

General
Manager.

7 4.—(1) The President shall appoint a fit and proper person to be
8 the General Manager of the Corporation.

9 (2) The General Manager shall be the chief executive of the
10 Corporation and shall subject to the policy of the Corporation—

11 (a) control and co-ordinate the day to day operations of the Cor-
12 poration ; and

13 (b) perform such other duties as the Corporation may from time
14 to time direct.

15 (3) The salary and allowances to be paid to the General Manager
16 shall not be less than those payable to the Permanent Secretary of any
17 Ministry of the Government of the Federation.

Secretary.

18 5. The Corporation shall appoint a Secretary to the Corporation
19 and the Secretary shall subject to the policy of the Corporation—

20 (a) keep custody of the records of the proceedings of the Corpora-
21 tion ; and

22 (b) perform such other duties as the Corporation may direct.

23 PART II—FUNCTIONS

Functions.

24 6. The functions of the Corporation shall be—

25 (a) to operate an efficient and effective inter-State bus and other
26 road transport service to link the Federal Capital with all the State
27 capitals and other major cities in the Federation ;

1 (b) to operate an efficient and effective bus and other transport
2 service within the Federal Capital Territory ;

3 (c) to develop and maintain garages, workshops, cafeteria, hotels
4 and other services and facilities which are in the opinion of the
5 Corporation necessary for the effective operation of the said road
6 transport service ; and

7 (d) to create conditions necessary for the development in the most
8 economic and efficient manner, of the said road transport service.

9 7. The Corporation shall have power—

Powers of
Corporation.

10 (a) subject to such terms and conditions as the Corporation
11 may approve, to employ staff (other than the General Manager),
12 agents, contractors and other workers to carry out any of its function
13 under this Act ;

14 (b) to establish such offices and branches of the Corporation as
15 the Corporation may require in each State of the Federation for the
16 performance of any of its functions under this Act ;

17 (c) to fix and charge fees and rates for its services; and

18 (d) to do such other things as the Corporation may from time to
19 time decide, for carrying out its functions under this Act.

20 8. The funds of the Corporation shall comprise—

Funds.

21 (a) grants provided by the Government of the Federation ;

22 (b) revenue from its services; and

23 (c) such other revenue as may accrue to the Corporation from
24 any other source.

25 9.—(1) Subject to subsection (2) of this section the Corporation
26 may borrow such sums of money as it may require in the exercise of
27 its functions under this Act.

Borrowing
powers.

1 (2) The power of the Corporation under subsection (1), to borrow
2 money shall be subject to the approval of the Minister where the sum to
3 be borrowed at any one time exceeds a total of N500,000.00.

4 (3) The Corporation may, subject to the guarantee of the
5 Government of the Federation, by the issue of bonds borrow such sums
6 as the Corporation may require for purposes of its functions under
7 this Act.

Annual
Estimates.

8 10. The Corporation shall, not later than 30th June of each
9 year, submit to the Minister estimates of its income and expenditure
10 for the next succeeding financial year.

Annual
Report.

11 11. As soon as may be after the end of each financial year the
12 Corporation shall—

13 (a) submit to the Minister and each House of the National
14 Assembly, a report on its activities for the proceeding year, including
15 its audited account for that year; and

16 (b) publish in the Gazette a copy of the said audited account.

Standing
Orders.

17 12. The Corporation may make standing orders to regulate its
18 own proceedings.

Regulations.

19 13.—(1) The Corporation may subject to the approval of the
20 Minister, make regulations for carrying into effect any of the provisions
21 of this Act.

22 (2) Without prejudice to subsection (1) of this section the regulations
23 made by the Corporation shall have effect from the date on which they
24 are published in the Gazette or such later date as the regulations may
25 prescribe.

26 (3) The Corporation shall as soon as may be after making any
27 regulations, lay before each House of the National Assembly copies
28 of those regulations.

- 1 14. In this Act— Interpreta-
- 2 "Corporation" means Corporation established under section 1 ; tion.
- 3 "Gazette" means *Official Gazette* of the Federation ;
- 4 "Minister" means Minister of the Federal Government responsible
- 5 for transport ;
- 6 "President" means President of the Federal Republic of Nigeria.
- 7 15. This Act may be cited as the National Road Transport Cor- Short title.
- 8 poration Act 1982.

SCHEDULE

Section 3

PROVISIONS RELATING TO THE CORPORATION

1. At any meeting of the Corporation the Chairman shall preside and Presiding at
in his absence the members present shall appoint one of their number to meetings.
preside at that meeting.
2. The quorum at any meeting of the Corporation shall be eight. Quorum.
3. The proceedings of the Corporation shall not be affected by any Validity of
vacancy in its membership or defect in the appointment of a member or by proceedings.
reason that a person who is not a member has taken part in such proceedings.
- 4.—(1) Where the Corporation is desirous to obtain the advice of any Co-option.
person on any particular matter the Corporation may co-opt that person as
member of the Corporation for such meeting or meetings as the Corporation
may decide.
- (2) The person so co-opted shall have all the privileges of a member
except that he shall not be entitled to vote at any meeting of the Corporation
or count towards a quorum.
- 5.—(1) The fixing of the seal of the Corporation shall be authenticated Authenti-
by the signature of the Chairman or the General Manager or any member cation of
authorized in that behalf by the Corporation. instruments.
- (2) Any instrument or contract which if made or executed by an
individual need not be under seal, may be made or executed on behalf of the
Corporation by any person generally or specifically authorized in that behalf
by the Corporation.
- (3) Any document purported to be a document executed under seal of
the Corporation shall be received in evidence and shall unless the contrary
is proved be presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to establish a Corporation to organise an efficient and effective inter-State road transport service to link the Federal Capital with all State Capitals and other major cities of the Federation, and run a similar transport service for the Federal Capital Territory.