

Supplement to Official Gazette Extraordinary No. 36, Vol. 71, 27th June, 1984
—Part A

**CIVIL SERVICE COMMISSIONS AND OTHER STATUTORY
BODIES, ETC. (REMOVAL OF CERTAIN PERSONS
FROM OFFICE) DECREE 1984**



Decree No. 16

[31st December 1983]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Notwithstanding anything to the contrary in any law or in the Constitution of the Federal Republic of Nigeria 1979, as affected by the Constitution (Suspension and Modification) Decree 1984 or in any other instrument, the appropriate authority if satisfied that—

Dismissal,
removal or
compulsory
withdrawal of
certain
persons from
the civil
service
commissions,
etc.
1984 No. 1.

(a) it is necessary to do so in order to facilitate improvements in the organisation of the Civil Service Commission, a statutory body or any company in which the Federal Military Government or the Military Government of a State has a controlling share to which a person is appointed, nominated or selected ;

(b) by reason of age or ill-health or due to any other cause a person appointed, nominated or selected thereto has been inefficient in the performance of his duties ; or

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

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

the appropriate authority (notwithstanding any stipulated years of appointment or service contained in the letter or any instrument of appointment, nomination or selection) may, at any time on or after 31st of December 1983—

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

(ii) require the person to withdraw compulsorily from the service.

2. For the avoidance of doubt, any act or thing done at any time on or after 31st of December 1983 by the appropriate authority in respect of—

Special
saving
provision.

(a) the dismissal, removal from office or compulsory withdrawal of any person ; or

(b) the conduct of an inquiry into any aspect of the exercise by a person in the performance of his duties ;

shall be deemed to have been done pursuant to this Decree.

Exclusion
of provi-
sions of
certain
enactments,
etc.

3.—(1) For the purposes of this Decree, the operation of the provisions of sections 159 and 190 of the Constitution of the Federal Republic of Nigeria 1979 (which protect certain pension rights), is hereby excluded.

(2) The provisions of any enactment, law or instrument (including the Constitution of the Federal Republic of Nigeria 1979) relating to matters to which this Decree applies or relating to appointment, dismissal and disciplinary control of a person shall have effect subject to this Decree.

(3) No civil proceedings shall lie or be instituted in any court for or on account of or in respect of any act, matter or thing done or purported to be done by any person under this Decree and if any such proceeding has been or is instituted before, on or after the commencement of this Decree, the proceedings shall abate, be discharged and made void.

(4) Chapter IV of the Constitution of the Federal Republic of Nigeria 1979 is hereby suspended for the purposes of this Decree and the question whether any provision thereof has been, is being or would be contravened by anything done or purported or proposed to be done in pursuance of this Decree shall not be inquired into by any court of law.

Interpre-
tation, etc.

4.—(1) In this Decree, unless the context otherwise requires—
“person” means any body who holds any office as—

(a) chairman or member in the Civil Service Commission of the Federation or of a State within the meaning of the Constitution of the Federal Republic of Nigeria 1979 ; or

(b) chairman or member in the governing body of any statutory corporation in the Federation or in a State ;

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

(d) chairman, member or director in a company in which any of the Governments in the Federation has controlling shares or interest.

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

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

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

Citation
and
commence-
ment.

5. This Decree may be cited as the Civil Service Commissions and Other Statutory Bodies, etc. (Removal of Certain Persons from Office) Decree 1984 and shall be deemed to have come into operation on 31st December 1983.

MADE at Lagos this 27th day of June 1984.

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

EXPLANATORY NOTE

*(This note does not form part of the above Decree
but is intended to explain its purpose)*

The Decree makes provision for the removal from office of certain persons from the civil service commissions, statutory bodies and Government-controlled companies.

PUBLIC OFFICERS (SPECIAL PROVISIONS) DECREE 1984



Decree No. 17

[31st December 1983]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

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

Dismissal,
removal or
compulsory
retirement
of certain
public
officers.

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

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

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

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

the appropriate authority may at any time after 31st December 1983—

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

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

(2) For the avoidance of doubt, it is hereby declared that any act or thing done at any time between 31st December 1983 and the making of this Decree by the appropriate authority in respect of—

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

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

shall be deemed to have been done pursuant to this Decree.

Grant or
forfeiture
of retire-
ment
benefits.

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

- (a) whether appropriate retirement benefits are to be paid ; or
- (b) whether those benefits shall be forfeited.

(2) In this section, the reference to appropriate retirement benefits is a reference to any benefits payable under any enactment or law of the Federation or of a State.

Exclusion
of certain
enactments.

3.—(1) For the purposes of this Decree, the operation of the provisions of sections 159 and 190 of the Constitution of the Federal Republic of Nigeria 1979, which protect the pension rights of persons in the public service of the Federation or of a State respectively, are hereby excluded.

(2) The provisions of any enactment, law or instrument (including the Constitution of the Federal Republic of Nigeria 1979) relating to the matters to which this Decree applies or relating to the appointment, benefits, dismissal and disciplinary control of a public officer shall have effect subject to this Decree.

(3) No civil proceedings shall lie or be instituted in any court for or on account of or in respect of any act, matter or thing done or purported to be done by any person under this Decree and if any such proceedings have been or are instituted before, on or after the making of this Decree, the proceedings shall abate, be discharged and made void.

(4) Chapter IV of the Constitution of the Federal Republic of Nigeria 1979 is hereby suspended for the purposes of this Decree and the question whether any provision thereof has been, is being or would be contravened by anything done or purported or proposed to be done in pursuance of this Decree shall not be inquired into in any court of law.

Inter-
pretation.

4.—(1) In this Decree, “public officer” means any person who holds or has held any office on or after 31st December 1983 in—

(a) the public service of the Federation or of a State within the meaning assigned thereto by section 277 (1) of the Constitution of the Federal Republic of Nigeria 1979 ;

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

(c) a company in which any of the Governments in the Federation has a controlling interest.

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

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

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

(3) In this Decree, any reference to the Constitution of the Federal Republic of Nigeria is a reference to that Constitution as affected by the Constitution (Suspension and Modification) Decree 1984.

5. This Decree may be cited as the Public Officers (Special Provisions) Decree 1984 and shall be deemed to have come into force on 31st December 1983.

Citation and
commence-
ment.

MADE at Lagos this 27th day of June 1984.

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

EXPLANATORY NOTE

*(This note does not form part of the above Decree but is intended
to explain its purpose)*

The Decree relates to the on-going removal from the public services of persons falling within the categories set out in section 1 of the Decree. The institution of proceedings in any court on account of anything done under the Decree is expressly excluded.

NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES DECREE 1984



ARRANGEMENT OF SECTIONS

Section

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. Establishment of the Nigerian Institute of Advanced Legal Studies. 2. Membership of the Council, etc. 3. Functions of the Council. 4. Functions of the Institute. 5. The Director-General of the Institute. 6. Principal officers of the Institute. 7. Appointment of other staff. 8. Conditions of service and remuneration of the Director-General and other staff of the Institute. 9. Pensions. 10. Power to accept gifts. 11. Residences, offices and premises. 12. Financial provisions. 13. Borrowing power. 14. Annual estimates, accounts, and audit. | <ol style="list-style-type: none"> 15. Procedure in respect of suits against the Institute. 16. Service of documents. 17. Restriction on execution against the property of the institute. 18. Indemnity of members of the Council and employees of the Institute. 19. Annual report. 20. Staff regulations. 21. Transitional. 22. Interpretation. 23. Citation. |
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SCHEDULE

Supplementary Provisions Relating
to the Council, etc.

Decree No. 18

[27th June 1984]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There is hereby established an Institute to be known as the Nigerian Institute of Advanced Legal Studies (hereinafter in this Decree referred to as "the Institute") which shall have the functions assigned to it by this Decree.

Establish-
ment of the
Nigerian
Institute of
Advanced
Legal
Studies.

(2) The Institute shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

2.—(1) There shall be established for the management of the affairs of the Institute a body to be known as the Nigerian Institute of Advanced Legal Studies Council (hereinafter in this Decree referred to as "the Council").

Membership
of the
Council, etc.

(2) The Council shall consist of the following members, that is—

(a) a Chairman to be appointed by the Head of the Federal Military Government ;

(b) a representative of the Ministry of Justice ;

(c) a representative of the Ministry charged with responsibility for higher education ;

(d) six deans or heads of faculties, or other formations of Nigerian universities offering degree courses in law at not less than graduate level to be appointed by the Head of the Federal Military Government ;

(e) the Director of the Nigerian Law School ;

(f) one member of the Judiciary nominated by the Chief Justice of Nigeria ;

(g) the President of the Nigerian Bar Association ;

(h) five persons of whom one shall be a woman to be appointed by the Head of the Federal Military Government ; and

(i) the Director-General of the Institute.

(3) The provisions of the Schedule to this Decree shall have effect with respect to the proceedings of the Council and the other matters therein mentioned.

3.—(1) The Council shall be responsible for the determination of the overall policy of the Institute and in particular for the financial and operational programmes of the Institute, and for ensuring implementation of such policies and programmes.

Functions of
the Council.

(2) Without prejudice to the generality of subsection (1) of this section, it shall be the duty of the Council—

(a) to approve the research and training programmes of the Institute ;

(b) to determine the fees to be paid for research, consulting, training and any other services that may be offered by the Institute ; and

(c) to promote or undertake any other activity that in the opinion of the Council is calculated to help achieve the purposes of the Institute.

4. The functions of the Institute shall be—

(a) to provide information, supervision, guidance and advice to post-graduate students and other researchers who are working for post-graduate degree of any University in the field of law and related subjects ;

Functions
of the
Institute.

(b) to conduct research into any branch of the law or related subject with a view to the application of the results thereof in the interest of the country ;

(c) from time to time to organise, host, arrange and conduct national or international seminars, symposia, conferences, workshops, lectures on any branch of the law or related subject ;

(d) to prepare and publish books, records, reports, journals as may seem desirable for the dissemination of research findings, seminars, symposia, conferences, findings of workshops and lectures as aforesaid ;

(e) to co-operate with Nigerian Universities, Nigerian Law School, the Nigerian Law Reform Commission and such other bodies (whether in Nigeria or elsewhere) engaged in any major field relating to law reform, development or research in the mobilisation of the country's research potentials for the task of national development and dissemination of research findings for the use of policy makers at all levels ;

(f) to carry out such other activities as are necessary and expedient for the full discharge of any of its functions under or pursuant to this Decree.

The
Director-
General of
the Institute.

5.—(1) There shall be a Director-General of the Institute who shall be appointed by the Head of the Federal Military Government.

(2) Subject to the general control of the Council, the Director-General shall be the chief executive officer of the Institute and shall be responsible for the execution of the policy of the Institute and the day-to-day running of the affairs of the Institute.

Principal
officers of
the Institute.

6. The other principal officers of the Institute shall be—

(a) the Librarian who shall be responsible to the Director-General for the administration of the Institute's library ;

(b) the Secretary who shall be responsible to the Director-General for the day-to-day administrative work of the Institute and who shall also be the Secretary to the Council and, where no other person is so designated, as secretary to any of its Committees ;

(c) the Bursar who shall be responsible to the Director-General for the day-to-day administration and control of the financial affairs of the Institute.

Appointment
of other staff.

7.—(1) The Council may appoint any fit and proper persons on permanent, temporary or contract basis as employees of the Institute as it may consider necessary.

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

Conditions
of service
and re-
muneration
of the
Director-
General and
other staff of
the Institute.

8.—(1) The Director-General shall hold office for four years in the first instance renewable for a period of three years at a time thereafter, on such terms as to the emoluments of his office, and otherwise as may be specified in his letter of appointment.

(2) The remuneration, tenure and conditions of service of other employees of the Institute (other than the Director-General) shall be as those applicable to staff in Nigerian Universities or otherwise as may be determined from time to time by the Federal Military Government.

Pensions.
1979 No.
102.

9.—(1) It is hereby declared that service in the Institute shall be approved service for the purposes of the Pensions Act 1979 and, accordingly, officers and other persons employed in the Institute shall in respect of their service in the Institute be entitled to pensions, gratuities and other retirement

benefits as are prescribed thereunder, so however that nothing in this Decree shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.

(2) For the purposes of the application of the provisions of the Pensions Act 1979, any power exercisable thereunder by a Minister or other authority of the Federal Military Government (not being power to make regulations under section 23 thereof) are hereby vested in and shall be exercisable by the Institute and not by any other person or authority.

10.—(1) Subject to subsection (2) of this section, the Council may accept gifts of land, money, books or other property upon such trusts and conditions, if any, as may be specified by the person making the gift.

Power to accept gifts.

(2) The Council shall not accept any gift if the conditions attached thereto by the person making the gift are inconsistent with the functions of the Council under this Decree.

11.—(1) For the purposes of providing residential accommodation for its staff, offices and premises as may be considered necessary for the performance of its functions, the Council may—

Residences, offices and premises.

(a) purchase or take on lease any interest in land ; and

(b) build, furnish, equip and maintain residential quarters, offices and premises.

(2) The Council may, with the approval of the Attorney-General, sell or lease any residential quarters, land, offices or premises held by it and no longer required for the performance of its functions.

12.—(1) The Council shall establish and maintain a fund from which there shall be defrayed all expenses incurred by the Council.

Financial provisions.

(2) There shall be paid and credited to the fund established under subsection (1) above—

(a) such sums as may from time to time be granted to the Council by the Federal Military Government ;

(b) all moneys raised for the purposes of the Institute by way of gifts, grants-in-aid, testamentary dispositions and sales of publications ;

(c) all subscriptions, fees and charges for services rendered by the Institute and all other sums that may accrue to the Institute from any source.

13.—(1) The Institute may with the consent of the Attorney-General or in accordance with the general authority given by the Federal Military Government borrow by way of loan or overdraft from any source any moneys required by the Institute to meet its obligations and to discharge its functions under this Decree so however that no such consent or authority shall be required where the sum or the aggregate of the sums involved at any time does not exceed such amount as is for the time being specified in relation to the Institute by the Federal Military Government.

Borrowing power.

(2) The Institute may, subject to the provisions of this Decree and the conditions of any trust created in respect of any property, invest all or any of its funds with the like consent or general authority.

(3) The Council may invest any surplus funds of the Institute in such securities as may be permitted by law.

Annual estimates, accounts, and audit.

14.—(1) The Council shall cause to be prepared not later than 5 months before the end of each year an estimate of the expenditure and income of the Institute during the next succeeding financial year and when prepared they shall be submitted to the Attorney-General.

(2) The Council shall cause to be kept proper accounts and proper records in relation thereto and when certified by the Council such accounts shall be audited as provided in subsection (3) below.

(3) The accounts of the Institute shall be audited as soon as may be practicable after the end of each year.

Procedure in respect of suits against the Institute, etc.

15.—(1) No suit against the Institute, a member of the Council or any employee of the Institute for any act done in pursuance or execution of any law, or of any public duties, or in respect of any alleged neglect or default in the execution of such law duties shall lie or be instituted in any court unless it is commenced within twelve months next after the act, neglect or default complained of or, in the case of a continuance of damage or injury, within twelve months next after the ceasing thereof.

(2) No suit shall be commenced against the Institute before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Institute by the intending plaintiff or his agent ; and the notice shall clearly and explicitly state—

(a) the cause of action ;

(b) the particulars of the claim ;

(c) the name and place of abode of the intending plaintiff ; and

(d) the relief which he claims.

Service of documents.

16. The notice referred to in section 15 (2) of this Decree and any summons, notice or other document required or authorised to be served upon the Institute under the provisions of this Decree or any other law may be served by delivering the same to the Chairman or the Director-General, or by sending it by registered post addressed to the Director-General at the principal office of the Institute.

Restriction on execution against the property of the Institute.

17. In any action or suit against the Institute no execution or attachment or process in the nature thereof shall be issued against the Institute but any sums of money which by judgment of the court be awarded against the Institute shall, subject to any directions given by the Institute, be paid from the general reserve fund of the Institute.

Indemnity of members of the Council and employees of the Institute.

18. Every member of the Council, agent, auditor or employee for the time being of the Institute shall be indemnified out of the assets of the Institute against any liability incurred by him in defending any proceeding whether civil or criminal, if any such proceeding is brought against him in his capacity as such member, agent, auditor or employee as aforesaid.

Annual report.

19. The Council shall, not later than 30th September in each year, submit to the Attorney-General a report on the activities of the Institute and its administration during the immediately preceding year and shall include in such report the audited accounts of the Institute.

20.—(1) The Council may, subject to the provisions of this Decree, make staff regulations relating generally to the conditions of service of the employees of the Institute and without prejudice to the generality of the foregoing, such regulations may provide for—

Staff
regulations.

(a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Institute ; and

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

and until such regulations are made, any instrument relating to the conditions of service in the civil service of the Federation shall be applicable, with such modifications as may be necessary, to the employees of the Institute.

(2) Staff regulations made under subsection (1) above, shall not have effect until approved by the Attorney-General, and when so approved they need not be published in the *Gazette* but the Council shall cause them to be brought to the notice of all affected persons in such manner as it may from time to time determine.

21. All appointments of officers made to the Institute previous to the date of commencement of this Decree shall be deemed to have been validly made and the existing rights of such officers, if any, to pensions and gratuities shall by virtue of this section be preserved.

Transitional.

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

Interpreta-
tion.

“the Attorney-General” means the Attorney-General of the Federation ;

“the Council” means the Council of the Institute established pursuant to section 2 of this Decree ;

“the Chairman” means the Chairman of the Council ;

“the Director-General” means the Director-General of the Institute appointed pursuant to section 5 of this Decree ;

“the Institute” means the Institute of Advanced Legal Studies established by section 1 of this Decree ;

“member” includes the Chairman of the Council.

23. This Decree may be cited as the Nigerian Institute of Advanced Legal Studies Decree 1984.

Citation.

SCHEDULE

Section 2 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Terms of Service

1.—(1) The Chairman shall hold office for a term of three years and subject to the provisions of sub-paragraph (2) of this paragraph shall be eligible for re-appointment.

(2) The office of the Chairman shall become vacant—

(a) if he resigns his office by notice in writing under his hand addressed to the Head of the Federal Military Government ; or

(b) if the Head of the Federal Military Government, upon the recommendation of the Council, terminates his appointment.

2. There shall be paid to the members of the Council allowances in respect of travelling and other reasonable expenses at such rates as may from time to time be fixed by the Head of the Federal Military Government.

Committees

3.—(1) The Council may appoint one or more committees to advise it in the exercise and performance of its functions.

(2) Every such committee shall consist of—

(a) a Chairman who shall be appointed by the Council from among the members of the Council ;

(b) not more than five other members including co-opted members.

(3) Co-opted members shall enjoy all the rights and privileges of members except that they shall have no right to vote.

Proceedings of the Council

4.—(1) The Council shall meet for the conduct of business at such times, places and on such days as the Chairman may appoint but shall meet not less than two times in a year.

(2) The Chairman may at any time, and shall at the request in writing of not less than four members of the Council, summon a meeting ; and if the Chairman shall fail to do so within two months of such a request, the Attorney-General may summon a meeting.

(3) Particulars of the business to be transacted at any meeting shall be circulated to members with the notice of the meeting.

5.—(1) Every question put before the Council at a meeting shall, subject to sub-paragraph (3) below, be decided by a majority of the votes of the members present and voting.

(2) The quorum for the meetings of the Council shall be six.

(3) The Chairman shall at any meeting have a vote and, in the case of an equality of votes, may exercise a casting vote.

6. The Chairman shall preside at all meetings of the Council, but if he is absent from any meeting of the Council for any reason whatsoever, the members present shall elect one of their number to preside at that meeting.

7. The validity of any proceedings of the Council or of any of its committees shall not be affected—

(a) by any vacancy in the membership of the Council or of any such Committee ; or

(b) by any defect in the appointment of any member.

8. Subject to the provisions of this Decree and of the Interpretation Act 1964, the Council may make standing orders with respect to the holding of meetings, the nature of notice to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

1964 No. 1

Creation of Academic Posts

9. The Council may create such academic posts as it may deem necessary for the efficient performance of the functions of the Institute.

Appointments of Principal Officers of the Institute

10.—(1) When a vacancy occurs in the office of the Librarian, or of the Secretary or the Bursar, a selection board shall be constituted as follows :—

(a) the Chairman of the Council who shall be the Chairman of the board ;

(b) the Director-General ;

(c) at least five other members of the Council of whom not less than 3 shall be Deans of Law or where the Director of the Nigerian Law School is present two Deans ; and

(d) at least two other persons, not being members of the Council, who have special knowledge or experience in the relevant field :

Provided that no person as specified above who is himself a candidate shall serve on the board.

(2) A quorum of the selection board shall be the Chairman and at least three others, one of whom shall be a person who is a member under subparagraph (1) (d) of this paragraph.

(3) In recommending appointments the selection board shall adhere to such rules and regulations as may be laid down in that behalf by the Council.

(4) The Council may, after considering the recommendations of the selection board, make appointments accordingly.

Appointment of other Officers of the Institute

11. The Council may make rules and regulations governing appointments and promotions to posts established in the Institute other than that of the Director-General and those mentioned in paragraph 10 and may delegate its powers of appointments of certain grades of officers to the Director-General or to committees under the chairmanship of the Director-General ; and in the case of academic posts such rules and regulations shall provide that the standards of learning and scholarship in respect of candidates to be appointed are comparative to the standards required for similar appointments in Nigerian universities.

Miscellaneous

12.—(1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal may be entered into or executed on behalf of the Council by any person generally or specifically authorised in that behalf by the Council.

(2) Any member of the Council or of a committee thereof, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof, shall forthwith disclose his interest to the Council or the committee and shall not vote on any question relating to such contract or arrangement.

13.—(1) The fixing of the Seal of the Council shall be authenticated by the signature of the Chairman and of the Director-General or any other person authorised in that behalf by the Council.

(2) Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Council shall be received in evidence and, unless the contrary is proved, be presumed without further proof to have been so signed and sealed.

MADE at Lagos this 27th day of June 1984.

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

EXPLANATORY NOTE

*(This note does not form part of the Decree but is
intended to explain its effect)*

The Decree establishes an Institute of Advanced Legal Studies to be responsible among other things for, the conduct of Research into any branch of Law with a view to application of the results in the interest of the Country ; providing information, supervision, guidance and advice to Post Graduate Students and other researchers in the field of Law and related subjects. The Institute shall co-operate with Nigerian Universities, the Nigerian Law School, the Law Reform Commission ; Research Institutes and such other bodies in Nigeria and other Countries in such research works.

The Decree also establishes a governing Council to be responsible for the determination of the overall policies of the Institute and for ensuring implementation of such policies.

**PRIVATE UNIVERSITIES (ABOLITION AND PROHIBITION)
DECREE 1984**



Decree No. 19

[9th February 1984]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. As from the commencement of this Decree, all private universities and similar institutions in existence in any part of Nigeria are hereby abolished and no such private university or similar institution shall henceforth be established.

Abolition
of all
existing
private
universities.

2. As from the commencement of this Decree, it shall be unlawful for any person or group of persons (whether corporate or unincorporate) to establish any private university or similar institution of higher learning in any part of Nigeria.

Prohibition
of establish-
ment of
private
universities
by persons.

3. All existing private universities and similar institutions are hereby, as from the commencement of this Decree, closed down and all students' registration and matriculation prior to the coming into effect of this Decree are hereby cancelled.

Closure of
all private
universities
and similar
institutions,
etc.

4.—(1) Registers, forms, emblems, syllabuses or other documents of the private universities abolished pursuant to section 1 of the Decree shall be forwarded to the Ministry of Education of the State where the private university is located or to the Federal Ministry of Education, Science and Technology.

Return and
forfeiture
of all
documents.

(2) All such documents shall be forfeited to the Government of the State or to the Federal Military Government, as the case may be.

5.—(1) Any person who contravenes any provision of this Decree shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not less than three years or not more than five years.

Offences
and
penalties.

(2) Where an offence under this section is committed by a body corporate, it shall be liable on conviction to a fine of not less than ₦10,000

Corporate
firms and
associations.

(3) Where in subsection (2) above it is proved that the commission of the offence is attributable to any officer in authority or control of the corporate body he as well as the body corporate shall be deemed to be guilty of an offence and shall be liable to be proceeded against and punished as provided in subsections (1) and (2) of this section.

Interpre-
tation.

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

“closure of institution” includes closure of such places as the bookshops, library, students hostels, lecture halls, administrative blocks and workshops of the universities or institutions abolished pursuant to this Decree

“documents” include incorporation papers, certificates, registers, account books, and all such documents in use in a private university.

“private university” means any university or similar institution which is privately financed and managed and which is not established by law of a State or the Federation :

“university” means any institution established for the purpose of awarding a degree or its equivalent.

Citation and
commence-
ment.

7. This Decree may be cited as the Private Universities (Abolition and Prohibition) Decree 1984 and shall be deemed to have come into operation on 9th February 1984.

MADE at Lagos this 27th day of June 1984.

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

EXPLANATORY MEMORANDUM

*(This note is not intended to form part of the above Decree
but is intended to explain its effect)*

The Decree abolishes all private universities and prohibits the establishment of new ones by private persons. It provides for the punishment of any person (including corporate bodies) for contravention of its provisions.