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1989—Part A

LOCAL GOVERNMENT (BASIC CONSTITUTIONAL AND TRANSITIONAL PROVISIONS) DECREE 1989



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SCHEDULES

Decree No. 15

[17th May 1989]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

PART I—LOCAL GOVERNMENT SYSTEM AND ESTABLISHMENT OF LOCAL GOVERNMENT COUNCILS

1.—(1) The system of local government shall, under this Decree, be by democratically elected Local Government Councils.

Local
Government
system.

(2) There shall be 449 Local Government Areas in Nigeria as named in the second column of Schedule 1 to this Decree and each Local Government Area shall have its headquarters in the location specified in the third column of the said Schedule.

(3) The Local Government Area shall be the only unit in respect of which the Government of a State is empowered to establish an authority for the purpose of local government.

(4) Without prejudice to the provisions of subsection (3) of this section, the Government of a State may, by Edict or Law, create for any Local Government Area in its State up to a maximum of 7 Development Areas, having regard to such factors as common historical and traditional ties, geographical contiguity and administrative expedience.

(5) Subject to subsection (2) of this section, the person authorised by law to prescribe the area over which a Local Government may exercise authority shall define such area as clearly as practicable and in conformity with the provisions of Schedule 1 to this Decree.

(6) It shall be the duty of a Local Government within the State to participate in economic planning and development of the Local Government Area concerned and to this end, a joint economic planning board shall be established by an Edict or a Law.

(7) The functions to be conferred by an Edict or a Law upon a Local Government Council shall include those set out in Part V of this Decree.

(8) Subject to the provisions of this Decree—

(a) the Armed Forces Ruling Council or the National Assembly, as the case may be, shall make provisions for statutory allocation of public revenue to the Local Governments in the Federation ; and

(b) the Military Governor or the House of Assembly of a State, as the case may be, shall make provisions for statutory allocation of public revenue to the Local Governments within the State.

(9) The Auditor-General for the Local Governments of a State shall audit annually the accounts of the Local Government and the report thereof shall be laid before the Military Governor or the House of Assembly of the State, as the case may be.

(10) Subject to the provisions of Parts 1 to VI of this Decree, the Military Governor or the House of Assembly of a State, as the case may be, shall enact an Edict or a Law providing for the structure, composition, revenue, expenditure and other financial matters, staff, meeting and other relevant matters for the Local Governments in the State.

Establishment and dissolution of Local Government Council.

2.—(1) There shall be a Local Government Council for each Local Government Area in the Federation.

(2) A Local Government Council shall stand dissolved at the expiration of a period of 3 years commencing from the date of the first sitting of the Council but shall seat for only 2 years during the transition period.

(3) Government shall ensure that every person who is entitled to vote or be voted for at an election, shall have the right to vote or be voted for at an election to a Local Government Council.

Division into wards and boundaries thereof.

3.—(1) Subject to the provisions of this Decree, the National Electoral Commission (hereafter in this Decree referred to as "the Commission") shall divide each Local Government Area into such number of wards, not being more than 20, as the circumstances of each Local Government Area may require.

(2) The boundaries of each ward shall be such that the number of inhabitants thereof is as nearly equal to the population quota as is reasonably practicable.

Periodical review of wards.

4. The Commission shall review the division of every Local Government Area into wards at intervals of not less than 10 years and may alter such wards in accordance with the provisions of section 3 (1) of this Decree to such extent as it may consider desirable in the light of the review.

PART II—THE CHAIRMAN AND VICE-CHAIRMAN

Establishment of office of Chairman and Vice-Chairman.

5. There shall be for each Local Government Council, a Chairman and Vice-Chairman.

Qualifications of Chairman.

6. A person shall be qualified for election to the office of Chairman if—

- (a) he is a citizen of Nigeria ; and
- (b) he has attained the age of 25 years ;
- (c) he has been educated up to at least the school Certificate level.

Disqualifications of Chairman.

7.—(1) A person shall not be qualified for election to the office of Chairman if—

(a) he has voluntarily acquired the citizenship of a country other than Nigeria or, except in such cases as may be prescribed by the Federal Military Government or the National Assembly, as the case may be, has made a declaration of allegiance to such a country ;

(b) under any law in force in any part of Nigeria, he is adjudged to be a lunatic or otherwise declared to be of unsound mind ;

(c) he is under a sentence of death imposed on him by any court of law in Nigeria or a sentence of imprisonment for an offence involving dishonesty (by whatever name called) imposed on him by such a court or substituted by a competent authority for any other sentence imposed on him by such a court ;

(d) he has been convicted and sentenced by a court of law or tribunal established by law for an offence involving dishonesty or he has been found guilty of a contravention of the Code of Conduct under the Code of Conduct Bureau and Tribunal Decree 1989 ;

1989 No. 1.

(e) he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt, under any law in force in any part of Nigeria ;

(f) he is a member of any secret society ; or

(g) he has been elected to such office at two previous elections.

(2) Where in respect of any person who has been adjudged to be a lunatic, declared to be of unsound mind, sentenced to death or imprisonment or adjudged or declared bankrupt, any appeal against the decision is pending in any court of law in accordance with any law in force in Nigeria, subsection (1) of this section shall not apply during a period beginning from the date when such appeal is lodged and ending on the date when the appeal is finally determined or, as the case may be, the appeal lapses or is abandoned, whichever is earlier, and for the purposes of this subsection, an "appeal" includes any application for an injunction or an order of certiorari, mandamus, prohibition or habeas corpus, or any appeal from any such application.

(3) A Chairman shall not hold any other executive office or paid employment whatsoever, during his tenure of office.

8. A person elected to the office of Chairman shall not begin to perform the functions of that office until he has declared his assets and liabilities as prescribed in the Code of Conduct Bureau and Tribunal Decree 1989 and has subsequently taken and subscribed before the Governor of the State, the Oath of Allegiance and the Oath of Office as prescribed in Schedule 2 to this Decree.

Declaration
of assets and
liabilities :
oaths of
Chairman.

9.—(1) An election to the office of Chairman shall be held on a date to be appointed by the Commission.

Election of
Chairman.

(2) An election to the said office shall be held on a date not earlier than 90 days and not later than 60 days before the expiration of the term of office of the last holder of that office.

(3) Where in an election to the office of Chairman—

(a) at the close of nomination only one candidate has been nominated, the Commission shall extend the time for nomination ; or

(b) at the close of nomination one of the two candidates nominated for the election is the only candidate by reason of the disqualification, withdrawal, incapacitation, disappearance or death of the other candidate, the Commission shall extend the time for nomination, so however that where after the extension only one candidate remains validly nominated, there shall be no further extension.

(4) A candidate for election to the office of Chairman shall be deemed to have been duly elected where, being the only candidate nominated for election he has at least two-thirds of all the votes cast at the election, but where the only candidate fails to be elected in accordance with this subsection there shall be fresh nominations.

(5) A candidate for an election to the office of Chairman shall be deemed to have been duly elected where, there being 2 candidates, he has a majority of the votes cast at the election.

(6) In default of a candidate being duly elected—

(a) under subsection (4) of this section, the Commission shall within 30 days of the declaration of results order another or further nominations and election until the emergence of a candidate as provided for in this section ;

(b) under subsection (5) of this section by reason of a tie, the Commission shall declare as duly elected that candidate who scored the highest number of votes in a majority of wards in the Local Government Area.

(7) For the purpose of an election under this section, a Local Government Area shall be regarded as one constituency.

Nomination
and election
of Vice-
Chairman.

10.—(1) In any election to which section 9 of this Decree relates, a candidate for the office of Chairman shall not be deemed to have been validly nominated for such office, unless he nominates another candidate as his associate for his running for the office of Chairman who is to occupy the office of Vice-Chairman ; and that candidate shall be deemed to have been duly elected to the office of Vice-Chairman if the candidate who nominated him is duly elected as Chairman in accordance with the said provisions.

(2) The provisions of this Part of this Decree relating to qualification for election, tenure of office, disqualification, declaration of assets and liabilities and oaths of Chairman shall apply in relation to the office of Vice-Chairman as if references to Chairman were references to Vice-Chairman.

Removal of
Chairman
or Vice-
Chairman.

11.—(1) The Chairman or Vice-Chairman may be removed from office in accordance with the provisions of this section.

(2) Whenever a notice of any allegation in writing signed by not less than one-half of the members of the Local Government Council—

(a) is presented to the Secretary of the Local Government ; and

(b) stating that the holder of such office is guilty of gross misconduct in the performance of the functions of his office, detailed particulars of which shall be specified,

the Secretary of the Local Government shall within 7 days of the notice cause a copy thereof to be served on the holder of the office and on each member of the Local Government Council and shall also cause any statement made in reply to the allegation by the holder of the office to be served on each member of the Local Government Council.

(3) Within 14 days of the presentation of the notice, (whether or not any statement was made by the holder of the office in reply to the allegation contained in the notice) the Local Government Council without the holder of the office being present at the meeting shall resolve by motion without any debate whether or not the allegation shall be investigated.

(4) A motion of the Local Government Council that the allegation be investigated shall not be declared as having been passed unless it is supported by the votes of not less than two-thirds majority of all the members of the Local Government Council.

(5) Within 7 days of the passing of a motion under subsection (4) of this section, the Secretary of the Local Government shall inform the Chief Judge of the State who shall appoint a Panel of seven persons who in his opinion are of unquestionable integrity not being—

- (a) members of any public service ;
- (b) legislative house, or
- (c) political party,

to investigate the allegation as provided in this section.

(6) The holder of an office whose conduct is being investigated under this section shall have the right to defend himself in person and be represented before the Panel by a legal practitioner of his own choice.

(7) A Panel appointed under this section shall—

- (a) have such powers and exercise its functions in accordance with such procedure as may be prescribed by an Edict or a Law ; and
- (b) within three months of its appointment, report its findings to the Local Government Council.

(8) Where the Panel reports to the Local Government Council that the allegation has not been proved no further proceedings shall be taken in respect of the matter.

(9) Where the report of the Panel is that the allegation against the holder of the office has been proved, then within 14 days of the receipt of the report, the Local Government Council shall consider the report with the holder of the office being present at the meeting and if by a resolution of the Local Government Council supported by not less than two-thirds majority of all its members the report of the Panel is adopted then the holder of the office shall stand removed from office as from the date of the adoption of the report.

(10) No proceedings or determination of the Panel or of the Local Government Council or any matter relating thereto shall be entertained or questioned in any court.

(11) In this section, "gross misconduct" means a grave violation of the Oath of Office or grave breach of the provisions of this Decree or a misconduct of such nature as amounts in the opinion of the Local Government Council to gross misconduct.

Permanent
incapacity
of Chairman
and Vice-
Chairman.

12.—(1) The Chairman or Vice-Chairman shall cease to hold office if—

(a) by a resolution passed by two-thirds majority of all the members of the Local Government Council it is declared that the Chairman or the Vice-Chairman is incapable of discharging the functions of his office; and

(b) the declaration is verified after such medical examination as may be necessary by a medical panel established under subsection (4) of this section in its report to the Secretary of the Local Government.

(2) Where the medical panel certifies in such report that in its opinion, the Chairman or Vice-Chairman is suffering from such infirmity of body or mind as to render him permanently incapable of discharging the functions of his office, a notice thereof signed by the Secretary of the Local Government shall be published in the *Gazette* of the Government of the State.

(3) The Chairman or Vice-Chairman shall cease to hold office from the date of publication of the notice of the medical report pursuant to subsection (2) of this section.

(4) The medical panel to which this section relates shall be appointed by the Secretary of the Local Government and shall comprise three medical practitioners in Nigeria—

(a) one of whom shall be a medical practitioner of the choice of the officer concerned; and

(b) two other medical practitioners.

Discharge of
functions of
Chairman.

13.—(1) The Vice-Chairman shall hold the office of Chairman of the Council if the office of the Chairman becomes vacant by reason of death, resignation or removal from office in accordance with section 11 or 12 of this Decree.

(2) Where any vacancy occurs in the circumstances mentioned in subsection (1) of this section during a period when the office of Vice-Chairman is also vacant, the Secretary of the Local Government shall hold the office of Chairman for a period of not more than 3 months, during which there shall be an election of a new Chairman, who shall hold office as provided for in section 15 (3) of this Decree.

(3) Where the office of Vice-Chairman becomes vacant—

(a) by reason of death or resignation or removal in accordance with section 11 or 12 of this Decree;

(b) by his assumption of the office of Chairman in accordance with subsection (1) of this section; or

(c) for any other reason, the Chairman shall nominate and, with the approval of a majority of the members of the Local Government Council, appoint a new Vice-Chairman from among those members.

(4) The Commission shall conduct a bye-election to fill the vacant seat created in the ward from which the new Vice-Chairman has been appointed.

14.—(1) The Chairman shall assign to the Vice-Chairman specific responsibilities for any business of the Local Government.

Executive
responsibility
of Vice-
Chairman or
Supervisory
Councillors.

(2) The Chairman shall in his discretion assign to any Supervisory Councillor of the Local Government responsibility for any business of the Local Government including the administration of any department of the Local Government.

(3) The Chairman shall hold regular meetings with the Vice-Chairman, all the Supervisory Councillors and other Councillors for the purpose of—

(a) determining the general direction of the policies of the Local Government Council ;

(b) co-ordinating the activities of the Local Government Council ; and

(c) generally discharging the executive functions of the Local Government Council.

15.—(1) Subject to the provisions of this Decree, a person shall hold the office of Chairman until—

Tenure of
office of
Chairman.

(a) when his successor in office takes the oath of that office ;

(b) he dies whilst holding such office ;

(c) the date when his resignation from office takes effect ;

(d) he otherwise ceases to hold office in accordance with the provisions of this Decree ;

(e) he becomes a member of a secret society ; or

(f) the Secretary of the Local Government receives a certificate under the hand of the Chairman of the Commission stating that the provisions of section 23 of this Decree have been complied with in respect of the recall of the Chairman.

(2) The Secretary of the Local Government shall give effect to the provisions of subsection (1) of this section, so however that the Secretary shall first present evidence satisfactory to the Local Government Council that any of the provisions of that subsection has become applicable in respect of the Chairman.

(3) Subject to the provisions of subsection (1) of this section, the Chairman shall vacate his office at the expiration of a period of 3 years but for only 2 years during the transition period, commencing from the date when—

(a) in the case of a person first elected as Chairman under this Decree, he took the Oath of Allegiance and the Oath of Office ; or

(b) the person last elected to that office took the Oath of Allegiance and the Oath of Office or would but for his death have taken such Oaths.

16.—(1) If a person duly elected as Chairman dies before taking and subscribing the Oath of Allegiance and the Oath of Office, the person elected with him as Vice-Chairman shall be sworn in as Chairman who shall then nominate and with the approval of a majority of the members of the Local Government Council appoint a new Vice-Chairman from among those members.

Death of
Chairman
elect before
Oaths of
Office.

(2) The Commission shall conduct a bye-election to fill the vacant seat created in the ward from which the new Vice-Chairman has been appointed.

PART III—COUNCILLORS

Number of
Councillors.

17. There shall be elected from every ward in a Local Government Area one Councillor.

Qualification
of Council-
lors.

18. Subject to the provisions of section 19 of this Decree, a person shall be qualified for election as a Councillor if he—

(a) is a citizen of Nigeria ;

(b) has attained the age of 21 years ; and

(c) has been educated up to at least the School Certificate level or its equivalent.

Disqualifica-
tions of
Councillors.

19.—(1) No person shall be qualified for election as a Councillor if—

(a) he has voluntarily acquired the citizenship of a country other than Nigeria or, except in such cases as may be prescribed by this Decree, has made declaration of allegiance to such a country ;

(b) under any law in force in any part of the Federation, he is adjudged to be a lunatic or otherwise declared to be of unsound mind ;

(c) he is under a sentence of death imposed on him by any court of law in Nigeria or a sentence of imprisonment for an offence involving dishonesty (by whatever name called) imposed on him by such a court or substituted by a competent authority for any other sentence imposed on him by such a court ;

(d) he has been convicted and sentenced by any court of law or tribunal established by law for an offence involving dishonesty or he has been found guilty of a contravention of the Code of Conduct under the Code of Conduct Bureau and Tribunal Decree 1989 ;

(e) he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of the Federation ; or

(f) he is a member of a secret society.

(2) Where in respect of any person who has been adjudged to be a lunatic, declared to be of unsound mind, sentenced to death or imprisonment or adjudged or declared bankrupt, any appeal against the decision is pending in any court of law in accordance with any law in force in Nigeria, subsection (1) of this section shall not apply during a period beginning from the date when such appeal is lodged and ending on the date when the appeal is finally determined or, as the case may be, the appeal lapses or is abandoned, whichever is earlier.

(3) For the purposes of subsection (2) of this section, an "appeal" includes any application for an injunction or an order of certiorari, mandamus, prohibition or habeas corpus, or any appeal from any such application.

Declaration
of assets and
liabilities :—
oaths of
Councillor.

20. Every person elected as Councillor shall before taking his seat declare his assets and liabilities as prescribed in the Code of Conduct Bureau and Tribunal Decree 1989 and subsequently take and subscribe before the Chairman of the Local Government Council the Oath of Allegiance and the Oath of Office prescribed in Schedule 2 to this Decree.

21.—(1) There shall be not less than 3 nor more than 5 offices of Supervisory Councillors of the Local Government Council.

Supervisory
Councillors.

(2) Any appointment to the office of Supervisory Councillors shall be made by the Chairman within 30 days of taking office from among the Councillors of that Local Government Council.

22.—(1) A member of a Local Government Council shall vacate his seat in the Council—

Tenure of
seat of
members.

(a) if he becomes a member of a legislative house ;

(b) on the date when his letter of resignation takes effect ;

(c) if he becomes President, Vice-President, Governor, Deputy Governor or a Minister of the Government of the Federation or a Commissioner of the Government of a State ;

(d) being a person whose election was sponsored by one political party, he resigns from that party or becomes a member of the other political party before the expiration of the period for which the Local Government Council was elected ;

(e) if he becomes a member of a secret society ; or

(f) the Chairman of the Local Government Council receives a certificate under the hand of the Chairman of the Commission stating that the provisions of section 23 of this Decree have been complied with in respect of the recall of that member.

(2) The Chairman of the Local Government Council shall give effect to subsection (1) of this section, so however that the Chairman shall first present evidence satisfactory to the Local Government Council that any of the provisions of that subsection has become applicable in respect of that member.

PART IV—GENERAL

23.—(1) A member of a Local Government Council may be recalled as such a member if—

Recall.

(a) there is presented to the Chairman of the Commission a petition in that behalf signed by more than one half of the persons registered to vote in that member's constituency alleging their loss of confidence in that member ; and

(b) the petition is thereafter approved in a referendum conducted by the Commission within 90 days of the date of the receipt of the petition by a simple majority of the votes of the persons registered to vote in that member's constituency.

(2) For the purposes of this section, "member" includes Chairman and Vice-Chairman.

24.—(1) At any sitting of the Local Government Council, the Chairman shall preside and in his absence the Vice-Chairman shall preside.

Presiding at
sittings of
the Local
Government
Council.

(2) In the absence of both persons referred to in subsection (1) of this section, any other member of the Council, as may be elected for that purpose, may preside.

25. The quorum of a Local Government Council shall be one-half of all of the members of the Local Government Council.

Quorum.

Voting.

26. Except as otherwise provided by this Decree, any question proposed for decision in the Local Government Council shall be determined by a simple majority of the members present and voting, and the person presiding shall have a casting vote whenever necessary to avoid an equality of votes.

PART V—FUNCTIONS OF A LOCAL GOVERNMENT

Functions
of a Local
Government.

27. The main functions of a Local Government shall be as follows—

- (a) formulation of economic planning and development schemes for the Local Government Area ;
- (b) collection of rates and issuance of radio and television licences ;
- (c) establishment and maintenance of cemeteries, burial grounds and homes for the destitute or infirm ;
- (d) licensing of bicycles, trucks (other than mechanically propelled trucks), canoes, wheel barrows and carts ;
- (e) establishment, maintenance and regulation of slaughter houses, slaughter slabs, markets, motor parks and public conveniences ;
- (f) construction and maintenance of roads, streets, street lightings, drains, parks, gardens, open spaces, or such public facilities as may be prescribed from time to time by the Military Governor or House of Assembly of a State ;
- (g) naming of roads and streets and numbering of houses ;
- (h) provision and maintenance of public conveniences, sewage and refuse disposal ;
- (i) registration of all births, deaths and marriages ;
- (j) assessment of privately owned houses or tenements for the purpose of levying such rates as may be prescribed by the Military Governor or House of Assembly of a State ;
- (k) control and regulation of—
 - (i) out-door advertising and hoardings,
 - (ii) movement and keeping of pets of all descriptions,
 - (iii) shops and kiosks,
 - (iv) restaurants, bakeries and other places for sale of food to the public,
 - (v) laundries ; and
- (l) licensing, regulation and control of the sale of liquor.

Other
functions of
Local
Government.

28. The functions of a Local Government shall include participation of such Government in the government of a State as respects the following matters, namely—

- (a) the provision and maintenance of primary, adult and vocational education ;
- (b) the development of agriculture and natural resources, other than the exploitation of minerals ;
- (c) the provision and maintenance of health services ; and
- (d) such other functions as may be conferred upon a Local Government by the Military Governor or the House of Assembly of a State.

PART VI—LOCAL GOVERNMENT SERVICE COMMISSION

29. There shall be for each State, a Local Government Service Commission.

State Local
Government
Service
Commission.

30. The Local Government Service Commission shall comprise the Chairman and not less than 2 and not more than 4 members who shall, in the opinion of Military Governor or the Governor of the State, be persons of unquestionable integrity and sound political judgment.

Composition
of the Local
Government
Service
Commission.

31. The Local Government Service Commission shall have the functions ascribed to it by the existing law on the Civil Service as applicable to Local Governments and more specifically, the Local Government Service Commission shall—

Functions of
the Local
Government
Service
Commission.

(a) set up general and uniform guidelines for appointments, promotion and discipline ;

(b) monitor the activities of each Local Government to ensure that the guidelines are strictly and uniformly adhered to ; and

(c) serve as a review body for all petitions from Local Governments in respect of appointments, promotions and discipline.

32.—(1) Subject to the provisions of subsection (2) of this section, the right of a person in the service of a Local Government to receive pension or gratuity shall be regulated by Edict or Law.

Protection
of pension
rights.

(2) Any benefit to which a person is entitled in accordance with or under such Edict or Law as is referred to in subsection (1) of this section shall not be withheld or altered to his disadvantage except to such extent as is permissible under any law including the Code of Conduct under the Code of Conduct Bureau and Tribunal Decree 1989.

(3) Pension in respect of services in the service of a Local Government shall not be taxed.

33. A person in the service of a Local Government shall observe and conform to the Code of Conduct under the Code of Conduct Bureau and Tribunal Decree 1989.

Observance
of Code of
Conduct by
persons
employed in
the service
of a Local
Government
Council.

PART VII—POWER TO REMOVE CHAIRMAN, ETC.

34. Notwithstanding the provisions of this Decree or any other law to the contrary, the President, Commander-in-Chief of the Armed Forces may, if he is satisfied that the affairs of a Local Government are not being managed in the best interest of the community or in a way to strengthen the unity of the people of Nigeria or for any other good cause—

Power to
remove
Chairman,
etc.

(a) remove the Chairman or Vice-Chairman of that Local Government Council from office ; or

(b) dissolve the Local Government Council and appoint an Administrator to manage the affairs of the Local Government until an election to the offices of Chairman, Vice-Chairman and Councillors for the Local Government Council has been held.

PART VIII—LOCAL GOVERNMENT ELECTIONS

Conduct of Elections, etc.

National
Electoral
Commission
to conduct
Local
Government
Elections.
1987 No. 23.

35. Notwithstanding the provisions of section 4 of the National Electoral Commission Decree 1987, the conduct of Local Government elections shall be under the direction and supervision of the National Electoral Commission and in accordance with the provisions of this Decree and any other Decrees, regulations and guidelines.

Polling
stations.

36. The Commission may designate such public buildings to be used as polling stations (including schools) as it may deem necessary in addition to the erection of polling booths wherever necessary.

Persons
eligible to
vote.

37. A person shall be eligible to vote in any local government elections if—

(a) he is a citizen of Nigeria and has attained the minimum age of eighteen years ;

(b) he has been or is ordinarily resident in the Local Government Area for a period of not less than twelve months prior to the date of the elections :

Provided that any indigene of a Local Government Area who is ordinarily resident outside his Local Government Area shall be required to vote in the Local Government Area of his ordinary residence and not in his indigenous Local Government Area ; and

(c) he is registered as a voter in the ward or constituency of his ordinary residence in the Local Government Area and has obtained a registration card to be presented at the polling station on the day of the elections.

Disqualifica-
tions.

38.—(1) A person shall not be qualified as a candidate to contest any Local Government election unless—

(a) he is ordinarily resident in the ward or constituency in which he is contesting an election for a period of not less than twelve months prior to the date of the elections ;

(b) he is not a person banned or prohibited from participating in politics and elections in accordance with the Participation in Politics and Elections (Prohibition) Decree 1987 ;

(c) he produces evidence of tax payments for a period of three years immediately preceding the year of the elections ;

(d) he has been nominated by ten registered voters in his ward or constituency ;

(e) in the case of a candidate contesting as a Chairman of the Local Government Council, he has made a deposit of ₦1,000 ; and

(f) in the case of a candidate contesting as a Councillor, he has made a deposit of ₦200.

1987 No. 25.

(2) Where a person seeking to contest as a candidate is involved in a case that may lead to his being banned from participation in politics and the case is pending before a court or tribunal, he may stand as a candidate in the election pending the determination of the case but if he is found guilty by the court or tribunal, as the case may be, he shall withdraw from the election and if already elected, he shall cease to be a Councillor or Chairman, as the case may be.

39.—(1) For the purposes of this Decree, a person shall be deemed to be ordinarily resident only in that place where he normally lives, sleeps and has his usual abode, whether or not the said place is in his State of origin.

Ordinary
residence.

(2) For the avoidance of doubt, a person who is ordinarily resident outside his indigenous Local Government Area or outside his State of origin shall only be eligible to vote in that place if he is ordinarily resident there as prescribed in subsection (1) of this section.

40.—(1) The registration of voters for elections to Local Government Councils shall be carried out at registration centres as may be designated by the Commission.

Registration
of voters.

(2) The registration centres shall be clearly identified in the interest of the electors.

41. Every registered voter shall be given a registration card containing the following information, that is—

Registration
card.

- (a) the name of the State ;
- (b) the name of the Local Government Council ;
- (c) the registration area and centre ;
- (d) the registration unit; and
- (e) the voter's number.

42. A register of voters shall be prepared for each Local Government Council indicating sub-registers for wards and polling stations.

Register for
wards and
polling
stations.

43.—(1) Preliminary register of voters shall be displayed in each registration centre and such other places within a ward or wards as the Commission may think fit.

Preliminary
register.

(2) The preliminary register shall be displayed to afford opportunity for its inspection by members of the public to point out any errors in the preliminary register.

44.—(1) The preliminary register shall be corrected or amended, as the case may be, in order to remove any mistake in the register.

Correction of
register.

(2) The preliminary register may be corrected by the Commission where it is in the interest of the public to do so.

45. Public buildings (including schools) and such other places as may be designated by the Commission shall be used as registration centres.

Public
buildings, etc
to be used as
registration
centres.

46.—(1) Candidates and their parties shall campaign for the elections in such manner and in accordance with such guidelines as may be determined, from time to time, by the Commission.

Campaigns
for elections.

(2) It shall be an offence punishable under this Decree for any candidate or his agent to base his campaign or address on sectional, ethnic or religious differences.

(3) A candidate or an agent who contravenes the provisions of subsection (2) of this section commits an offence under this Decree and shall not only be prosecuted in the appropriate court but shall also be disqualified as a candidate for the election.

(4) A candidate or an agent who offers bribes to the voters directly or indirectly either by paying money to them or providing inducement, unsolicited services or treating them to parties, commits an offence under this Decree and shall be punished as provided under subsection (5) of this section.

(5) A candidate or an agent who contravenes the provisions of subsections (2) and (4) of this section shall be tried in a magistrate court and if found guilty shall be liable to a term of imprisonment not exceeding three years or to a fine of ₦5,000.

(6) In addition to the penalty under subsection (5) of this section, any candidate who commits an offence under this section shall be disqualified from the elections.

Date of
Local
Government
elections.

47. Elections to all the Local Government Councils shall be held on the same day throughout the Federation.

Voting.

48.—(1) Voting shall be carried out in one and the same day throughout the Federation.

(2) Voting shall be by secret ballot.

Appointment
and supervi-
sion of offi-
cers.

49. The provisions set out in Schedule 3 to this Decree shall have effect with respect to the appointment and supervision of officers and the other matters contained therein.

Procedure at
elections.

50. The rules of procedure to be adopted at the elections shall be as set out in Schedule 4 to this Decree.

Offences

Breaches of
official duty.

51.—(1) If any person to whom this section applies or who is for the time being under a duty to discharge any of the functions of such a person, is without reasonable cause, guilty of any act or omission in breach of his official duty, then he shall be liable on summary conviction to a fine not exceeding ₦500 or to imprisonment for six months or to both such fine and imprisonment.

(2) The persons to whom this section applies are any Electoral Officer, Assistant Electoral Officer, Presiding Officer, Assistant Presiding Officer, Returning Officer, Assistant Returning Officer, Poll Clerk, or Assistant Poll Clerk, or any officer or officers (by whatever name called) appointed under paragraph 4 of Schedule 3 to this Decree and the expression "official duty" shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by this Decree.

(3) Where a prosecution for an offence against this section is instituted by a private prosecutor—

(a) the court having cognisance of the case may order such prosecutor to give security, for such costs as may become payable to the accused person, for such amount and in such manner as the court may deem fit and in the event of failure to comply with such order the court shall discharge the accused person ;

(b) the amount of compensation which may be awarded to an accused person in accordance with the provisions of the Criminal Procedure Act or the Criminal Procedure Code shall be an amount not exceeding ₦500 as the court may determine instead of the amount for which provision is made in that Act or Code.

(4) In this section "private prosecutor" has the meaning assigned to it in the Criminal Procedure Act or Criminal Procedure Code.

52.—(1) Every Electoral Officer, Assistant Electoral Officer, Returning Officer, Assistant Returning Officer, Presiding Officer, Poll Clerk, Assistant Poll Clerk and any officer or officers (by whatever name called) appointed under paragraph 4 of Schedule 3 to this Decree concerned in the conduct of an election, and every Counting Agent, Polling Agent or candidate in attendance at a polling station or place of voting, or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting.

Requirement
of secrecy.

(2) No such officer, agent or candidate shall, except for some purpose authorised by law, communicate before the poll is closed to any person any information as to the name or number on the register of voters of any voter who has or has not voted at the place of voting.

(3) No person shall—

(a) interfere with any voter when recording his vote ; or

(b) otherwise obtain or attempt to obtain in the place of voting, information as to the candidate for whom a voter in that place is about to vote or has voted ; or

(c) communicate at any time to any person any information obtained in a place of voting as to the candidate for whom a voter in that place is about to vote or has voted.

(4) If any person contravenes any of the provisions of this section, he shall be guilty of an offence and liable upon conviction to imprisonment for a term not exceeding six months or to a fine not exceeding ₦500 or to both such imprisonment and fine.

53.—(1) If any corrupt practice is committed by any candidate elected at an election held under the provisions of this Decree, the election of such candidate shall be invalid.

Corrupt
practices.

(2) The expression "corrupt practice" as used in this Decree, means any of the following offences—

(a) personation ;

(b) treating ;

(c) undue influence ;

(d) bribery ; or

(e) aiding, abetting, counselling or procuring the commission of any of the aforesaid offences.

(3) A corrupt practice shall be deemed to be committed by a candidate if it is committed with his knowledge or consent or with the knowledge or consent of a person who is acting under the general or special authority of such candidate with reference to the election.

Personation
and punish-
ment for
personation.

54.—(1) Any person who at an election applies for a ballot paper in the name of some other person, whether that name be the name of a person living or dead, or of a fictitious person, or who, having voted once at any such election, applies at the same election for a ballot paper in his own name or in the name of any other person, living or dead or of a fictitious person, shall be guilty of the offence of personation.

(2) Any person who, at an election, votes in the name of some other person whether that name be the name of a person living or dead, or of a fictitious person, or who, having voted once at any such election votes a second time in his own name, or in the name of any other person living or dead or of a fictitious person shall be guilty of the offence of personation.

(3) Every person who is guilty of personation or aiding, abetting, counselling or procuring the commission of the offence of personation, shall be liable on conviction to imprisonment not exceeding one year or to a fine not exceeding ₦1,000 or to both such imprisonment and fine.

(4) A person charged with the offence of personation shall not be convicted except on the evidence of not less than two witnesses.

Persons to
be deemed
guilty of
treating.

55. The following persons shall be deemed guilty of treating—

(a) every person who corruptly, by himself or by any other person, either before, during or after the election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing any food, drink, entertainment or provisions to or for any person for the purpose of corruptly influencing that person, or any other person to vote, or refrain from voting at such election or on account of such person or any other person, having voted or refrained from voting at such election ; and

(b) every voter who corruptly accepts or takes any such food, drink, or entertainment.

Undue
influence.

56. Every person who directly or indirectly, by himself or by other person on his behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts or threatens to inflict by himself or by any other person, any temporal or spiritual injury, damages, harm, or loss upon or against any person in order to induce or compel a person to vote or refrain from voting, or on account of such person having voted or refrained from voting; at any election, or who by abduction, duress, or any fraudulent device or contrivance impedes or prevents the free use of the vote by any voter or thereby compels, induces, or prevails upon any voter either to give or refrain from giving his vote at any election shall be guilty of undue influence.

Persons to
be deemed
guilty of
bribery.

57. The following persons shall be deemed guilty of bribery—

(a) every person who, directly or indirectly by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers, promises or promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting, at any election ;

(b) every person who directly or indirectly, by himself or by any other person on his behalf, corruptly gives or procures, or promises to procure or to endeavour to procure, any office, place, employment to or for any voter or to or for any person, in order to induce such voter to vote or refrain from voting or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting, at any election ;

(c) every person who directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise, procurement or agreement to or for any person or community in order to induce such person or community to procure, or to endeavour to procure, the return of any person as a member of a Local Government Council or the vote of any voter at any election ;

(d) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procures, or engages, or promises or endeavours to procure, the return of any person as a member of a Local Government Council or the vote of any voter at any election ;

(e) every person who advances or pays, or causes to be paid any money to or for the use of any person, with the intent that such money, or any part thereof, shall be expended in bribery at any election, or who knowingly pays, or causes to be paid, any money to any person, in discharge or repayment of any money wholly or in part expended in bribery at any election ;

(f) every voter who, before or during any election, directly or indirectly by himself or by any other person on his behalf, receives, agrees or contracts for any money gift, loan or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote or for refraining from voting at any election ;

(g) every person who, after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election :

Provided that the foregoing provisions shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses *bona fide* incurred at or concerning any election.

58.—(1) Every person who is guilty of bribery, treating, or undue influence, or aiding, abetting, counselling or procuring the commission of any of those offences, shall be liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding ₦1,000.

Punishment
and disquali-
fication
for bribery,
treating and
undue
influence.

(2) Every person who is convicted of bribery, treating, undue influence or personation, or of aiding, abetting, counselling, or procuring the commission of any of the offences aforesaid, shall (in addition to any other punishment) be deemed incapable, during a period of five years from the date of his conviction—

(a) of being registered as a voter or voting at any Local Government election in any State ; or

(b) of being elected as a member of a Local Government Council, or if elected before his conviction, of retaining his seat.

Offences in
respect of
nomination
papers, ballot
papers, etc.
and ballot
boxes.

59.—(1) Every person who—

(a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the officer charged with the conduct of an election any nomination paper, knowing the same to be forged ; or

(b) signs a nomination paper as a candidate in more than one ward or constituency ; or

(c) forges or counterfeits or fraudulently destroys any ballot paper or the official mark on any ballot paper or any statement of result ; or

(d) without due authority, supplies any ballot paper to any person ; or

(e) fraudulently puts into any ballot box any paper which he is not authorised by law to put in ; or

(f) fraudulently takes out of the polling station any ballot paper ; or

(g) without due authority, destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of the election,

shall be guilty of an offence.

(2) Any attempt to commit any offence specified in this section shall be punishable in the same manner in which the offence is punishable.

(3) In any prosecution for an offence in relation to the nomination papers, ballot boxes, ballot papers and the marking instruments at an election held under this Decree, the property in such papers, boxes and instruments, as well as the property in the counterfoils may be stated to be in the officer charged with the conduct of such election.

(4) A person guilty of an offence under this section shall be liable on conviction to imprisonment for a term not exceeding two years or a fine of ₦2,000 or to both such imprisonment and fine.

Punishment
of persons
guilty of
certain illegal
practices.

60. Every person who—

(a) votes, or induces or procures any person to vote at any election, knowing that he or such person is prohibited by this Decree or by any other law, from voting at such election ; or

(b) before or during an election, knowingly or recklessly publishes any false statement of the withdrawal of a candidate, at such election for the purpose of promoting or procuring the election of another candidate, shall be guilty of an offence and shall be liable on conviction to a fine of ₦1,000 or to imprisonment for one year or to both such fine and imprisonment.

Voting when
not
registered.

61. Any person who wilfully votes at a Local Government election in a ward or constituency in respect of which his name does not appear on the register of voters shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding twelve months or to a fine of ₦1,000 or to both such fine and imprisonment.

Fraudulent
use of ballot
paper.

62.—(1) Any person who, having been issued with a ballot paper in a polling station, takes or attempts to take that ballot paper out of the polling station shall be guilty of an offence and shall be liable on conviction to imprisonment for six months or to a fine of ₦500 or to both such imprisonment and fine.

(2) Any person who at an election brings into a polling station a ballot paper relating to the election issued to another person shall be guilty of an offence and shall be liable on conviction to imprisonment for one year or to a fine of ₦1,000 or to both such imprisonment and fine.

(3) For the purposes of sections 55, 56 and 57 of this Decree, the expression "refrain from voting" includes taking a ballot paper out of polling station contrary to subsection (1) of this section.

(4) If the Presiding Officer in a polling station has reason to suspect that any person who has been issued with a ballot paper and is about to leave a polling station has the ballot paper in his possession, the Presiding Officer or any person acting under his directions may search such person.

63. Any person who, being a Presiding Officer at an election—

(a) gives a certificate or statement of result which, to his knowledge is false in any material particular ; or

(b) perversely and without lawful excuse refuses to render any statement of result relating to that election to the officer to whom it is required to be delivered ; or

(c) does anything that impedes or obstructs the proper counting or obtaining of the correct result of the election,

shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding 2 years or to a fine of ₦5,000 or to both such imprisonment and fine.

Offences
relating to
statements
of result.

64. Every person who is convicted of an offence against sections 59, 60 61, 62 or 63 of this Decree shall (in addition to any other punishment) not be eligible, during the period of three years after the date of his conviction—

(a) of voting at any Local Government election in any State ; or

(b) of being elected as a member of a Local Government Council or if elected before his conviction, of retaining his seat.

Disqualifica-
tion of
persons
convicted of
certain
offences.

65. Any person who at any polling station or place being used for the counting of votes acts or incites others to act in a disorderly manner shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding ₦1,000 or to both such imprisonment and fine.

Disorderly at
conduct
elections.

66.—(1) No person shall, on the date or dates upon which a poll is taken in an election in respect of a Local Government Council—

(a) convene, hold or attend any public meeting in that Local Government Area ;

(b) operate any megaphone, amplifier or public address apparatus in that Local Government Area for the purpose of making announcements concerning the election :

Polling day
offences.

Provided that this paragraph shall not apply to the operation of any such apparatus, by an officer appointed under this Decree, for the purpose of making official announcements relating to the election.

(2) No person shall on the date or dates on which a poll is taken at any polling station commit any of the following acts within the polling station or in any public or private place within a distance of two hundred metres of the polling station—

- (a) canvassing for votes ;
- (b) soliciting the vote of any voter ;
- (c) persuading any voter to vote for a particular candidate ;
- (d) persuading any voter not to vote at the election ;
- (e) wearing, exhibiting or tendering any notice, sign, token, symbol, slogan, badge, photograph or party card referring to the election ; or
- (f) shouting slogans concerning the election.

(3) No candidate or other person with the connivance of a candidate shall, whether on payment or otherwise, use, hire or procure any vessel or vehicle for the conveyance of any voter (other than the candidate himself or his agent) to or from any polling station.

(4) No person shall bring alcoholic liquor into a polling station or a place being used for the counting of votes or shall consume alcoholic liquor in any such place.

(5) Any person who contravenes the provisions of subsections *b* (1), (2), (3) or (4) of this section shall be guilty of an offence and shall be liable on conviction to a fine of ₦500 or to imprisonment for one year or to both such fine and imprisonment.

Offences in
relation to
counting of
votes.

67. Any candidate or agent who records the serial number of a rejected ballot paper or of a ballot paper in contravention of the provisions of paragraph 27 of Schedule 4 to this Decree shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding ₦500 or to both such fine and imprisonment.

Disturbances
at election
meetings.

68. Any person who at a lawful public meeting to which this section applies—

(a) acts or incites another to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called ; or

(b) has in his possession any offensive weapon or missile,
shall be guilty of an offence and shall be liable on conviction to a fine of ₦500 or imprisonment for six months or to both such fine and imprisonment.

Conviction
of disqualify-
ing offence to
be reported,
etc.

69.—(1) Where a person is convicted of an offence against any of the provisions of this Part of this Decree which disqualifies him from being elected as a member of a Local Government Council, the court by which he was convicted shall send to the Commission the judgment of the conviction and, if the person convicted has appealed, the judgment of the appeal.

(2) Any attempt or conspiracy to commit any offence specified in this Decree shall be punishable in the same manner as the offence.

(3) Any offence committed under this Part of this Decree shall be triable in a magistrate's court of the State concerned.

(4) Any prosecution under this Part of this Decree shall be undertaken by the Attorney-General of the State in which the offence is committed.

Determination of Questions with Respect to Elections

70.—(1) There shall be established for each State one or more election tribunals to be known as Local Government Council Election Tribunals which shall, to the exclusion of any court or tribunal, have original jurisdiction to hear and determine—

Local Government Council Election Tribunal to have jurisdiction to determine questions, etc.

(a) petitions as to whether any person has been validly elected as Chairman of a Local Government Council or as Councillor ;

(b) any question as to whether the term of office of any person as Chairman of a Local Government Council has ceased; and

(c) any question as to whether the seat of any Councillor in a Local Government Council has become vacant.

(2) A Local Government Council Election Tribunal shall consist of a Chairman and 2 other members all of whom shall be persons of unquestionable integrity who have not been involved in party politics.

(3) The Chairman shall be a person who has held office or is qualified to hold office of a Judge of a High Court.

(4) One of the members shall be a legal practitioner who has been so qualified for a period of not less than 5 years and the other one shall be a non-member of the legal profession.

(5) The Chairman and other members shall be appointed by the Chief Judge of the State concerned.

71. No Local Government election and no return to a Local Government Council shall be questioned except by a petition complaining of an undue election or undue return (hereinafter referred to as an "election petition") presented to the Local Government Council Election Tribunal in accordance with the provisions of this Part of this Decree.

Election petition.

72.—(1) An election petition may be presented by one or more of the following persons—

Presentation of petition.

(a) a person who voted at the election or who had a right so to vote ; or

(b) a person claiming to have had a right to be elected or returned at the election ; or

(c) a person alleging himself to have been a candidate at the election.

(2) The person whose election or return is complained of is hereinafter referred to as the respondent, but if the petition complains of the conduct of an Electoral Officer, Presiding Officer or Returning Officer, such Electoral Officer, Presiding Officer or Returning Officer shall for the purpose of this Decree be deemed to be a respondent.

73.—(1) An election may be questioned on the following grounds—

(a) that the person whose election was questioned was at the time of the election not qualified or was disqualified from being elected as a member of a Local Government Council ; or

Grounds on which election may be questioned.

(b) that the election was avoided by corrupt practices or offences against this Decree ; or

(c) that the respondent was not duly elected by a majority of lawful votes at the election; or

(d) that the petitioner was validly nominated but was unlawfully excluded from the election.

(2) An act or omission which is contrary to an instruction or direction of the Commission or of any officer appointed for the purpose of the election but which is not contrary to this Decree shall not of itself be a ground upon which the election may be questioned :

Provided that nothing in paragraph (a) of subsection (1) of this section shall affect or invalidate any decision of the Commission or of the Transition to Civil Rule Tribunal that a person has been banned or disqualified pursuant to or under the Participation in Politics and Election (Prohibition) Decree 1987.

1987 No. 25.

Non-compliance with certain provisions not to invalidate election.

74.—(1) An election shall not be invalidated by reason of non-compliance with this Decree if it appears to the court or tribunal that the election was conducted substantially in accordance with the principle of this Decree and that the non-compliance did not affect substantially the result of the election.

(2) An election shall not be liable to be questioned by reason of defect in the title, or want of title, of the person conducting the election if that person was then in actual possession of, or acting in the office giving the right to conduct the election.

Appeal from Local Government Council Election Tribunals.

75.—(1) Appeal shall lie to a competent High Court from the decisions of Local Government Council Election Tribunals established under this Decree on any grounds specified in section 73 of this Decree or on any question whether any person has been validly elected as Chairman or any other member of a Local Government Council or whether the seat of any such person has become vacant.

(2) The time within which to appeal to the competent High Court shall be within one month of the decision of the Local Government Council Election Tribunal.

(3) The decision of the competent High Court shall be final.

(4) In this section any "competent High Court" means the High Court of the State within which the Local Government Area concerned is situated.

Effect on determination of notice of appeal.

76.—(1) If the Local Government Council Election Tribunal shall have determined that a candidate returned as elected was not duly elected, then any candidate declared by the tribunal as elected shall from the time of the decision of the Local Government Council Election Tribunal be deemed to be duly elected until any determination of the competent High Court to the contrary.

(2) If the Local Government Council Election Tribunal shall have determined that a candidate returned as elected was not duly elected and that the election was avoided then if notice of appeal from such determination shall have been given within one month, the candidate returned as elected shall, notwithstanding the decision of the Local Government Council Election Tribunal, be deemed to have been duly elected for the period until the determination of the competent High Court is given on such appeal or the appeal is abandoned.

77. The rules of procedure to be adopted for election petitions arising out of the elections shall be as set out in Schedule 5 to this Decree.

Procedure
for election
petitions.

Miscellaneous

78. Subject to the provisions of this Decree, no person who has voted at an election held under this Decree shall, in any legal proceedings arising out of the election, be required to state for whom he voted.

Voter not
required
to disclose
his vote.

79.—(1) Where a date has been appointed for the holding of an election and there is reason to apprehend that a serious breach of the peace is likely to occur if the election is proceeded with on that date, the holding of the election may be postponed by the Commission until some other convenient date to be appointed by it.

Election may
be postponed
if distur-
bance feared.

(2) Where an election is postponed before the last day for the delivery of nomination papers the Electoral Officer shall upon a new date being appointed for the election proceed in all respects as if that date were the date referred to in paragraph 1 of Schedule 4 to this Decree as the date for the holding of the election.

(3) Where an election is postponed under this Decree on or after the last day for the delivery of the nomination papers, and a poll has to be taken between the candidates then nominated, the Electoral Officer shall, upon a new date being appointed for the election, proceed as if the date appointed were the date for taking of the poll between those candidates.

(4) An election postponed under this section may in like manner be further postponed.

80.—(1) The Electoral Officer shall retain for six months all documents relating to an election forwarded to him in accordance with this Decree and shall then, unless otherwise ordered by the Local Government Council Election Tribunal, or unless he is aware that legal proceedings are pending in respect of such election cause them to be destroyed.

Custody and
inspection of
documents.

(2) An order for—

(a) an inspection by production of any rejected ballot papers in the custody of an Electoral Officer ; or

(b) the opening of a sealed packet of counterfoils in respect of any counted ballot papers or marked copy of a register of voters or any other packet in the custody of an Electoral Officer,

may be made by the Local Government Council Election Tribunal if the Tribunal is satisfied that the order required is for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of an election petition.

(3) An order for the opening of a packet of counterfoils or for the inspection of any counted or rejected ballot papers in such custody may be made by the Local Government Council Election Tribunal in the course of proceedings in an election petition.

(4) An order under this section may be made subject to such conditions as the Local Government Council Election Tribunal may think expedient.

(5) The documents (other than the documents referred to in subsection (2) of this section) relating to election retained by the Electoral Officer in accordance with subsection (1) of this section shall be open to inspection upon an order made by a Local Government Council Election Tribunal in exercise of its powers to compel the production of documents in legal proceedings but shall not otherwise be open to inspection.

Expenses of
elections.

81.—(1) The Commission may prescribe—

(a) a scale of remuneration for officers appointed under this Decree for the conduct of elections ;

(b) a scale of maximum charges in respect of other expenses incurred by an Electoral Officer, a Presiding Officer or a Returning Officer in connection with the conduct of an election and may revise the scales as and when it thinks fit.

(2) An Electoral Officer, a Presiding Officer and a Returning Officer shall, in addition to any remuneration prescribed under paragraph (a) of subsection (1) of this section, be entitled to such sums in respect of expenses, not exceeding the prescribed scale, in connection with the conduct of an election as are reasonable.

Validation
of orders,
notices, etc.

82. Notwithstanding any defect or error in any orders, notices, forms or documents previously made or given or other thing whatsoever done in pursuance of the provisions of this Decree, such orders, notices, forms or documents are hereby validated for all purposes with effect from the dates on which the same were made, given or done respectively.

Forms.

83. The forms set out in Schedule 6 to this Decree may, with such modifications as the Commission may think expedient, be used for the purposes of Local Government elections with respect to the matters contained therein.

Repeal.
1987 No. 37.

84.—(1) The Local Government Elections Decree 1987 is hereby repealed.

(2) The repeal of the enactment specified in subsection (1) of this section shall not affect anything done under or pursuant to the said enactment.

Interpreta-
tion.

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

“Commission” means the National Electoral Commission ;

“register of voters” in relation to a ward or constituency means the list of voters registered and eligible to vote in a Local Government ward or constituency ;

“secret society” includes any association, group or body or persons (whether registered or not) ;

(a) that uses secret signs, oaths, rites or symbols and which is formed to promote a cause, the purpose or part of the purpose of which is to foster the interest of its members and to aid one another under any circumstances without due regard to merit, fairplay or justice to the detriment of the legitimate interest of those who are not members ;

(b) the membership of which is incompatible with the functions or dignity of any public office under the Constitution of the Federal Republic of Nigeria 1979, as amended and whose members are sworn to observe oaths of secrecy ; and

(c) the activities of which are not known to the public at large, the names of whose members are kept secret and whose meetings and other activities are held in secret ;

“Tribunal” means the Local Government Council Election Tribunal ;

“ward” or “constituency” in relation to a Local Government Area means a ward or constituency established for that Local Government Area.

Citation.

86. This Decree may be cited as the Local Government (Basic Constitutional and Transitional Provisions) Decree 1989.

SCHEDULES

SCHEDULE 1

Section 1

STATES OF THE FEDERATION AND LOCAL GOVERNMENT COUNCILS

<i>State</i>	<i>Local Government Areas</i>	<i>Capitals/Headquarters of Local Government Areas</i>
AKWA IBOM Abak Eket Etinan Ekpe-Atai Essien-Udim Ikono Ikot-Abasi Ikot-Ekpene Itu Mkpat-Enin Mbo Nsit-Ubium Oron Okobo Onna Oruk-Anam Ukanafun Uyo Uquo-Ibendo Uruan	Abak Eket Etinan Odot Afaha Ikot-Ebak Ibiaku Ntok Okpo Ikot-Abasi Ikot-Ekpene Itu Mkpat-Enin Enwang Ikot-Edibon Oron Okopedi Abat Ikot-Ibritam Ikot Akpa Nkuk Uyo Uquo Idu
ANAMBRA Abakaliki Aguata Awgu Anambra Anaocha Awka Enugu Ezeagu Ezza Idemili Igbo-Etiti Igbo-Eze Ihiala Ikwo Ishielu Isi-Uzo Izzi Njikoka Nkanu Nnewi Nsukka Ogbaru Ohaukwu	Abakaliki Aguata Awgu Otuocha Neni Awka Enugu Aguobu-Owa Unueke Ogidi Ogbede Enugu-Ezike Ihiala Echara-Anuaboyi Ezillo Ikem Iboko Abagana Agbani Nnewi Nsukka Atani Ezzamgbo

<i>State</i>	<i>Local Government Areas</i>	<i>Capitals/Headquarters of Local Government Areas</i>
ANAMBRA—continued	Oji-River Onitsha Orumba Oyi Udi Uzo-Uwani	Oji-River Onitsha Umunze Nteje Udi Umulona
BAUCHI	Akko Alkaleri Bauchi Balanga Biliri/Kaltungo Darazo Dass Dukku Gamawa Gombe Itas/Gadua Jama'are Katagum Misau Nafada Ningi Shira Tafawa Balewa Toro Yamaltu/Deba	Kumo Alkaleri Bauchi Tallase Biliri Darazo Dass Dukku Gamawa Gombe Itas Jama'are Azare Misau Bajoga Ningi Yana Tafawa Balewa Toro Deba
BENDEL	Agbazilo Akoko-Edo Aniocha Bomadi Burutu Etsako Ethiope Ika Isoko Ndokwa Okpe Okpebho Oredo Orhionmwon Oshimili Ovia Owan Sapele Ughelli Warri	Ubaja Igarra Ogwuashi-Uku Bomadi Burutu Auchi Isiokolo Agbor Oleh Kwale Orerokpe Ekpoma Benin City Abudu Asaba Iguobazuwa Afuze Sapele Ughelli Warri

<i>State</i>	<i>Local Government Areas</i>	<i>Capital/Headquarters of Local Government Areas</i>
BENUE	Ado	Igumale
	Ankpa	Ankpa
	Bassa	Oguma
	Dekina	Dekina
	Gboko	Gboko
	Gwer	Aliade
	Guma	Gbajimba
	Idah	Idah
	Katsina-Ala	Katsina-Ala
	Kwande	Adikpo
	Konshisha	Tse-Agberagba
	Makurdi	Makurdi
	Ofu	Ugwolawo
	Oju	Oju
	Okpokwu	Okpoga
	Olamaboro	Okpo
	Otukpo	Otukpo
	Ushongo	Lessel
	Vandeikya	Vandeikya
BORNO	Askira/Uba	Askira
	Bade	Gashua
	Bama	Bama
	Biu	Biu
	Damaturu	Damaturu
	Damboa	Damboa
	Dikwa	Dikwa
	Fika	Fika
	Fune	Damagum
	Geidam	Geidam
	Gujba	Buniyadi
	Gwoza	Gwoza
	Kaga	Benisheikh
	Konduga	Konduga
	Kukawa	Kukawa
	Machina-Yusufari	Kumagunam
	Maiduguri	Maiduguri
	Mobbar	Damasak
	Monguno	Monguno
	Nangere	Potiskum
	Ngala	Ngala
	Nguru	Nguru
	Shani	Shani
	Yunusari	Kanamma
CROSS RIVER	Akamkpa	Akamkpa
	Calabar	Calabar
	Ikom	Ikom
	Obudu	Obudu
	Obubra	Obubra
	Odukpani	Odukpani
	Ogoja	Ogoja
	Ugep	Ugep

<i>State</i>	<i>Local Government Areas</i>	<i>Capital/Headquarters of Local Government Areas</i>
GONGOLA	Bali	Bali
	Fufor	Fufor
	Ganye	Ganye
	Gombi	Gombi
	Gashaka	Serti
	Guyuk	Guyuk
	Hong	Hong
	Jalingo	Jalingo
	Karim-Lamido	Karim-Lamido
	Mayo-Belwa	Mayo-Belwa
	Maiha	Maiha
	Michika	Michika
	Mubi	Mubi
	Numan	Numan
	Sardauna	Gembu
	Song	Song
	Takum	Takum
	Wukari	Wukari
	Yola	Yola
	Yorro	Lau
	Zing	Zing
IMO	Aba	Aba
	Aboh-Mbaise	Aboh
	Afikpo	Afikpo
	Ahiazu-Mbaise	Afororu
	Arochukwu	Arochukwu
	Bende	Bende
	Ehime Mbano	Ehime
	Ezinihitte	Itu
	Ideato	Urualla
	Ihitte/Uboma	Isinweke
	Ikeduru	Iho
	Ikwuano/Umuahia	Umuahia Ibeku
	Isiala Ngwa	Okpuala Ngwa
	Isiala Mbano	Umuelemai
	Isu	Umundugba
	Isuikwuato	Mbalano
	Mbaitoli	Nworieubi
	Ngor-Okpala	Umuneke Ngor
	Nkwerre	Nkwerre
	Obioma/Ngwa	Mgboko
	Obowo	Otoko
	Ohafia	Isiama
	Ohaji/Egbema/Oguta	Egbema
	Ohazara	Obiozara
	Onicha	Isu
	Okigwe	Okigwe
	Orlu	Orlu
	Oru	Mgbidi

<i>State</i>		<i>Local Government Areas</i>	<i>Capitals/Headquarters of Local Government Areas</i>
IMO—continued	..	Owerri Ukwa	Owerri Oke Ikpe
KADUNA	..	Birnin-Gwari Chukun Igabi Ikara Jema'a Kachia Kaduna Kaura Kauru Lere Soba Zango Katab Zaria	Birnin-Gwari Kujama Turunku Ikara Kafanchan Kachia Kaduna Kaura Kauru Saminaka Maigana Zonkwa Zaria
KANO	..	Albasu Babura Bagwai Bebeji Bichi Birnin Kudu Biriniwa Bunkure Dala Dawakin Kudu Dawakin Tofa Dambatta Dutse Gabasawa Garki Gaya Gezawa Gwarzo Gwaram Gumel Hadejia Jahun Kabo Kafin Hausa Kano Karaye Kazaure Kiri Kasamma Kiyawa Kumbotso Kura Maigatari Malam Maduri	Albasu Babura Bagwai Kiru Bichi Birnin Kudu Biriniwa Bunkure Gwammaja Dawakin Kudu Dawakin Tofa Dambatta Dutse Zakirai Garki Gaya Gezawa Gwarzo Gwaram Gumel Hadejia Jahun Kabo Kafin Hausa Kofar Kudu Karaye Kazaure Kiri Kasamma Kiyawa Kumbotso Kura Maigatari Malam Maduri

<i>State</i>	<i>Local Government Areas</i>	<i>Capitals/Headquarters of Local Government Areas</i>
KANO—continued	Minjibir Nassarawa Rano Rimin Gado Ringim Roni Shanono Sumaila Takai Tsanyawa Tundu Wada Ungogo Wudil	Minjibir Waje Rano Rimin Gado Ringim Roni Shanono Sumaila Takai Tsanyawa Tundu Wada Ungogo Wudil
KATSINA	Batsari Bakori Bindawa Daura Dutsin Ma Faskari Funtua Ingawa Jibia Kaita Kankia Kankara Katsina Malumfashi Mani Mashi Musawa Rimi Safana Zango	Batsari Bakori Bindawa Daura Dutsin Ma Faskari Funtua Ingawa Jibia Kaita Kankia Kankara Katsina Malumfashi Mani Mashi Musawa Rimi Safana Zango
KWARA	Asa Borgu Edu Ifelodun Ilorin Irepodun Kaiama Kogi Moro Okehi Okene Oyi Oyun Yagba	Afon New Bussa Lafiaji Share Ilorin Omu Aran Kaiama Lokoja Bode Sadu Obangede Okene Kabba Offa Isanlu

<i>State</i>	<i>Local Government Areas</i>	<i>Capitals/Headquarters of Local Government Areas</i>
LAGOS	Agege Badagry Ibeju/Lekki Epe Eti-Osa Ikeja Ikorodu Lagos Island Lagos Mainland Mushin Ojo Shomolu	Agege Badagry Akodo Epe Ikoyi Ikeja Ikorodu Lagos Island Ebute Metta/Yaba Mushin Ojo Shomolu
NIGER	Agaaie Chanchaga Gbako Kontagora Lapai Lavun Magama Rafi Shiroro Suleja	Agaaie Minna Bida Kontagora Lapai Kutigi Rijau Kagara Kuta Suleja
OGUN	Abeokuta Ado-Odo/Ota Egbado North Egbado South Ifo Ijebu Ode Ijebu North Ijebu East Obafemi Owode Odeda Ogun Waterside Remo	Abeokuta Ota Aiyetoro Ilaro Ifo Ijebu Ode Ijebu Igbo Ogbere Owode Odeda Abigi Shagamu
ONDO	Ado-Ekiti Akoko-North Akoko-South Akure Ekiti-East Ekiti-West Ekiti-South-West Idanre/Ifedore Ido/Osi Ifesowapo Ikale Ikere Ikole Ijero Ilaje Irepodun/Ifelodun	Ado-Ekiti Ikare Akoko Oka Akoko Akure Omuo-Ekiti Aramoko-Ekiti Ilawe-Ekiti Owena Ido-Ekiti Ore Okitepupa Ikere-Ekiti Ikole-Ekiti Ijero-Ekiti Igbokoda Igede

<i>State</i>	<i>Local Government Areas</i>	<i>Capitals/Headquarters of Local Government Areas</i>
ONDO—continued ..	Isokan	Ise
	Moba	Otun
	Ondo	Ondo
	Ose	Ifon
	Owo	Owo
	Oye	Oye-Ekiti
OYO	Afijio	Jobele
	Aiyedade	Gbongan
	Aiyedire	Ile-Ogbo
	Akinyele	Moniya
	Atakumosa	Osu
	Boripe	Iragbiji
	Ede	Ede
	Egbeda	Egbeda
	Egbedore	Awo
	Ejigbo	Ejigbo
	Ibadan	Ibadan
	Ibarapa	Eruwa
	Ido	Ido
	Ifelodun	Ikirun
	Ifedapo	Saki
	Ifeloju	Igbo-Ora
	Ife Central	Ile-Ife
	Ife North	Ipetumodu
	Ife South	Ifetedo
	Ila	Ila Orangun
	Ilesha	Ilesha
	Iseyin	Iseyin
	Irewole	Ikire
	Irepo	Kisi
	Irepodun	Ilobu
	Iwo	Iwo
	Kajola	Oke-Iho
	Lagelu	Iyana-Offa
	Obokun	Ibokun
	Odo Otin	Okuku
	Ogbomosho	Ogbomosho
	Ogo Oluwa	Ajawa
	Ona-Ara	Akanran
	Ola-Oluwa	Bode-Osi
	Olorunda	Igbona
	Oluyole	Idi Ayunre
	Orelope	Igboho
	Oriade	Ijebu-jesa
	Orire	Ikoyi
	Osogbo	Osogbo (Oja-Oba)
	Oyo	Oyo
	Surulere	Iresa
PLATEAU .. .	Akwanga	Akwanga
	Awe	Awe
	Barikin Ladi	Barikin Ladi
	Bassa	Bassa

<i>State</i>	<i>Local Government Areas</i>	<i>Capitals/Headquarters of Local Government Areas</i>
PLATEAU—continued ..	Doma	Doma
	Jos	Jos
	Kanam	Dengi
	Keffi	Keffi
	Lafia	Lafia
	Langtang	Langtang
	Mangu	Mangu
	Nassarawa	Nassarawa
	Pankshin	Pankshin
	Quan Pan	Paap
	Shendam	Shendam
	Wase	Wase
RIVERS	Ahoada	Ahoada
	Asari-Toru	Buguma
	Bonny	Bonny
	Brass	Nembe
	Degema	Degema
	Etche	Okehi
	Gokana/Tai/Elemo	Nchia
	Ikwerre	Isiokpo
	Khana/Oyigbo	Bori
	Obio/Akpor	Rumuodoma
	Okrika	Okrika
	Port Harcourt	Port Harcourt
	Sagbama	Sagbama
	Yenagoa	Yenagoa
SOKOTO	Anka	Anka
	Argungu	Argungu
	Arewa-Dandi	Kangiwa
	Bagudo	Bagudo
	Birnin-Kebbi	Birnin Kebbi
	Bodinga	Bodinga
	Bunza	Bunza
	Bungudu	Bungudu
	Dange-Shuni	Dange
	Gada	Gada
	Goronyo	Goronyo
	Gummi	Gummi
	Gusau	Gusau
	Gwadabawa	Gwadabawa
	Illela	Illela
	Isa	Isa
	Jega	Jega
	Kaura Namoda	Kaura Namoda
	Kware	Kware
	Maiyama	Maiyama
	Maradun	Maradun
	Rabah	Rabah
	Sabon Birni	Sabon Birni

State	Local Government Areas	Capitals/Headquarters of Local Government Areas
SOKOTO— <i>continued</i>	Sakaba Wasugu	Ribah
	Silame	Binji
	Sokoto	Sokoto
	Suru	Dakingari
	Talata Mafara	Talata Mafara
	Tambawal	Tambawal
	Tangaza	Gidan Madi
	Tauri	Yelwa
	Tsafe	Tsafe
	Wamakko	Wamakko
	Wurno	Wurno
	Yabo	Yabo
	Zurmi	Zurmi
	Zuru	Zuru

SCHEDULE 2

Sections 8 and 20

OATHS

OATH OF ALLEGIANCE

I,do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria and that I will preserve and defend the Law including the Constitution of the Federal Republic of Nigeria.

So help me God.

OATH OF OFFICE OF CHAIRMAN, VICE-CHAIRMAN OR MEMBER
OF A LOCAL GOVERNMENT COUNCIL

I,do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria ; that as the Chairman/Vice-Chairman Member of.....

.....Local Government Council, I will discharge my duties to the best of my ability, faithfully and in accordance with the Constitution of the Federal Republic of Nigeria and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of the Federal Republic of Nigeria ; that I will strive to preserve the Fundamental Objectives and Directive Principles of State Policy contained in the Constitution of the Federal Republic of Nigeria ; that I will exercise the authority vested in me as Chairman/Vice-Chairman Member so as not to impede or prejudice the authority lawfully vested in the President, Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria/President of the Federation and Governor of.....State and so as not to endanger the continuance of Federal Government in Nigeria ; that I will not allow my personal interest to influence my official conduct or my official decisions ; but I will to the best of my ability preserve, protect and defend the Constitution of the Federal Republic of Nigeria ; that I will abide by the Code of Conduct contained in the Code of Conduct Bureau and Tribunal Decree 1989 ; that in all circumstances, I will do right to all manner of people, according to law, without fear of favour, affection or ill-will ; I

will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known

to me as Chairman/Vice-Chairman Member of.....
Local Government Council except as may be required for the due discharge of my duties as Chairman/Vice-Chairman Member ; and that I will devote myself to the service and well-being of the People of Nigeria.

So help me God.

SCHEDULE 3

Section 49

APPOINTMENT AND SUPERVISION OF OFFICERS

1.—(1) For each Local Government Area there shall be an Electoral Officer who shall be appointed by the Commission.

Appointment
of Electoral
Officer.

(2) An Electoral Officer may be appointed by name or by reference to an office, and shall hold office until his appointment is revoked.

(3) In any case where it considers it expedient the Commission may appoint more than one Electoral Officer for a Local Government Area and in that event it shall specify the part of the Local Government Area for which each such Electoral Officer is responsible and in relation to that part of the Local Government Area the Electoral Officer shall have and exercise the functions of an Electoral Officer of more than one Local Government Area.

(4) For the avoidance of doubt, it is hereby declared that a person may be appointed Electoral Officer of more than one Local Government Area.

2.—(1) The Commission may appoint any person to be Assistant Electoral Officer for the conduct of any election for a Local Government Council and a person so appointed shall in respect of that election have such of the functions imposed or conferred by this Decree on the Electoral Officer as the Commission may prescribe.

Other
officers for
the conduct
of elections.

(2) The Commission shall for the purpose of an election appoint such Returning Officers, Assistant Returning Officers, Presiding Officers and Assistant Presiding Officer, Poll Clerks and Assistant Poll Clerks and such other officers as are required to be appointed under this Decree in each Local Government Area.

(3) Any person appointed as an Assistant Returning Officer under the provisions of this paragraph shall have the functions imposed or conferred by this Decree on a Returning Officer.

(4) For the avoidance of doubt it is hereby declared that a person may be appointed as Returning Officer of one or more Local Government Areas.

(5) For any election the Electoral Officer or the Assistant Electoral Officer may be appointed to act as Returning Officer.

Supervision
of other
officers by
Electoral
Officer.

3. An Electoral Officer shall exercise supervision over acts of officers as are appointed under paragraph 4 of this Schedule in his Local Government Area and may, subject to this Decree and by any instructions issued by the Commission, give directions to such officers with regard to the performance of their functions.

Appointment
of officer to
exercise
supervisory
functions
over conduct
of elections.

4. The Commission may appoint, in respect of any area of any State, an officer or officers (by whatever name called) to exercise supervisory functions under the directions of the Electoral Officer, over the conduct of an election or of elections generally, and any such officer shall have such powers and duties as shall be allocated by the Commission.

Functions of
Electoral
Officer.

5.—(1) Subject to the provisions of this Decree, the general supervision of the conduct of an election shall be vested in the Electoral Officer.

(2) The Electoral Officer may—

(a) require information from any officer appointed under this Schedule with respect to any matter relating to the functions of such officer under this Decree ;

(b) subject to the provisions of this Decree, issue instructions to any such officers with respect to the performance of their functions under this Decree.

(3) Any such officer shall comply with the requirements and instructions of the Electoral Officer under this paragraph.

Electoral
officals not
eligible for
election.

6. Any person who by reason of his holding or acting in any office has any responsibility for, or any connection with the conduct of, any election to a Local Government Council shall be disqualified from membership of that Local Government Council and from nomination as a candidate therefor while he holds or acts in any such office.

SCHEDULE 4

Section 50

PROCEDURE AT ELECTIONS

1.—(1) Not less than twenty-one days before the date specified for holding of the elections, the Commission shall publish a notice—

Notice of elections.

(a) stating the date of the elections ;

(b) appointing the place at which nomination papers are to be delivered.

(2) The notice shall be published in each ward or constituency in respect of which an election is to be held.

2.—(1) Every registered political party shall, on such day as may be directed by the Commission before the date appointed for the Local Government elections, deliver the complete list of the names and other relevant particulars of all the candidates the party proposes to sponsor for elective offices in respect of all the elections (or such number thereof as the party intends to contest) to the Commission.

List of candidates.

(2) The Commission shall, not later than 21 days after delivery of the list aforesaid, deliver to the political party a list containing the names of candidates who are qualified for elections under the provisions of this Decree and, where appropriate, a separate list of those rejected by the Commission and in the case of those so rejected, the Commission shall—

(a) state in writing the grounds for such rejection ; and

(b) afford the political party concerned an opportunity, subject to the other provisions of this Decree, of substituting another candidate for each one so rejected.

(3) If after 21 days a political party is not informed within the specified period of the disqualification of its candidates, all the candidates named in such list shall be deemed qualified or approved by the Commission.

3.—(1) Every candidate shall be nominated in writing by ten persons whose names appear on the register of voters for the ward or constituency in respect of which an election is to be held.

Nomination of candidates.

(2) The nomination form may be as in Form A in Schedule 6 to this Decree and shall be subscribed by the candidate and by the persons nominating him and shall contain the following particulars—

Form A.

(a) the name, address and occupation of the candidate ;

(b) the names, addresses and occupations of the nominators of the candidate ; and

(c) a certification by the candidate that he is willing and qualified to stand for election.

(3) The Electoral Officer shall provide nomination papers and shall supply any voter with such number of nomination papers as he may require, and shall at the request of any voter, the candidate and all his nominators being present, complete any such nomination paper on such voter's behalf.

(4) Each candidate, or one of the persons nominating him, shall deliver his nomination paper subscribed as herein before provided at the place appointed by the Electoral Officer under paragraph 1 of this Schedule not later than 5 o'clock in the afternoon of the fourteenth day before the election.

(5) No person shall subscribe as a nominator to more than one nomination paper at the same election and, if he does, his signature shall be inoperative on any second or subsequent paper which he subscribes as a nominator :

Provided that no account shall be taken of the nomination of any candidate who has died or withdrawn or whose nomination has not been accepted as valid before the delivery of the second nomination paper.

(6) No person who has subscribed a nomination paper as a nominator may, so long as the candidate stands nominated, withdraw his nomination.

(7) A candidate for any election who so desires may deliver along with the nomination paper such number of posters containing his photograph and the symbol of the political party sponsoring him.

Deposits.

4.—(1) Every candidate shall, before his nomination paper is delivered to the Electoral Officer, deposit or cause to be deposited the sum specified in section 38 of this Decree and shall at the time of the delivery of his nomination paper produce to the Electoral Officer the official receipt for the said sum, and no nomination shall be valid unless such sum is deposited and the receipt for the sum produced in the manner required by this paragraph.

(2) All deposits shall be paid into the general revenue of the Local Government Council in respect of which the election is to be held.

Validity of nominations.

5.—(1) When any nomination paper is delivered and a deposit is made in accordance with this Decree, the candidate shall be deemed to stand nominated unless and until the Electoral Officer decides that the nomination paper is invalid or proof is given to the satisfaction of the Electoral Officer of the candidate's death, or he withdraws his candidature as specified in paragraph 7 or 8 of this Schedule.

(2) The Electoral Officer shall be entitled to hold the nomination paper invalid only on one or more of the following grounds—

(a) that the particulars of the candidate or his nominators are not as required by law ; or

(b) that the paper is not signed as required by law ; or

(c) that the candidate has been nominated in more than one ward or constituency ; or

(d) that the nominators of the candidate or one or any of them are not persons whose names appear on the register of voters in respect of the appropriate ward or constituency ; or

(e) that the candidate is disqualified under the provisions of section 38 of this Decree.

(3) The Electoral Officer's decision that the candidate has been validly nominated shall be final.

(4) Whenever the Electoral Officer decides that a candidate has not been validly nominated he shall endorse and sign on the nomination paper the fact and reasons for his decision and such decision shall only be subject to review on an election petition as provided for in this Decree.

(5) The Electoral Officer shall within twenty-four hours of the receipt of a nomination paper communicate in writing in Form B in Schedule 6 to this Decree to the candidate or to one of the persons nominating the candidate his decision as to the validity or otherwise of such nomination.

Form B.

(6) A candidate whose first nomination paper is or may be invalid shall be permitted to submit a second nomination paper within the time allowed.

6. The Electoral Officer shall, not later than nine days before the day of election, publish by displaying it or causing it to be displayed at the place or places appointed for the delivery of nomination papers, and in such other manner as he may think fit, a statement of the full names of all persons standing nominated and of the persons nominating them with their respective addresses and occupations.

Publication
of statement
of persons
nominated.

7. Any candidate may withdraw his candidature by notice in writing signed by him, and delivered by himself, or one of the persons nominating him to the Electoral Officer not later than one o'clock in the afternoon of the fourteenth day before the election.

Withdrawal
of candidates.

8. If after the latest time for the delivery of nomination papers and before the commencement of the poll, a nominated candidate dies, the Electoral Officer shall, upon being satisfied of the fact of death, countermand the poll, and the Electoral Officer shall appoint some other convenient date for the election.

Death of
candidates.

9. If a nomination form, signed by a candidate and by the persons nominating him, is lodged in more than one ward or constituency his candidature shall be void in each ward or constituency.

Invalidity of
double
nominations.

10.—(1) Subject to paragraph 9 of this Schedule if, after the latest time for the delivery of nomination papers and for the withdrawal of candidates for election to the office of Councillors, more than one person remains validly nominated, a poll shall be taken in accordance with the provisions of this Schedule.

Method of
election of
Councillors.

(2) If, after the latest time for the delivery of nomination papers and the withdrawal of candidates only one person remains validly nominated, that person shall be declared elected.

(3) Where a person is declared elected under the provisions of subparagraph (2) of this paragraph a certificate of result shall be issued and delivered and the result of the election shall be published in the manner prescribed by paragraph 31 of this Schedule.

(4) Where no candidate remains nominated in any ward or constituency upon the date appointed for the election, the Electoral Officer shall inform the Commission who shall fix a date for another election.

Ascertain-
ment of poll
result.

11. The result of the votes at the poll shall be ascertained by counting the votes given to each candidate and the candidate to whom the majority of votes has been given shall be declared elected.

Arrange-
ments for
contested
election.

12.—(1) When a poll has to be taken the Commission shall appoint from among Poll Clerks appointed under paragraph 4 of Schedule 3 to this Decree, a person to be in charge of each polling station to be known as the Presiding Officer.

(2) When a poll has to be taken the Commission shall—

(a) appoint a sufficient number of polling stations in each ward or constituency in respect of which a poll is to be taken and allot the voters of those wards or constituencies to the polling stations ;

(b) assign in respect of each polling station to assist at the taking of the poll, Poll Clerks appointed under paragraph 4 of Schedule 3 to this Decree ;

(c) ensure that in each polling station there is a compartment in which voters can record their votes screened from observation ;

(d) furnish each Presiding Officer with such number of ballot boxes and ballot papers as may be necessary ;

(e) provide each polling station with instruments for making an official mark on the ballot papers, with ink of a distinctive colour, and with copies of the register of voters for the ward or constituency, or such part thereof as contain the names of the voters allotted to vote at the polling station ; and

(f) do such other acts and things as may be necessary for conducting the election in the manner provided in this Decree.

(3) The Commission shall appoint at least one polling station in respect of each ward or constituency in which the election is to be held and shall allot the voters of the ward or constituency to the appropriate polling station.

Form of
ballot paper.
Form C.

13. Every ballot paper which may be as in Form C in Schedule 6 of this Decree shall be a printed paper on which the symbol adopted by the candidate and duly registered as prescribed by law shall be clearly set out and there shall be a blank space at the left side of the said symbol on which a thumb impression can conveniently be made and each such ballot paper—

(a) have a serial number printed or stamped on the back ;

(b) be attached to a counterfoil bearing the same serial number as is printed or stamped in the back of the ballot paper.

Polling
Agents.

14.—(1) Each candidate may appoint two persons (hereinafter referred to as "Polling Agents") to attend at each polling station in the area for which he is a candidate for the purpose of detecting personation.

(2) Notice in writing of the appointment stating the names and addresses of the Polling Agents together with the polling stations to which they have been assigned shall be given by the candidate to the Electoral Officer not later than three days before the day fixed for the elections.

(3) If any Polling Agent dies or becomes incapable of acting as such, the candidate may appoint another Polling Agent in his place, and shall forthwith give to the Electoral Officer notice in writing of the name and address of the Polling Agent so appointed.

15.—(1) The Electoral Officer shall on or before the sixth day before the day of elections, cause to be published in every ward or constituency in which the election is to be held, in such manner as he may think fit, a notice specifying—

Notice of
poll.

(a) the day and the hours fixed for the poll ;

(b) the full names, arranged in the alphabetical order of their surnames, place of residence and occupation of each candidate remaining nominated ; and

(c) the situation of the polling stations in the ward or constituency and an indication of the persons entitled to vote thereat.

(2) The hours fixed for the taking of the polls shall be a continuous period as may be determined by the Commission.

16. The Presiding Officer shall cause to be placed in the polling station ballot boxes which shall be so constructed that the ballot papers can be put therein by the voter but cannot be withdrawn by him.

Ballot boxes.

17. Immediately before the commencement of the voting, the Presiding Officer at the polling station shall show the ballot boxes empty to such persons as may lawfully be present so that they may see that they are empty and shall then close and seal the boxes in such manner as to prevent their being opened without breaking the seal.

Sealing of
ballot boxes.

18.—(1) The voting at an election shall be conducted in the following manner, that is—

Conduct of
poll.

(a) every voter desiring to record his vote shall present himself to a Poll Clerk at the polling station at which he is entitled to vote and the Poll Clerk, after satisfying himself that such voter is a person whose name appears on the register of voters provided for the polling station and that he has not already voted, shall deliver to him ballot papers and ballot envelopes ;

(b) before delivering the ballot papers to a voter, the Presiding Officer may require the voter to submit to being searched by the Presiding Officer or a person directed by him for the purpose of ensuring that a ballot paper relating to the election is not in his possession and, if the voter shall not submit to a search, he shall not be entitled to receive the ballot papers ;

(c) a female voter shall not be searched except by a female ;

(d) for the purpose of satisfying the Poll Clerk as to his entitlement to vote, a voter shall produce to the Poll Clerk a registration card issued to the voter in accordance with the Transition to Civil Rule (Guidelines for Local Government Elections) Order 1987 or during any revision of voters list carried out under this Decree ;

(e) immediately before the Poll Clerk delivers the ballot papers to a voter—

(i) the ballot papers shall be punched or stamped with an official stamp provided ;

- (ii) the number, name, address and occupation of the voter as stated in the copy of the register of voters or part thereof, shall be called out ;
- (iii) the number of the voter in the register of voters shall be marked on the counterfoils ; and
- (iv) a mark shall be placed against the number of the voter in the copy of the register of voters or part thereof, to denote that ballot papers have been received by the voter but without showing the serial numbers of the ballot papers which have been received ;
- (f) a Poll Clerk may, and if required by a candidate or a Polling Agent shall, put to any person applying for ballot papers at the time of his application, but not afterwards, the following questions or either of them—
- (i) "Are you the person whose name is on the register of voters as follows.....?" (reading the copy of the entry in the register),
- (ii) "Have you already voted at the present election at this or any other polling station ?" ;
- (g) a voter on receiving the ballot papers shall go immediately into the screened compartment in the polling station, and shall there secretly record his vote by placing his thumbprint against the symbol of the candidate of his choice ;
- (h) a voter shall after recording his votes put the ballot papers in the envelopes supplied with the ballot papers and after coming out of the screened compartment put the envelope in the ballot box in full view of the Presiding Officer and all others present ;
- (i) a voter shall not record more than one vote in favour of any candidate nor place on the ballot paper any writing or mark by which he may be identified ;
- (j) a voter who defaces a ballot paper issued to him, shall deliver the defaced ballot paper to the Presiding Officer who shall promptly mark such ballot paper as cancelled and issue another ballot paper to the voter ;
- (k) immediately after recording his vote a voter shall submit to having the finger nail of his left thumb marked with ink sufficiently indelible to leave a mark for a period of approximately ten hours ;
- (l) a voter who suffers from blindness or from any other physical disability may be accompanied by such friend or relative as he may choose who shall, after informing the Presiding Officer, be permitted in the presence of the voter alone to place the voter's thumbprint against the voter's candidate of choice.

(2) A vote may not be recorded by a voter except by his attending in person at the polling station and recording his vote in accordance with this paragraph.

19.—(1) No person shall be permitted to vote at any polling station other than the one to which he is allotted.

(2) The Presiding Officer shall regulate the admission of voters to the polling station, and shall exclude all other persons except candidates, Polling Agents, Polling Officers and any other person who in his opinion has lawful reason to be admitted.

Allocation
of polling
station;
admission
thereto.

20.—(1) If at the time a person applies for a ballot paper, or after he has so applied and before he has left the polling station, a Polling Agent declares to the Presiding Officer that he has reasonable cause to believe that the applicant has committed the offence of personation and undertakes to substantiate the charge in a court of law, the Presiding Officer may order a police officer to arrest such person, and the Presiding Officer shall be sufficient authority for the police officer so to do.

Personation.

(2) A person in respect of whom a Polling Agent makes a declaration in accordance with the provision of sub-paragraph (1) of this paragraph shall not, by reason thereof, be prevented from voting, but the Presiding Officer shall cause the words "protested against for personation" to be placed against his name in the marked copy of the register of voters or portion thereof :

Provided that where a person in respect of whom such declaration is made admits to the Presiding Officer that he is not the person he held himself out to be, he shall not be permitted to vote if he has not already done so, and if he has already voted the Presiding Officer shall make a note of the number of the ballot paper delivered to him and, upon the count being taken such ballot paper shall be invalid.

(3) A person arrested under the provisions of this paragraph shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without a warrant.

21.—(1) If a person representing himself to be a voter named in the register of voters applies for a ballot paper after another person has voted as such voter the applicant shall, upon giving satisfactory answers to the questions set out in paragraph 18 (1) (f) of this Schedule be entitled to receive a ballot paper in the same manner as any other voter.

Tendered
ballot paper.

(2) Any such ballot paper (hereinafter called a "tendered ballot paper") shall be of a colour different from the ordinary ballot papers, and instead of being put into a ballot box, shall be given to the Presiding Officer and endorsed by him with the name of the voter and his number in the register of voters and set aside, in accordance with the wishes of the person voting, in one of a number of separate packets, each of which shall correspond to and bear the same mark as one of the ballot boxes provided in accordance with paragraph 16 of this Schedule and shall not be counted by the Presiding Officer as hereinafter provided.

(3) The name of the voter and his number on the register of voters shall be entered on a list to be called the tendered voters list, and this list shall be admissible in any legal proceedings arising out of the election.

22.—(1) The Presiding Officer shall ensure compliance with the provisions of this Decree at the polling station.

Conduct in
polling
stations.

(2) If any person misconducts himself in a polling station, or fails to obey any lawful order of the Presiding Officer, he may, by order of the Presiding Officer, be removed from the polling station by any police officer, or by any other person authorised in writing by the Presiding Officer in that behalf.

(3) Any person so removed shall not, without the permission of the Presiding Officer, again enter the polling station during the day of the election and if charged with the commission of an offence in such station, the person shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without warrant :

Provided that the provisions of this paragraph shall not be enforced so as to prevent any voter who is otherwise entitled to vote at any polling station from having an opportunity of so voting.

Adjourn-
ment of poll
in case of riot.

23.—(1) When the proceedings at any polling station are interrupted or obstructed by riot or open violence, the Presiding Officer may adjourn the proceedings till the following day and shall forthwith give notice of such adjournment to the Electoral Officer.

(2) When the poll is adjourned at any polling station—

(a) the hours of polling on the day to which it is adjourned shall be the same as for the original day ; and

(b) references in this Schedule to the close of the poll shall be construed accordingly.

Closing of
poll.

24. When the prescribed hour for the closing of the poll has been reached, the Presiding Officer shall declare the poll closed and no more persons shall be admitted to the polling station, but those persons already inside the polling station shall be permitted to vote.

Counting of
votes.

25.—(1) The Presiding Officer shall after the close of poll, open the ballot box and empty its contents in the presence of the Polling Clerk, Poll Orderly, candidates or their agents and begin to count the votes with the ballot papers kept face upwards.

(2) During the counting of votes, all rejected ballot paper shall be put in a special envelope.

Form D.

(3) The votes scored by each candidate shall be entered in a statement of result form as in Form D in Schedule 6 to this Decree which shall be signed and stamped by the Presiding Officer and endorsed by the candidates or their agents, where available, at the polling station.

(4) The Presiding Officer shall give a copy of the statement of result form to the police officer at the polling station and take the original copy thereof to the Returning Officer at the Collation Centre together with the ballot boxes, the relevant envelopes and all other election materials including stamp, stamp pad and endorsing ink.

(5) The results of the election shall thereafter be announced by the Returning Officer at the Collating Centre.

Votes not to
be counted.

(6) Any ballot paper which does not bear the official mark shall not be counted :

Provided that if the Returning Officer is satisfied that a ballot paper which does not bear the official mark was issued from a book of ballot papers which was furnished to the Presiding Officer of the polling station in which the vote was cast for use at the election in question he shall notwithstanding the absence of such mark count that ballot paper.

- 26.—(1) The Presiding Officer shall endorse the word “rejected” on any ballot paper which, under the provisions of paragraph 25 of this Schedule is not to be counted. Endorsements by Presiding Officers.
- (2) The Presiding Officer shall add to the endorsement the words “rejection objected to” if an objection to his decision is made by any candidate or his agent.
- 27.—(1) The Presiding Officer shall prepare a statement showing the number of ballot papers rejected and shall on request allow any candidate or his agent to copy the statement. Statement of rejected ballot papers.
- (2) No candidate or his agent shall record the serial number of any rejected ballot paper which he sees during counting.
28. The decision of the Returning Officer to any question arising in respect of any ballot paper shall be final, and shall be subject to review only on an election petition questioning the election. Returning Officer decision final.
29. A candidate or his agent may, if present when the counting or any recount of the votes is completed, require the Presiding Officer to have the votes recounted but the Presiding Officer may refuse to do so if in his opinion the request is unreasonable. Recount.
30. When an equality of votes is found to exist between any candidates so that the addition of a vote would entitle any one of the candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote, and shall declare such candidate to be elected. Equality of votes.
31. The Returning Officer shall cause to be posted at the office of the Local Government Council concerned a copy of the notice of the result of the election and shall forward to the Secretary of the Commission a copy of the certificate or statement of result. Publication of result of election.
32. The Returning Officer shall deliver all documents relating to the conduct of the election to the Electoral Officer who shall ensure their safe custody. Custody of document.
33. A Poll Clerk may be authorised by the Presiding Officer to do any act which the Presiding Officer is required or authorised to do at a polling station by this Decree except that he may not order the arrest of any person, or the exclusion or removal of any person from the polling station. Power of Poll Clerk.
34. Where in this Decree any act or thing is required or authorised to be done by or in the presence of the agents of the candidates, the non-attendance of any agent at the time and place appointed for the purpose shall not, if any act or thing is otherwise properly done, invalidate the act or thing done. Non-attendance of agents not to invalidate proceedings.

SCHEDULE 5

Section 77

PROCEDURE FOR ELECTION PETITIONS

1. In this Schedule—

“Attorney-General” means the Attorney-General of the State concerned ;

“Civil Procedure Rules” means the High Court (Civil Procedure) Rules, or rules of court amending or replacing those Rules ;

Interpretation in this Part.

"Director of Public Prosecutions" means the Director of Public Prosecutions of the State concerned ;

"election" means the election in respect of the ward, constituency or the Local Government Area to which an election petition relates ;

"Secretary" means the Secretary in charge of the Registry, or if he is absent, the Senior Clerk present at the Registry ;

"Registry" means a Registry of the Local Government Council Election Tribunal ;

"Tribunal" means the Local Government Council Election Tribunal ;

"Tribunal notice board" means a notice board at the Registry; and, where notice of trial is being or has been given, a notice board at the place of trial.

Time for
presentation.

2. An election petition shall be presented within one month after the date on which the election is held.

Security for
costs.

3.—(1) At the time of presenting an election petition the petitioner shall give security for all costs which may become payable by him to any witness summoned on his behalf or to any respondent.

(2) The security shall be of such amount not exceeding ₦200 as the Tribunal may order and shall be given by depositing the amount in the Tribunal.

(3) Where two or more persons join in the petition, a deposit of the said amount shall be sufficient.

(4) If no security is given as required by this section there shall be no further proceedings on the petition.

Presentation
of
petition.

Form E.

4.—(1) The presentation of an election petition shall be made by the petitioner (or petitioners if more than one) leaving it in person, or by the hand of the solicitor (if any) named at the foot of the petition, with the Secretary, and the Secretary shall (if so required) give a receipt which may be in Form E in Schedule 6 to this Decree.

(2) With the petition there shall also be left a copy thereof for each respondent and seven other copies thereof.

(3) The Secretary shall compare each copy of the petition left in accordance with sub-paragraph (2) of this paragraph with the original petition and shall certify it as a true copy thereof upon being satisfied by such comparison that it is a true copy thereof.

(4) The petitioner or solicitor shall, at the time of presenting the petition, pay the fees for the service and publication thereof, and for certifying the copies ; and in default of such a payment the petition shall not be received unless the Tribunal otherwise orders.

Contents of
petition.

5.—(1) An election petition shall—

- (a) specify the right of the petitioner to present the petition ;
- (b) state the holding and result of the election ; and
- (c) briefly state the facts and grounds relied upon to sustain the prayer of the petition.

(2) The petition shall be divided into paragraphs each of which, as nearly as may be, shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively ; and no costs shall be allowed for drawing up or copying any petition not substantially in compliance

with this provision, unless the Tribunal otherwise orders.

(3) The petition shall conclude with a prayer, as for instance, that some specified person may be declared duly returned or elected, or that the election may be declared void, as the case may be, and shall be signed by the petitioner (or all the petitioners if more than one), or by the solicitor (if any) named at the foot of the petition.

(4) At the foot of the petition there shall be stated an address for service within 5 kilometres of a post office in the Judicial Division, and the name of its occupier, at which address documents intended for the petitioner may be left.

(5) If any address for service and its occupier are not stated, the petition shall not be filed unless the Tribunal otherwise orders.

(6) At the foot of the petition there shall be added a note signed by the petitioner giving the name of his solicitor, if any, or stating that he acts for himself, as the case may be.

(7) The form set out in Form F in Schedule 6 to this Decree or one to the like effect, shall be sufficient for the purposes of the petition.

Form F.

6. Evidence need not be stated in the petition; but the Tribunal may order such particulars as may be necessary to prevent surprise and unnecessary expense and to ensure a fair and effectual trial in the same way as in a civil action in the High Court, and upon such terms as to costs and otherwise as may be ordered.

Further particulars.

7. For the purpose of service of the petition on the respondent, the petitioner shall furnish the Secretary with the address of the respondent's abode or the address of a place where personal service can be effected on the respondent.

Address for service.

8.—(1) Upon the presentation of an election petition and payment of the requisite fees, the Secretary shall forthwith—

Action by Secretary.

(a) cause notice in Form G in Schedule 6 to this Decree, of the presentation of the petition, and a certified copy of the petition, to be served on the respondent ;

Form G.

(b) post up on the Tribunal notice board a certified copy of the petition ;

(c) send a certified copy by registered post or messenger to the person or authority to whom it is required by law that the determination of the petition shall be certified ; and

(d) where the Tribunal so directs, cause a certified copy to be published in the *Gazette* of the State concerned.

(2) In the notice of presentation of the petition, the Secretary shall state a time, not being less than five days or more than fifteen days after the date of service of the notice, within which the respondent is to enter an appearance.

(3) In fixing such time the Secretary shall have regard to the necessity for securing a speedy trial of the petition, and to the distance from the Secretary of the address furnished under paragraph 5 of this Schedule.

9.—(1) Subject to sub-paragraphs (2) and (3) of this paragraph, service on the respondent of the documents mentioned in sub-paragraph (1) (a) of paragraph 8 of this Schedule and of any other documents required to be served on him before entering an appearance, shall be personal.

Service.

(2) Where the petitioner has furnished under paragraph 7 of this Schedule the address of a place where personal service can be effected on the respondent, and the respondent cannot be found at that place, the Tribunal on being satisfied, upon an application supported by an affidavit showing what has been done, that all reasonable efforts have been made to effect personal service, may order that service of any document mentioned in sub-paragraph (1) of this paragraph be effected in any of the ways mentioned in the relevant provisions of the Civil Procedure Rules or Civil Procedure Code for effecting substituted service in a civil case and such service shall be deemed to be equivalent to personal service.

(3) The proceedings under the petition shall not be vitiated notwithstanding the fact that the respondent may not have been served personally or that any document of which substituted service has been effected pursuant to an order made under sub-paragraph (2) of this paragraph did not reach the respondent's hands; and in any such circumstances as aforesaid the proceedings may be heard and continued as if the respondent had been served personally with such document and shall be valid and effective for all purposes.

Entry of
appearance.

10.—(1) Where the respondent intends to oppose the petition he shall, within such time after being served or deemed to be served with the petition, or, where an order has been made under sub-paragraph (2) of paragraph 9 of this Schedule within such other time (if any) as may be stated in that order, enter an appearance by filing in the Registry a memorandum of appearance stating that he intends to oppose the petition and giving the name and address of his solicitor, if any, or stating that he acts for himself, as the case may be, and in either case giving an address for service within five kilometres of a post office in the Judicial Division and the name of its occupier, at which documents intended for the respondent may be left.

(2) If an address for service and its occupier are not stated, the memorandum shall not be filed unless the Tribunal otherwise orders.

(3) The memorandum of appearance shall be signed by the respondent but may be filed by his solicitor, if any.

(4) At the time of filing the memorandum of appearance the respondent or his solicitor shall leave a duplicate thereof for each other party to the petition and three other duplicates thereof and pay the fees for service, and in default of such duplicate being left and such fees being paid at that time the memorandum shall not be filed unless the Tribunal otherwise orders.

Default of
appearance

11. If the respondent does not enter an appearance as aforesaid, any document intended for the respondent may be posted upon the Tribunal notice board and such posting shall be sufficient notice thereof.

Notice of
appearance

12. The Secretary shall cause a duplicate of the memorandum of appearance to be served upon, or notice thereof to be given to, the other parties to the petition.

Filing of
reply.

13.—(1) The respondent shall within six days of entering an appearance file in the Registry his reply specifying therein which of the facts and grounds alleged in the petition he admits or denies and setting out any facts and grounds on which he relies in opposition.

(2) Where the respondent in a petition complaining of an undue return and claiming the seat or office for some person intends to prove that the election of such person was undue, the respondent in his reply shall state that intention and set out the facts and grounds on which he relies in support thereof.

(3) The reply may be signed and filed by the respondent's solicitor, if any.

(4) At the time of filing the reply the respondent or his solicitor shall leave a duplicate thereof for each party to the petition and three other duplicates thereof and pay the fees for service; and in default of such duplicates being left and such fees being paid at that time, the reply shall not be filed unless the Tribunal otherwise orders.

14. The Secretary shall cause a duplicate of the reply to be served on each other party to the petition.

Notice of
reply.

15.—(1) In relation to an election petition, the provisions of the relevant provisions of the Civil Procedure Rules or the Civil Procedure Code relating to amendment of pleadings shall apply as if for the words "any proceeding" in those provisions there were substituted the words "the petition or the reply, in any" :

Amendment
of petition.

Provided that—

(a) after the expiry of the time limited by paragraph 2 of this Schedule for presenting the petition, no amendment shall be made introducing any fresh prayer in the petition, or effecting any alteration of substance in the prayer, or (saving anything which may be done under the provisions of sub-paragraph (2) of this paragraph) effecting any substantial alteration in or addition to the statement of facts and grounds relied upon to sustain the prayer ; and

(b) after the expiry of the time limited by paragraph 13 of this Schedule for filing the reply, no amendment shall be made thereto alleging that the election of the person, if any, for whom the seat or office is claimed in the petition was undue, or (saving anything which may be done under the provisions of sub-paragraph (2) of this paragraph) effecting any substantial alteration in or addition to the admissions or the denials contained or the facts and grounds set out in the reply.

(2) The Tribunal in the trial and determination of the petition shall not be obliged to confine its inquiry or findings to the issues raised by the petition and the reply, if any, and may, with or without ordering or allowing—

(a) the amendment of any statement of the facts and grounds relied upon in support of the petition or the amendment of any admission or denial contained; or

(b) the facts or grounds set out in the reply (but subject always and having due regard to the time limited by paragraph 2 of this Schedule for presenting an election petition),

inquire into any other issue otherwise raised or apparent or any matter otherwise appearing, as the Tribunal may deem necessary for the purpose of the full and proper determination of the petition.

16.—(1) When a petitioner claims the seat or office for an unsuccessful candidate, alleging that he had a majority of lawful votes, any party complaining of and any party defending the election or return shall, within six days after the filing of the reply, or where no appearance is entered, not less than

List of
objection to
vote.

six days before the day fixed for trial, file in the Registry a list of the votes intended to be objected to by him and of the heads of objection to each such vote.

(2) No evidence shall be given against the validity of any vote or upon any head of objection not specified in the list filed pursuant to sub-paragraph (1) of this paragraph except by leave of the Tribunal upon such terms as to amendment of the list, postponement of the trial and payment of costs as may be ordered.

(3) The party delivering the list shall at the same time deliver a duplicate for each other party to the petition and three other duplicates and pay the appropriate fees for service, and in default of such delivery and payment the list shall not be filed unless the Tribunal otherwise orders.

(4) The Secretary shall cause a duplicate of the list to be served on every other party forthwith.

List of
objections to
elections.

17.—(1) When the respondent in a petition complaining of an undue return and claiming the seat or office for some person intends to give evidence to prove that the election of such person was undue, the respondent shall, within six days after the filing of the reply, file in the Registry a list of the objection to the election upon which he intends to reply, and no evidence shall be given by a respondent of any objection to the election not specified in the list, except leave of the Tribunal upon such terms as to amendment of the list, postponement of the trial and payment of costs as may be ordered.

(2) Sub-paragraphs (2) and (3) of paragraph 16 of this Schedule shall apply to the list mentioned in sub-paragraph (1) of this paragraph.

Further
particulars
or direction.

18.—(1) If any party to the petition wishes to have further particulars or other directions of the Tribunal, he may, at any time after the entry of appearance, but not later than ten days after the filing of the reply, apply to the Tribunal specifying in his notice of motion the direction for which he prays, and the motion shall, unless the Tribunal otherwise orders, be set down for hearing on the first available day.

(2) The party so applying shall give notice of his motion to the other parties, and where he relies on any facts which are not apparent on the face of the documents already filed he shall support his motion by affidavit.

(3) If a party does not so apply, he shall be taken to require no further particulars or other directions and such party shall be debarred from so applying after the lapse of the period laid down in sub-paragraph (1) of this paragraph except with the leave of the Tribunal, which may be sought by motion supported by affidavit after notice to the other parties, and which may be given in a proper case on such terms as to costs and otherwise as may seem fit.

Open court.

19. Every election petition shall be tried in open court.

Time and
place of
hearing.

Form H.

20.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, the time and place of the trial of an election petition shall be fixed by the Tribunal and notice of the time and place of the trial (which may be in Form H in Schedule 6 to this Decree) shall be given by the Secretary at least fourteen days before the days fixed for the trial—

(a) by posting, or causing to be posted, such notice on the Tribunal notice board ;

(b) by sending a copy of such notice by registered post or messenger to the petitioner's address for service ;

(c) by sending likewise a similar copy to the respondent's address for service, if any ;

(d) by sending likewise a similar copy to the Electoral Officer.

(2) If the election was held in a place ordinarily visited for sittings of the court of a magistrate's court (in this paragraph referred to as a "place of sessions") then the place of trial of the petition shall be the place where the election was held.

(3) If the election was not held in a place of sessions, then the place of trial shall be a place of sessions within the Local Government Area, if any.

(4) If there is in the Local Government Area no place of sessions, then the place of trial shall be the place of sessions outside the Local Government Area nearest to, or most accessible from, the place where the election was held.

21. The Electoral Officer shall publish the notice of trial by causing the copy to be affixed to the place which was appointed for the delivery of nomination papers or the making of nominations orally prior to the election or to some conspicuous place within the Local Government Area but failure to do so or any miscarriage relating to such copy shall not affect the proceedings in any manner whatsoever.

Notice of
trial.

22. The posting of the notice of trial on the Tribunal notice boards shall be deemed and taken to be good notice, and such notice shall not be vitiated by any miscarriage of or relating to the copy or copies of the notice sent pursuant to paragraph 20 of this Schedule.

Publication
good notice.

23.—(1) The Tribunal may, from time to time, by Order made on the motion of a party supported by affidavit after notice to the other parties, or by notice in such form as the Tribunal may direct postpone the beginning of the trial to such day as the Tribunal may name.

Postpone-
ment of
hearing.

(2) A copy of any such order or notice shall be sent by the Secretary by registered post or messenger to the Electoral Officer, who shall publish the same in the manner provided in paragraph 21 of this Schedule for publishing the notice of trial ; but failure on the part of the Electoral Officer to publish the copy shall not affect the proceedings in any manner whatsoever.

(3) The Secretary shall post or cause to be posted on the Tribunal notice board a copy of any such order or notice.

(4) In any case of a notice of postponement directed by the Tribunal of its own motion, a copy thereof shall be sent by the Secretary by registered post or messenger to the address for service given by the petitioner and to the address for service, if any, given by the respondent.

(5) The provisions of paragraph 22 of this Schedule shall apply to any such order or notice of postponement as they do to the notice of trial.

Arrival of
Chairman of
the Tribunal.

24. In the event of the Chairman of the Tribunal having arrived at the appointed time for the trial, or to which trial is postponed, the trial shall *ipso facto* stand adjourned to the following day and so from day to day.

Continuance
day to day.

25. No formal adjournment of the Tribunal for the trial of election petition shall be necessary, but the trial is to be deemed adjourned and may be continued from day to day until the inquiry is concluded; and in the event of the Chairman of the Tribunal who begins the trial being disabled by illness or otherwise, it may be recommenced and concluded by another Chairman to be appointed by the Chief Judge.

Adjourn-
ment.

26. After the trial has begun, if the inquiry cannot be continued on the ensuing day or, if such day is a Sunday or a public holiday, on the day following the same, the trial shall not be adjourned *sine die* but to a definite day to be announced before the rising of the Tribunal and notice of the day to which the trial is adjourned shall forthwith be posted by the Secretary on the Tribunal notice board.

Powers of
Judge.

27.—(1) All interlocutory questions and matters shall be heard and disposed of before the Tribunal, which shall have the control over the proceedings as a Judge in the ordinary proceedings of the High Court.

(2) After the inquiry is concluded, if the Tribunal before whom it was made has prepared its judgement but the Chairman of the Tribunal is unable to deliver it through illness or otherwise, his judgment may be delivered by another member of the Tribunal, and the judgement so delivered shall be the judgment of the Tribunal; and the member shall certify the determination of the petition to the Electoral Officer.

Effect of
determina-
tion.

28.—(1) At the conclusion of the trial, the Tribunal shall determine whether a person whose election or return is complained of or any other person, and what person, was duly returned or elected, or whether the election was void, and shall certify such determination to the Electoral Officer.

(2) Upon such certification being given, the election shall be confirmed, or (subject to the provisions of section 76 of this Decree in the event of an appeal) a new election shall be held in accordance with such certification (or in accordance with finding upon the determination of such appeal).

(3) Where a new election is to be held under the provisions of this paragraph, the Electoral Officer shall appoint a date for such election.

Withdrawal
or
abatement
of petition.

29.—(1) An election petition shall not be withdrawn without the leave of the Tribunal.

(2) Where there are more petitioners than one, no application for leave to withdraw the petition shall be made except with the consent of all the petitioners.

(3) The application for leave to withdraw a petition shall be made by motion after notice to the respondent and the Attorney-General of the State concerned.

(4) The notice of motion shall state the grounds on which the application is intended to be supported and shall be signed by the petitioner or petitioners or his or their solicitor in the presence of the Secretary; and such notice may be in Form I in Schedule 6 to this Decree or to the like effect.

Form I.

(5) At the time of filing such notice the petitioner or petitioners shall leave a duplicate for each respondent and two duplicates for the Director of Public Prosecutions.

(6) The petitioner or petitioners shall also file the affidavits required under paragraph 30 of this Schedule and leave duplicates thereof for each respondent and two duplicates for the Attorney-General, and they shall at the same time pay the requisite fees for service and for the making of a copy of the proceedings for the use of the Attorney-General.

30.—(1) Before leave for withdrawal of an election petition is granted, there shall be produced affidavits by all parties to the petition and their solicitors and by the election agents (if any) of all the said parties who were candidates at the election, but the Tribunal may on cause shown dispense with the affidavits of any particular person if it seems to the Tribunal on special grounds to be just so to do.

Affidavit in support.

(2) Each affidavit shall state that, to the best of the deponent's knowledge and belief no agreement of terms of any kind whatsoever has or have been made, and no undertaking has been entered into, in relation to the withdrawal of the petition but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement and shall make the foregoing statement subject to what appears from the affidavit.

(3) The affidavits of the applicant and his solicitor, if any, shall further state the ground on which the petition is sought to be withdrawn.

(4) Where more than one solicitor is concerned for the petitioner or respondent, whether as agent for another solicitor or otherwise, the affidavit shall be made by all such solicitors.

31.—(1) The time for hearing the motion for leave to withdraw the petition shall be fixed by the Tribunal, due regard being had to the need for giving the Director of Public Prosecutions an opportunity to be heard.

Motion for leave to withdraw.

(2) The Secretary shall give notice of the day fixed for the hearing of the motion to the Attorney-General and the respondents and post or cause to be posted on the Tribunal notice board a copy of the notice with a note stating the time fixed for the hearing.

(3) When the notice of motion is filed, the Secretary shall with the least possible delay cause a copy of the proceedings to be prepared and sent by a messenger or registered post a certified copy thereof to the Director of Public Prosecutions not less than fourteen days before the day appointed for the hearing.

32.—(1) On the hearing of the application, the Tribunal may hear the Attorney-General or his representative in opposition to the withdrawal of the petition and may receive the evidence on oath of any person or persons whose evidence the Attorney-General or his representative may consider material.

Withdrawal may be opposed.

(2) If the petition is withdrawn, the petitioner shall be liable to pay the cost of the respondent.

33.—(1) If a sole petitioner or the survivor of several petitioners dies then, subject to the succeeding provisions of this paragraph, there shall be no further proceedings on the petition.

Abatement on death.

(2) The death of a petitioner shall not affect his liability for the payment of costs previously incurred.

(3) Where notice, with a duplicate for each other party supported by the affidavit of two witnesses testifying to the death of a sole petitioner or of the survivor of several petitioners, is given to the Secretary, he shall submit the same to the Tribunal, and if the Tribunal so directs, the Secretary shall give notice thereof to the other parties and post or cause to be posted notice thereof on the Tribunal notice board and cause notice thereof to be published in the Local Government Area or in the *Gazette* of the State concerned, or in both, in such form as the Tribunal may direct.

Notice of no
opposition to
petition.

34.—(1) If before the trial of a petition, a respondent (other than the Electoral Officer or Presiding Officer) give notice to the Tribunal in writing signed by him or his solicitor before the Secretary that he does not intend to oppose the petition, the Secretary shall give notice thereof to the other parties, and post or cause to be posted a notice thereof on the Tribunal notice board.

(2) The respondent shall file the notice with a duplicate for each other party not less than six days before the day appointed for trial.

(3) A respondent who has given notice of his intention not to oppose the petition shall not appear or act as a party against the petition in any proceedings upon it, but the giving of such notice shall not of itself cause him to cease to be a respondent.

Counter-
mand of
notice of
trial.

35.—(1) After receiving notice of the petitioner's intention to apply for leave to withdraw the petition or of the death of the sole petitioner or the survivor of several petitioners, or of the respondent's intention not to oppose the petition, if such notice is received after notice of trial has been given and before the trial has begun, the Secretary shall forthwith countermand the notice of trial.

(2) The countermand shall be given in the same manner, as near as may be, as the notice of trial.

Discretion
of Tribunal
if no reply.

36. Where the respondent has not entered an appearance, or has not filed his reply, within the prescribed time or within such time as the Tribunal may have allowed, or has given notice that he does not intend to oppose the petition, then if—

(a) there remains no more than one other candidate in the election who was not returned ; or

(b) the petition contains no prayer for a determination that the election was void ; or

(c) there are no facts or grounds stated in the petition or in the reply, if any, or stated in any further particulars filed in the proceedings or otherwise appearing upon proof of which it ought to be determined that the election was void ; or

(d) where the petition is one complaining of an undue return and claiming the seat or office for the candidate who was not returned; the respondent has not filed a list of objection under the provisions of paragraph 17 of this Schedule,

the Tribunal may, if it thinks fit, determine the proceedings upon the petition without hearing evidence or further evidence, and in any other case the proceedings shall be continued and determined upon such evidence or otherwise as to the Tribunal may seem necessary for the full and proper determination of the petition.

37.—(1) The fee payable on the presentation of an election petition shall be ₦100. Fees.

(2) A hearing fee shall be payable for the trial at the rate of ₦10 per day of the trial but not exceeding ₦50 in all ; but the Tribunal may direct a lower fee to be charged for any day of the trial.

(3) For the purposes of this paragraph, the petitioner shall make a deposit of ₦50 at the time of presenting his petition.

(4) Subject to the above provisions, the fees payable in connection with any election petition shall be at the rates prescribed for civil proceedings in the High Court.

(5) No fees shall be payable by the Attorney-General or by a respondent who was the Electoral Officer or Presiding Officer at the election.

(6) No fees shall be payable for the summoning of witnesses summoned by the Tribunal on its own motion.

(7) Any charges payable for the service of *sub-poenas* on any such witnesses may be paid by the Secretary in the same way as a State witness's expenses.

38.—(1) All costs, charges and expenses of and incidental to the presentation of an election petition and to the proceedings consequent thereon, with the exception of such as are otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportions as the Tribunal may determine, regard being had—

Allocation of costs.

(a) to the disallowance of any costs, charges or expenses which may in the opinion of the Tribunal have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the petitioner or the respondent ; and

(b) to the discouragement of any needless expenses by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

(2) Where the Tribunal declares an election to be void, the Tribunal may, if satisfied that the invalidity of the election was due either wholly or in part to the culpable default of any officer responsible for the conduct of the election in the performance of his duties imposed by this Decree, order that the whole or any part of the costs awarded to the successful petitioner be paid by such officer.

39. Money deposited as security shall, when no longer needed as security for costs, charges or expenses, be returned to the person in whose name it is deposited or to any person entitled to receive the same by order of the Tribunal, which may be made upon motion after notice and proof that all just claims have been satisfied or otherwise sufficiently provided for as the Tribunal may require.

Return of security.

40.—(1) The Tribunal may, on application made by a person to whom any costs, charges or expenses are payable, order the same to be paid out of any deposit made to secure the same after notice to the party by or on whose behalf the deposit was made requiring him to file a statement within a specified time whether he resists the application and the grounds of his opposition.

Payment of costs out of security.

(2) In the event of any dispute arising on any such application, the Tribunal shall afford every person affected thereby an opportunity of being heard and make such order thereon as may seem fit.

(3) A person shall be deemed to have been afforded such opportunity if notice of the time appointed for the inquiry into the dispute was given to him, though such person may not have been present at the making of the inquiry.

(4) Any notice to be given to a person under this paragraph may be given by the Secretary handing him the notice or sending it to him by registered letter—

(a) at the address for service, in the case of a party ;

(b) in the case of the applicant for payment, at the address given in his application :

Provided that these provisions shall not preclude the giving of notice in any other manner in which notice may be given or which may be authorised by the Tribunal.

(5) Execution may be levied under any order for payment made by the Tribunal under this paragraph in the same manner and to the same extent as execution may be levied under a judgment for the payment of money.

Calling of
witness.

41.—(1) On the trial of an election petition, the Tribunal may summon any person as a witness who appears to the Tribunal to have been concerned in the election.

(2) The Tribunal may examine any witness so summoned or any person in the Tribunal although such witness or person is not called and examined by any party to the petition, and thereafter he may be cross-examined by or on behalf of the petitioner and the respondent.

(3) The expenses of any witness called by the Tribunal of its own motion shall, unless the Tribunal otherwise orders, be deemed to be costs of the petition and such expenses may, if the Tribunal so directs, be paid in the first instance by the Secretary in the same way as a State witness's expenses and be recovered in such manner as the Tribunal may direct.

(4) Where the Tribunal under this paragraph summons any person as a witness, the provisions of the relevant Civil Procedure Rules or of the Civil Procedure Code relating to the expenses of persons ordered to attend a hearing shall apply as if they were part of this paragraph.

(5) In making and carrying into effect any order for the production and inspection of documents used in the election and relating to the way in which the votes of particular persons were given, and in the examination of any witness who produces or will produce any such documents, the Tribunal shall ensure that the way in which the vote of any particular person has been given shall not be disclosed until it has been proved that the vote was given and the vote has been declared by the Tribunal to be invalid.

Privilege.

42.—(1) A person called as witness in any proceedings in the Tribunal under this Decree shall not be excused from answering any question relating to any offence at or connected with such election on the grounds that the answer thereto may incriminate or tend to incriminate himself, or on the grounds of privilege.

(2) A witness who answers truly all questions which he is required by the Tribunal to answer shall be entitled to receive a certificate of indemnity under the hand of the Chairman of the Tribunal stating that such witness has so answered.

(3) An answer by a person to a question before the Tribunal shall not, except in the case of any criminal proceedings for perjury in respect of such evidence, be admissible in any proceedings civil or criminal in evidence against him.

(4) When a person has received a certificate of indemnity in relation to an election and any legal proceedings are at any time brought against him for an offence against the provisions of this Decree committed by him previously to the date of the certificate at or in relation to the said election, the Tribunal having cognisance of the case shall, on proof of the certificate, stay the proceedings and may, at its discretion, award to the said person such costs as he may have been put to in the proceedings.

43. On the trial of a petition complaining of an undue return and claiming the seat for some person, the respondent may, subject to the provisions of paragraphs 13 (2) and 17 of this Schedule, give evidence to prove that the election of such person was undue in the same manner as if he had presented a petition complaining of such election.

Evidence by
respondent.

44.—(1) The Tribunal shall have power, subject to the provisions of section 75 of this Decree and paragraphs 2 and 15 of this Schedule, to enlarge or abridge the times appointed by this Decree or the rules of court mentioned in paragraph 51 of this Schedule or fixed by any order enlarging time, for doing any act or taking any proceeding upon such terms (if any) as the justice of the case may require.

Enlargement
and abridge-
ment of time.

(2) Any such enlargement may be ordered although the application for the same is not made until after the expiration of the time appointed or allowed.

(3) When the time for delivering any pleading or document or filing any affidavit, answer or documents, or doing any act is or has been fixed or limited by any of the sections, paragraphs or rules aforesaid or by any direction or order of the Tribunal, the costs of any application to extend such time and of any order made thereon shall be borne by the party making such application unless the Tribunal shall otherwise order.

(4) Every application for enlargement or abridgement of time shall be supported by affidavit.

(5) An application for abridgement of time may be made *ex parte*, but the Tribunal may require notice thereof to be given to the other party.

(6) An application for enlargement of time shall be made by motion after notice to the other party but the Tribunal may, for good cause shown by affidavit or otherwise, dispense with such notice.

(7) A copy of any order made for enlargement or abridgement of time shall be filed or delivered together with any document filed or delivered by virtue of the order.

Service of
notice.

45.—(1) Where any summons, notice or documents other than a notice or document mentioned in paragraph 8 (1) of this Schedule is required to be served on any person for purpose connected with an election petition, the same may be served either by delivering it to such person or by leaving it at his last known place of abode in the Local Government Area with any person there found who is a resident thereof and appears to be eighteen years of age or more.

(2) After a party has been given an address for service, it shall be sufficient if, in lieu of serving him personally with any document intended for him, such document is served—

(a) on the person appearing on the paper last filed on his behalf as his solicitor wherever such person may be found or, if such person is not found at his office, on the clerk there apparently in charge ; or

(b) on the person named as occupier if his address for service wherever such person may be found or, if such person is not found at such address, on—

(i) the person there found apparently in charge, if such address is a place of business ; or

(ii) any person other than a domestic servant there found who is a resident thereof and appears to be eighteen years of age or more.

(3) A party may change his address for service by giving notice of his new address for service and its occupier to the Secretary and to each other party ; but until such notice is received by the Secretary, his old address for service shall continue to be his address for service.

(4) Where service on one of the foregoing modes has proved impracticable, the Tribunal, on being satisfied, upon an application supported by an affidavit showing what has been done, that all reasonable effort has been made to effect service, may order that service be effected in any of the ways mentioned in the provisions of the Civil Procedure Rules or Civil Procedure Code relating to substituted service which service shall be sufficient, or may dispense with service or notice, as the Tribunal may think fit.

Number of
respondents.

46. Two or more candidates may be made respondents to the same petition and their case may for the sake of convenience be tried at the same time, but for all purposes (including the taking of security) such petition shall be deemed to be a separate petition against each respondent.

Multiple
petitions.

47. Where more petitions than one are presented in reaction to the same election or return, all such petitions shall be considered and be dealt with as one petition unless the Tribunal shall otherwise direct.

Conduct of
Presiding
Officer.

48.—(1) Where an election petition complains of the conduct of an Electoral Officer, Presiding Officer or Returning Officer, he shall for all purposes be deemed to be a respondent, but an Electoral Officer, Presiding Officer or Returning Officer shall not be at liberty to give notice that he does not intend to oppose the petition except with the written consent of the Attorney-General of the State concerned, and if such consent is withheld the State Government shall indemnify the Electoral Officer, Presiding Officer or Returning Officer against any award of costs made against him by the Tribunal upon the hearing of such petition.

(2) Where an Electoral Officer, a Presiding Officer or Returning Officer is, or is deemed to be a respondent to a petition, the Attorney-General of the State concerned (acting in person or through any member of his staff or any legal practitioner nominated by him) shall have the right to represent the Electoral Officer, Presiding Officer or Returning Officer.

49. In the absence of express provision for the furnishing of copies of duplicates of documents filed or used in connection with any step taken in the proceedings, the party taking such steps shall, unless the Secretary otherwise directs, leave with the Secretary a duplicate of every such document for each other party and three other duplicates.

Duplicate of documents.

50.—(1) Non-compliance with any of the provisions of this Schedule, or with any rule of practice for the time being in force, shall not render any proceedings void unless the Tribunal shall so direct but such proceedings may be set aside either wholly or in part as irregular, or amended, or otherwise dealt with in such manner and upon such terms as the Tribunal shall think fit to ensure substantial justice.

Non-compliance with rules, etc.

(2) No application to set aside any proceeding for irregularity shall be allowed unless made within reasonable time, or if the party applying has taken any fresh step after knowledge of the irregularity.

(3) Where an application is made to set aside proceedings for irregularity, the several objections intended to be insisted upon shall be stated in the notice of motion.

(4) No objection shall be made that a certified copy has been used instead of a duplicate or a duplicate instead of a certified copy.

(5) An election petition shall not be defeated by any objection merely as to form.

51.—(1) Subject to the express provisions of this Decree, the practice and procedure of the Tribunal in relation to an election petition shall be assimilated as nearly as may be to the practice and procedure of the High Court in the exercise of its civil jurisdiction, and the Civil Procedure Rules or Civil Procedure Code shall apply with such modifications as may be necessary to render them conveniently applicable, as if the petitioner and the respondent were respectively the plaintiff and the defendant in a civil action.

Application of rules of court.

(2) Subject to the provisions of this Decree, any appeal to the High Court shall be determined in accordance with the practice and procedure relating to appeals in civil cases in that Court.

SCHEDULE 6

Section 83

FORMS

FORM A Paragraph 3 (2) of Schedule 4

Local Government (Basic Constitutional and Transitional Provisions) Decree 1989

NOMINATION OF A CANDIDATE FOR LOCAL GOVERNMENT ELECTION

Date of Election.....

1. I, the undersigned, am the candidate to whom this nomination paper relates and I hereby state that I am willing to stand for election to the..... Local Government Council as member for the..... ward/constituency.

2. I also hereby state that I am possessed of the following qualifications—

(a) I am a Nigerian citizen of not less than 21/25 years of age.

(b) I have paid my income tax for three years preceding the date of the election.

(c) I have resided in the ward/constituency for which I am standing election for twelve months.

(d) My name appears on the official list of voters for the ward/constituency in which I reside namely.....ward/.....constituency.

Name

Address

Occupation

Date

Signature of Candidate

3. We, the undersigned are the ten nominators of the above candidate and are registered as voters for the ward/constituency for which the candidate seeks election.

Name

Address

Number on register of voters

Occupation

Date

Signature of Nominator

Name

Address

Number on register of voters

Occupation

Date

Signature of Nominator

Name

Address

Number on register of voters

Occupation

Date

Signature of Nominator

Name

Address

Number on register of voters

Occupation

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Signature of Nominator

Name

Address

Number on register of voters

Occupation.....

Date

Signature of Nominator

Name

Address

Number on register of voters

Occupation.....

Date

Signature of Nominator

Name.....

Address.....

Number on register of voters.....

Occupation

Date.....

Signature of Nominator

FORM B Paragraph 5 (5) of Schedule 4

Local Government (Basic Constitutional and Transitional Provisions)
Decree 1989

ELECTORAL OFFICER'S RULING AS TO VALIDITY OF NOMINATION

To: (Prospective Candidate)

Local Government.....

Ward/Constituency..... Name.....

Take notice that a nomination paper received by me on.....
 in your favour (has been accepted by me as appearing to be valid)* or (has
 been rejected by me as appearing to be invalid upon the following ground)*—

DATED..... 19.....

Electoral Officer

*Strike out words not applicable

FORM C

Paragraph 13 of Schedule 4

Local Government (Basic Constitutional and Transitional Provisions)
Decree 1989

FORM OF FRONT OF BALLOT PAPER

Counterfoil Serial No.

The counterfoil is to have a number to correspond with that on the back
of the ballot paper)

19.....

FORM OF BACK OF BALLOT PAPER

Serial No.

Note :—The above number is to correspond with that on the face of the
counterfoil.

FORM D

Paragraph 25 (3) of Schedule 4

Local Government (Basic Constitutional and Transitional Provisions)
Decree 1989

STATEMENT OF RESULT OF LOCAL GOVERNMENT ELECTION

I, hereby certify.....

1. That I was Electoral Officer/Returning Officer for the election held
on the day of 19..... for the ward/
constituency of the Local Government Area.

2. That the election was contested/uncontested.

3. That the candidates received the following votes—

Name Votes.....

Name Votes.....

4. That the following was declared elected—

Name

Date 19.....

*Electoral Officer/
Presiding Officer*

FORM E

Paragraph 4 (1) of Schedule 5

Local Government (Basic Constitutional and Transitional
Provisions) Decree 1989

RECEIPT OF PETITION

Received on the..... day of..... 19.....
at the Registry of the Secretary, the Tribunal.....,
a petition touching the election of..... a member of the.....
Local Government Council for the..... ward/consti-
tuency purporting to be signed by..... (insert name of petitioner)

.....
Secretary

FORM F

Paragraph 5 (7) of Schedule 5

Local Government (Basic Constitutional and Transitional
Provisions) Decree 1989

PETITION

IN THE LOCAL GOVERNMENT COUNCIL ELECTION TRIBUNAL

The election to the..... Local Government Council for the
..... ward/constituency held on the day of..... 19.....

Between

A.B.....

Petitioner(s)

C.D.....

and

E.F.....

Respondent(s)

G.H.....

Occupier.....

The name of my (or our) advocate is..... or
I (or we) am (or are) acting for myself (or ourselves.)

Signed :..... A.B.

..... C.D.

SIGNED before me this..... day of..... 19.....

.....
Secretary

FORM G Paragraph 8 (1) of Schedule 5

Local Government (Basic Constitutional and Transitional Provisions)
Decree 1989

NOTICE OF PRESENTATION OF PETITION

IN THE LOCAL GOVERNMENT COUNCIL ELECTION TRIBUNAL

The election to the.....Local Government Council for the
.....ward/constituency held on the.....day of
....., 19.....

Between

A.B.....

Petitioner(s)

C.D.....

and

E.F.....

Respondent(s)

G.H.....

The petition of A.B. of..... (or of A.B. of
.....and C.D., of.....or as the
case may be) whose names are subscribed.

TAKE NOTICE that the petition, a duplicate whereof is attached hereto,
has this day been presented in the Registry of the Tribunal named above
and that you are to enter an appearance to the petition in the said Registry
within.....

days of the date when this notice was presented thereof, or within.....
days of the date when this notice was left at your address set out below, or as
the Tribunal may direct by order under paragraph 13 of Schedule 5 to this
Decree otherwise proceedings upon the petition may be continued and
determined in default of your appearance, and any document relating to
such proceedings, and intended for you may be posted up on the Tribunal
notice board, which shall be sufficient notice thereof.

DATED this..... day of....., 19.....

.....
Secretary

to E.F. of.....

FORM H

Paragraph 20 (1) of Schedule 5

Local Government (Basic Constitutional and Transitional Provisions)
Decree 1989

NOTICE OF TRIAL

IN LOCAL GOVERNMENT COUNCIL ELECTION TRIBUNAL

The election to the.....Local Government Council
for the.....Ward/Constituency/
Local Government Area held on the day of....., 19.....

Between

A.B.

Petitioner(s)

C.D.

and

E.F.

Respondent(s)

G.H.

The petition of A.B. of.....(or of A.B. of
.....and C.D. of.....as the
case may be) whose names are subscribed.

TAKE NOTICE that the above petition will be tried at.....on the
.....day of..... 19..... and on
such other subsequent days as may be useful.

DATED this.....day of....., 19.....

.....
Secretary

The petition of A.B. of.....(or of A.B., of.....
and C.D. of.....or as the case may be) whose names
are subscribed.

1. Your petitioner A.B. is a person who voted (or had a right to vote
as the case may be) at the above election (or claims to have had a right to
be returned or elected at the above election) or was a candidate at the above
election ; and your petitioner C.D. (here state in like manner the right of

each petitioner.....

2. And your petitioner(s) state(s) that the election was held on the
..... day of..... 19....., when A.B., C.D. (and)
E.F. and (G.H.) were candidates.

3. And your petitioner(s) state(s) that (here state facts and grounds on
which the petitioner(s) rely).

Wherefore your petitioner(s) pray(s) that it may be determined that the
said E.F. (and G.H.) was (were) not duly elected (or returned) and that
the (or his) election was void or that the said A.B. (and C.D.) was (were)
duly elected and ought to have been returned, or as the case may be.

(Signed)..... A.B.

..... C.D.
Address for service (within five kilometres of a post office within the
Judicial Division) of.....

FORM I Paragraph 29 of Schedule 5

Local Government (Basic Constitutional and Transitional
Provisions) Decree 1989

NOTICE OF MOTION TO WITHDRAW PETITION

IN THE LOCAL GOVERNMENT COUNCIL ELECTION
TRIBUNAL

The election to the..... Local Government
Council for the..... Ward/Constituency/Local Govern-
ment Area held on the..... day of....., 19.....

Between

A.B..... Petitioner(s)

C.D.

and

E.F.

Respondent(s)

G.H.

The petition of A.B. (or of A.B. of
 and C.D. of or as the case
 may be) whose names are subscribed.

Write out the Notice of Motion in the manner usual in civil proceeding
 and conclude as follows :—

The petitioner proposes to apply to withdraw his petition on the
 following grounds :—

.....

(Here state the grounds)

Petitioner (or Solicitor)

SIGNED before me this day of 19.....

Secretary

MADE at Lagos this 17th day of May 1989.

GENERAL I. B. BABANGIDA,
*President, Commander-in-Chief
 of the Armed Forces,
 Federal Republic of Nigeria*

EXPLANATORY NOTE

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

The Decree makes basic constitutional and transitional provisions for
 Local Government as a third tier of government and provides for the
 conduct of the Local Government elections, offences and penalties, and
 determination of questions relating to such elections.