

TRADE UNIONS (MISCELLANEOUS PROVISIONS) DECREE 1989



Decree No. 25

[13th November 1989]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

PART I—TRADE UNIONS ACT 1973

1. The Trade Unions Act 1973, as amended (hereafter in this Decree referred to as "the 1973 Act") is hereby further amended as set out in this Part of this Decree.

Amendment
of the Trade
Unions Act
1973
1973 No. 31.

2. Section 11 of the 1973 Act is hereby amended in subsection (1) thereof by substituting for paragraph (c), the following new paragraph, that is—

Amendment
of section
11 of the
1973 Act.

"(c) the Customs and Excise Department, the Immigration Department and the Prison Services;".

3. There shall be inserted immediately after section 15 of the 1973 Act, the following new sections, that is—

Insertion
of sections
15A and 15B
to the 1973
Act.

15A.—(1) No person shall apply the funds of a trade union, whether directly or through any other trade union, association or body, for the purpose of any legal proceedings relating to his election or appointment into any office in the trade union.

(2) Any person who applies the funds of a trade union in contravention of subsection (1) of this section shall be guilty of an offence against this Act and liable on conviction to a fine of ₦5,000.

15B.—(1) Every trade union shall pay to the Central Labour Organisation, out of the contributions received from its members, such sum as may, from time to time, be specified in the constitution of the Central Labour Organisation.

(2) Any trade union which fails to pay the sum referred to in subsection (1) of this section shall be guilty of an offence against this Act and liable on conviction to a fine of two times the said sum.

(3) The institution of proceedings or imposition of a fine under subsection (2) of this section shall not relieve the trade union from its liability to pay the sum referred to in subsection (1) of this section."

Trade
Union funds
not to be
used for
certain
proceedings.

Payment of
trade union
dues to the
Central
Labour
Organisation.

Amendment
of section
39 of the
1973 Act.

4. Section 39 of the 1973 Act is hereby amended—
- (a) in subsection (1) thereof by deleting the phrase, “if the Registrar so directs in any particular case,” ;
- (b) in subsection (2) thereof by—
- (i) deleting the word “and” appearing at the end of paragraph (c) and inserting immediately after the said paragraph, the following new paragraph, that is—
- “(d) in the case of a trade union, evidence that the payment referred to in section 15A of this Act has been made ; and ” ;
- (ii) renumbering the existing paragraph (d) as paragraph (e).

Amendment
of Schedule
3 to the 1973
Act.

5. The Schedule to the 1973 Act is hereby amended by deleting item 32 thereof.

PART II—LABOUR ACT 1974

Amendment
of the
Labour Act
1974.
1974 No. 21.

6. The Labour Act 1974, as amended, is hereby further amended in section 5 by inserting, immediately after subsection (5) thereof, the following new subsection, that is—

“(6) An employer shall, when making a payment to a trade union under paragraph (b) of subsection (3) of this section, include with such payment a list of the employees from whom deductions were made pursuant to paragraph (c) of the said subsection.”.

PART III—TRADE DISPUTES ACT 1976

Amendment
of 1976.
1976 No. 7.

7. The Trade Disputes Act 1976, as amended, is hereby further amended in section 38 (2) by substituting for paragraph (c) thereof, the following new paragraph, that is—

“(c) any officer of whatever rank appointed to carry out duties within the meaning of the Customs and Excise Act 1958, the Immigration Act 1963 and the Prisons Act 1972 ;”.

PART IV—MISCELLANEOUS

Citation.

8. This Decree may be cited as the Trade Unions (Miscellaneous Provisions) Decree 1989.

MADE at Lagos this 13th day of November 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, amongst other things amends the Trade Unions Act 1973 to delete the Customs and Excise and Immigration Staff Union from the list of registered and recognised trade unions and include the Customs, Immigration and Prisons Services as one of the establishments prohibited from forming or joining trade union.