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S. I. 22 of 1997

**PUBLIC OFFICERS (SPECIAL PROVISIONS) DECREE 1984
(1984 No.17)**

**Instrument of Delegation to the Minister of Petroleum Resources
under the Public Officers (Special Provisions) Decree 1984**

Commencement : 5th July, 1995

WHEREAS section 1(1) of the Public Officers (Special Provisions) Decree 1984 provides that notwithstanding anything to the contrary in any law, the appropriate authority if satisfied that -

- (a) it is necessary so to do in order to facilitate improvement in the appointment of the department or service to which a public officer belongs; or
- (b) by reason of age or ill health or due to any other cause a public officer has been inefficient in the performance of his duties; or
- (c) the public officer has been engaged in corrupt practice or has in any way corruptly enriched himself or any other person; or
- (d) the general standard of a public officer in relation to the performance of his duties has been such that his further or continue employment in the public service would not be in the public interest,

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

- (i) dismiss or retire the public officer summarily from his office, or
- (ii) retire or require the public officer to compulsorily retire from the relevant public service,

AND WHEREAS, the aforesaid Decree in section 4 (2) (ii) provides that in the operation of the Decree, the appropriate authority, in this case, shall be the Head of State, Commander-in-Chief of the Armed Forces or any other person authorised by him or the Provisional Ruling Council.

NOW THEREFORE, I, GENERAL SANI ABACHA, Head of State, Commander-in-Chief of the Armed Forces, Federal Republic of Nigeria, in exercise of the power conferred upon me by section 4(2)(ii) of the Public Officers (Special Provisions) Decree 1984, and of all other powers enabling me in that behalf hereby, delegate to the Minister of Petroleum Resources the power to

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

(b) compulsorily retire or require the public officer to retire from the relevant public service;

in respect of officers of the Nigerian National Petroleum Corporation of to the rank of Group Managing Director.

GIVEN AND ISSUED at Abuja this 3rd day of October 1997

GENERAL SANI ABACHA,
*Head of State, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria.*

S. I. 23 of 1997

**FEDERAL CHARACTER COMMISSION
(ESTABLISHMENT, ETC.) DECREE, (1996 No. 34)**

**Guiding Principles and Formulae for the Distribution
of all Cadres of Posts**

Commencement: 2nd October 1997

In exercise of the powers conferred on it by Section 4(1)(a) of the Federal Character Commission (Establishment, Etc.) Decree No. 34 1996, the Federal Character Commission (hereinafter referred to as the "Commission") hereby prescribe the following Guiding Principles and Formulae specified hereto for the distribution of all cadres of posts in all services throughout the Federation.

PART 1 - GENERAL PRINCIPLES AND FOMULAE

1. Each State of the Federation and the Federal Capital Territory shall be equitably represented in all national institutions and in public enterprises and organisations.

2. The best and most competent persons shall be recruited from each State of the Federation to fill positions reserved for the indigenes of that State or the Federal Capital Territory.

3. Once a candidate has attained the necessary minimum requirement for appointment to a position, he shall qualify to fill a relevant vacancy reserved for indigenes of his State or the Federal Capital Territory.

4. Where the number of positions available cannot go round the States of the Federation or the Federal Capital Territory, the distribution shall be on zonal basis but in the case where two positions are available, the positions shall be shared between the northern and the southern zones.

5. Where the indigenes of a State or the Federal Capital Territory are not able to take up all the vacancies meant for them

Guiding
principles
and formulae
for the
distribution
of posts.

the indigenes of any other State(s) or the Federal Capital Territory within the same zone shall be given preference in filling such vacancies. Provided that where the zone to which the preference is given fails to take up such vacancy the indigenes from any other zone shall be considered for the appointment.

6. Each State shall produce 2.75 per cent of the total work force in any Federal establishment while the Federal Capital Territory shall produce 1 per cent for the indigenes of the Federal Capital Territory provided that the Commission may adopt a range so that the indigenes of any State of the Federation shall not constitute less than the lower limit or more than the upper limit of the range as set out in paragraph 12(a).

7. In the case of distribution on zonal basis the Commission shall adopt another range such that the indigenes of a particular zone shall not constitute less than the lower limit or more than the upper limit of the range as set out in paragraph 12(b).

8. The six zones shall each consist of the following, that is-

- | | | |
|-------------------|---|---|
| (a) North Central | - | Benue, Federal Capital Territory, Kogi, Kwara, Nassarawa, Niger, Plateau; |
| (b) North East | - | Adamawa, Bauchi, Borno, Gombe, Taraba, Yobe; |
| (c) North West | - | Jigawa, Kaduna, Kano, Katsina, Kebbi, Sokoto, Zamfara; |
| (d) South East | - | Abia, Anambra, Ebonyi, Enugu, Imo; |
| (e) South South | - | Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Rivers; |
| (f) South West | - | Ekiti, Lagos, Ogun, Ondo, Osun, Oyo. |

9. Depending on the number of States within each zone, the Commission shall adopt three ranges such that the indigenes of any State within a zone shall not constitute less than the lower limit or more than the upper limit of the range applicable to the zone as set out in paragraph 12(c).

PART II - DEFINITIONS, ETC.

10.-(1) An indigene of a Local Government means a person-

Definitions,
etc.

- (i) either of whose parents or any of whose grandparents was or is an indigene of the Local Government concerned; or
- (ii) who is accepted as an indigene by the Local Government:

Provided that no person shall lay claim to more than one Local Government.

(2) An Indigene of a State means a person who is an indigene of one of the Local Governments in that State.

Provided that no person shall lay claim to more than one State or to a State and the Federal Capital Territory.

(3) An Indigene of the Federal Capital Territory -

- (a) is a Nigerian citizen, other than by naturalisation, who cannot lay claim to any State of the Federation; or
- (b) is a person born in the Federal Capital Territory and whose descendants lived in the area presently constituting the Federal Capital Territory before 26th February, 1976 and has continued to reside in the Federal Capital Territory after that date.

11. A married woman shall continue to lay claim to her State of origin for the purpose of implementation of the Federal character formulae at the national level.

Position
of a married
woman.

PART III - APPLICATION OF GENERAL PRINCIPLES

National Level

Application of general principles.

12. Career Posts -

(a) The indigenes of a State of the Federation shall constitute not less than *2.5 per cent* or more than *3 per cent* of all officers including junior staff at the Head offices of any National Institution, Public Enterprise or Organisation. In the case of branches or local offices, not less than *75 per cent* of these categories of staff shall be indigenes of the catchment area.

(b) Where the number of vacancies are not sufficient to go round the 36 States of the Federation and the Federal Capital Territory the vacancies shall be shared among the zones such that the indigenes of a particular zone shall not constitute less than *15 per cent* or more than *18 per cent*.

(c) Within a zone, the indigenes of a particular State shall not constitute less than *12 per cent* or more than *15 per cent* in the case of North Central and North West; not less than *15 per cent* or more than *18 per cent* in the case of North East, South South and South West; and not less than *18 per cent* or more than *22 per cent* in the case of South East.

(d) Appointments into the leadership of all Ministries, Departments, full time Commissions, Public Corporations and Tertiary Institutions, the Armed Forces, Police and other Security Agencies shall be done such that each State or zone shall be represented equitably in accordance with the appropriate formula.

Equitable and proportional representation of leadership in Federal Ministries.

13. The leadership of Federal Ministries shall comprise the Permanent Secretary, Directors, Deputy Directors and Assistant Directors, and equivalent positions in other relevant agencies and shall be such that they do not come from the same zone. At the level of Director down to Assistant Director, there shall be an equitable and proportional representation of both the zones and the

States of the Federation within each zone. In the case of the Ministry of Foreign Affairs, the Federal character principles shall also apply to the postings of heads of diplomatic missions.

14. As far as practicable the appointment to the various categories of political offices shall be done on the basis of equitable representation of the States of the Federation and the Federal Capital Territory or zones as appropriate using the relevant formula while the distribution of offices to the States and the Federal Capital Territory within a zone shall comply with the formula applicable to the zone. The political offices concerned include -

Public
Political
Offices at
National
level.

- (a) Ministers of Cabinet rank;
- (b) Ministers of State;
- (c) Special Adviser to the Head of State, Commander-in-Chief of the Armed Forces or Government;
- (d) Non-Career heads of Nigerian diplomatic missions;
- (e) Chairmen and members of Statutory Federal agencies.

State Level

15.-(1) Career Posts

(a) The Federal character principles which apply to the Federal service in relation to the States shall apply to the States Services in relation to the Local Government.

State level.

(b) The Local Governments shall be equitably represented. Thus, the formula for sharing and distribution of posts among the Local Government Areas shall be as specified below or on the basis of Senatorial districts as appropriate with a percentage range of between 30 and 35.

STATE	NO. OF LGA	AVERAGE PER LGA	% RANGE FOR SHARING
Abia	17	5.88	4/7
Adamawa	21	4.76	4/7
Akwa Ibom	31	3.23	2/4
Anambra	21	4.76	4/7
Bauchi	20	5.00	4/6
Bayelsa	8	12.50	10/14
Benue	23	4.34	3/5
Borno	27	3.70	2/4
Cross River	18	5.55	4/7
Delta	25	4.00	3/5
Ebonyi	13	7.69	6/9
Edo	18	5.55	4/7
Ekiti	16	6.25	5/7
Enugu	17	5.88	4/7
Gombe	11	9.10	8/10
Imo	27	3.70	2/4
Jigawa	27	3.70	2/4
Kaduna	23	4.34	3/5
Kano	44	2.27	1/3
Katsina	34	2.29	2/5
Kebbi	21	4.76	4/7
Kogi	21	4.76	4/7
Kwara	16	6.25	5/7
Lagos	20	5.00	4/6
Nassarawa	13	7.69	6/9
Niger	25	4.00	3/5

Ogun	20	5.00	4/6
Ondo	18	5.55	4/7
Osun	30	3.33	2/4
Oyo	33	3.03	2/4
Plateau	17	5.88	4/7
Rivers	23	4.34	3/5
Sokoto	23	4.16	3/5
Taraba	16	6.25	5/7
Yobe	17	5.88	4/7
Zamfara	14	7.69	6/9
Federal Capital Territory	6	16.67	15/18

(2) Political Public Offices at the State Level

(a) The appointment to the various political public offices shall be done on the basis of the representation of the Local Government Areas or Senatorial Districts of the States as appropriate using the relevant formula.

(b) The distribution within a Senatorial District shall be based on the formula relevant to each district as provided by the Commission's Office in that State.

(3) Local Government Level

Career Posts

(a) At the Local Government level the basic unit for the application of the Federal character principle shall be the Ward, that is the constituency of a Councillor in a Local Government election.

(b) The formula to apply for the distribution of posts among the Wards of a Local Government

shall be in accordance with percentage ranges specified below depending on the number of Wards within the particular Local Government Area

No. of Wards	Average % per Ward	% Range
8	12.5	10/14
9	11.1	9/13
10	10.0	8/12
11	9.1	7/11
12	8.3	6/10
13	7.7	6/9
14	7.1	5/9
15	6.7	5/8

DATED at Abuja this 2nd day of October 1997

A. M. FIKA, CFR
Executive Chairman,
Federal Character Commission

S. I. 24 of 1997

**STATES (CREATION AND TRANSITIONAL
PROVISIONS) DECREE 1996
(1996 No. 36)**

**States and Local Government Boundaries Adjustment
Commission (Appointment) Order 1997**

Commencement: 3rd October 1997

In exercise of the powers conferred by section 8A of the States (Creation and Transitional Provisions) Decree 1996 and of all other powers enabling it in that behalf, the Provisional Ruling Council hereby makes the following Order:-

1.-(1) There is hereby appointed a States and Local Government Boundaries Adjustment Commission (in this Order referred to as "the Commission") for the purposes of section 8A-(1) of the States (Creation and Transitional Provisions) Decree 1996, as amended.

Appointment
of States and
Local
Government
Boundaries
Commission.
1997 No. 17.

(2) The Commission shall consist of the following members, that is -

- (a) Hon. Justice R. D. Mohammed, who shall be the Chairman;
- (b) Mr A. A. Adisa - member;
- (c) Mr Buhari Bello - member;
- (d) Chief Ojo Maduekwe - member;
- (e) Ambassador Ali Gombe - member;
- (f) Chief Amos D. Ayenajeh mni - member;
- (g) Miss Elizabeth Adede - member;
- (h) Mr Emmanuel Ogbile - member; and
- (i) Mr E. A. Ogbuehi, who shall be the Secretary.

B 706

Terms of
reference.

2. The terms of reference of the Commission shall be as set the Schedule to this Order.

Citation.

3. This Order may be cited as the States and Local Government Boundaries Adjustment Commission (Appointment) Order 1997.

SCHEDULE

section 2

TERMS OF REFERENCE

The terms of reference of the Commission are as follows:-

1. to examine the boundary adjustment problems identified by the Mbanefo Panel on the creation of States and Local Governments and, in particular, look into matters pertaining to boundary adjustment between a State and a Local Government or between a Local Government and an Area Council;
2. to investigate and define the boundaries of any other areas, district or division which may be brought before the Commission;
3. to define inter-State and inter-Local Government Area boundaries especially in cases of disputes; and
4. make appropriate recommendations on (1) - (3) above and on any other matter incidental or appertaining to boundary adjustment in any of the new States or Local Governments Areas.
5. The Commission shall stand dissolved on the submission of its recommendations to the Federal Government.

MADE at Abuja this 3rd day of October 1997.

GENERAL SANI ABACHA,
*Head of State, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria.*

S. I. 25 of 1997

**NATIONAL ELECTORAL COMMISSION OF NIGERIA
DECREE 1996
(1996 No. 3)**

**GUIDELINES FOR ELECTION INTO STATE
HOUSES OF ASSEMBLY**

For the purpose of electing members of the Houses of Assembly for the 36 States of the Federation, the National Electoral Commission of Nigeria (hereinafter referred to as the "Commission") in exercise of the powers vested in it by Section 4 of National Electoral Commission of Nigeria Decree 1996 hereby issues the following Guidelines:-

1996 No. 3.

1. There shall be a State House of Assembly election at which one member shall be elected from each State Constituency in the Federation.

State Houses of Assembly elections.

2. A person shall be qualified to hold the office of a member of a State House of Assembly if -

Qualifications for election into State House of Assembly.

(a) he is a citizen of Nigeria;

(b) he has attained the age of thirty years; and

(c) he has acquired an educational qualification not below the West African Examination Council Certificate level or its equivalent.

3.-(1) No person shall be qualified for election to a State House of Assembly if -

Disqualifications.

(a) 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;

(b) he is under a sentence of death imposed on him by any Court of law or Tribunal in Nigeria or a sentence of imprisonment for an offence involving dishonesty or fraud (by whatever name called) imposed on him by such Court or Tribunal;

1989 No. 1.

(c) he has been found guilty of contravention of any of the code of conduct specified in the Code of Conduct Bureau and Tribunal Decree 1989;

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

(e) being a person employed in the public service of the Federation or of a State or Local Government, he has not resigned or withdrawn from such employment one month to the date of the election;

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

(g) he has been indicted for embezzlement or fraud by a Tribunal of Inquiry constituted under the Tribunals of Inquiry Act or by an Administrative Panel of Inquiry; and

Cap. 447
LFN.

he has been convicted by a Court or Tribunal of competent jurisdiction.

Article 1
Section 1

(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, sub-paragraph (1) of this paragraph 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.

Qualification
to contest
House of
Assembly
election.

4. A person shall not be qualified as a candidate to contest a State House of Assembly election unless -

(a) he is ordinarily resident in the Constituency in which he is contesting the election or is an indigene of that Constituency;

(b) he produces evidence of tax payment as and when due for a period of three years immediately preceding the year of the election;

(c) he has been nominated by at least one registered voter in each of the Wards in the Constituency in which he intends to contest;

(d) he has paid to the Commission a non-refundable deposit of ₦10,000;

(e) he has not been dismissed from the public service of the Federation or of a State or Local Government, or from any employment in the private sector;

(f) he has not been found guilty of an offence under any law of Nigeria including an offence involving narcotic drugs or any other psychotropic substance under any law in force in Nigeria or abroad;

(g) he has not been adjudged guilty of economic sabotage against Nigeria, or of treason or treasonable felony, by any Court of law or Tribunal;

(h) he is qualified to vote in the Constituency where he intends to contest the election.

5. A candidate may campaign for a State House of Assembly election in the following manner -

Campaigns
and addresses

(a) he may campaign in the Constituency in which he intends to contest the election during the time allowed by the Commission;

(b) the campaigns and addresses may be carried out by a candidate to outline what he intends to do for the people of his Constituency;

(c) the campaigns and addresses shall not be carried out in schools, churches, mosques, other religious places, Military and Police Barracks or Stations, public offices and such other places as the Commission may, from time to time, specify;

(d) the campaigns and addresses shall abide by all other existing laws or Guidelines relating thereto;

(e) no candidate shall base his campaign or address on falsehood, sectional, ethnic or religious sentiments or differences or any act which is against public interest or public peace;

(f) candidates shall not offer bribe or other forms of inducement to voters either directly or indirectly;

(g) candidates, their agents or political parties shall not, in the course of campaigns or addresses, use abusive, vile, intemperate or derogatory language; and

(h) campaigns shall be restricted to the Constituency in which a candidate intends to contest.

Qualification
to vote.

6. A person shall be eligible to vote at the election for a member of a State House of Assembly if -

(a) he is a citizen of Nigeria;

(b) he has attained the age of eighteen years;

(c) he is ordinarily resident in the Ward or Constituency where he intends to vote, or is an indigene of the Ward or Constituency; and

(d) he is registered as a voter in the Ward or Constituency, and has obtained a registration card to be presented at the Polling Station or Unit on the day of the election: but where a person claims that his name is on the voters register for the Polling Station or Unit, and his voter's card is missing or has been destroyed, the Presiding Officer shall if -

(i) the name of the person is found in the voters register for the Polling Station or Unit, and

(ii) he satisfies himself that the person has not voted earlier in that particular election,

allow the person to vote.

7.-(1) Voting shall be by secret ballot.

Voting by
secret ballot.

(2) Voting for the State House of Assembly election shall take place on the same date and time throughout the Federation as may be announced by the Commission in accordance with the procedure shown hereunder and the provisions of the applicable Laws.

(3) Every registered political party shall, on such days as may be directed by the Commission, deliver to the Commission -

(a) the personal particulars of their candidates as may be supplied by the candidates in Form C.F. 001 obtained from the Commission; and

Form C.F.
001.

(b) a list of candidates the political party proposes to sponsor at the elections in each State in Form C.F. 002.

Form C.F.
002.

(4) The Commission shall within a reasonable time deliver to the political parties in Form C.F. 003 a list of the candidates adjudged qualified to contest the election, and where applicable deliver in Form C.F. 004 a separate list of those rejected by the Commission, and in the case of those so rejected, the Commission shall afford the political parties an opportunity to substitute those rejected with fresh candidates:

Form C.F.
003.

Form C.F.
004.

PROVIDED that the submission is made before close of nominations.

8. Every candidate shall, before his nomination paper is delivered to the Commission, deposit with the Commission the sum specified in paragraph 4(a) of Guidelines and shall at the time of the delivery of the nomination paper produce the official receipt for the said deposit.

Deposits.

9.-(1) No political party shall be allowed to present more than one candidate for the same election to the Commission.

Presentation
of candidates
by political
parties.

(2) No political party shall be allowed to replace a candidate who has been screened and cleared by the Commission.

(3) Without prejudice to sub-paragraph (2) of this paragraph, a political party shall be free within the specified time to replace a candidate who has been disqualified by the Commission for any reason.

(4) Subject to the holding of result of party primary elections the presentation of a candidate shall be entirely the prerogative of a political party and accordingly the Commission shall not engage in any form of dialogue or correspondence with any person, candidate or group of persons regarding the presentation of candidates, outside the auspices of a political party.

(5) No candidate who has been screened and cleared shall be disqualified from contesting the election for any reason whatsoever.

Contested
State House
of Assembly
election.

10. If after the latest time for delivery of nomination papers more than one person remains validly nominated for the election into the State House of Assembly, the election shall be contested and the candidate with a simple majority of votes cast at the election shall be returned as elected.

Uncontested
State House
of Assembly
election.

11. If after the latest time for delivery of nomination papers only one candidate remains validly nominated for the State House of Assembly elections that candidate shall be returned unopposed.

Appointment
of party
agents.

12.-(1) Each candidate for a State House of Assembly elections may appoint not more than one party agent for each Polling Station or Unit in the Constituency in which he is contesting the election.

(2) Notice in writing shall be given to the Commission by every candidate not later than two days before the day of the election, conveying the names and addresses of his party agent and the respective Polling Stations or Units to which they are being posted by the candidate.

Allocation
of Polling
Stations.

13.-(1) No person shall be allowed to vote at any Polling Station or Unit other than the one at which he is entitled to vote according to his place of domicile or location.

(2) The Presiding Officer shall regulate the admission of voters to the Polling Station or Unit, and shall exclude all other persons except candidates, party agent, polling clerk, poll orderly and any other person who in his opinion has lawful reason to be at the Polling Station or Unit.

14.-(1) Voting at the election which shall be by secret ballot, shall be conducted in the following manner, that is -

Voting by
secret ballot.

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

(b) for the purposes of satisfying the Presiding Officer as to his entitlement to vote, a voter shall produce to the Presiding Officer a registration card issued to the voter upon registration as a voter;

(c) immediately before the Presiding Officer delivers the ballot paper to a voter -

(i) the ballot paper shall be stamped with an official stamp provided,

(ii) the number, name, address and occupation of the voter as stated in the copy of the voters register or part thereof, shall be called out,

(iii) the number of the voter in the voters register shall be marked on the counter-foil, and

(iv) a mark shall be placed against the number of the voter in the copy of the voters register or part thereof, to denote that a ballot paper has been received by the voter but without showing the serial number of the ballot paper which has been received;

(d) the Presiding Officer may, and if required by a candidate or a party agent, shall put to any person applying for a ballot paper, 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 voters register as XYZ?",

(ii) "have you already voted at the present election in this or any other Polling Station?",

(e) a voter, on receiving the ballot paper shall go immediately to a private corner of the Polling Station, and shall there secretly record his vote by placing his thumbprint against the symbol of the political party of the candidate of his choice;

(f) a voter shall after recording his vote put the ballot paper in the ballot box provided for the purpose, in full view of the Presiding Officer and all others present;

(g) a voter shall not record more than one vote in favour of the candidate of his choice nor place on the ballot paper any writing or mark by which he may be identified;

(h) 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;

(i) immediately after recording his vote a voter shall submit to having the finger-nail of his thumb marked with ink sufficiently indelible to leave a mark for a period of approximately ten hours;

(j) 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, of such disability be permitted in the presence of the voter alone to place the voter's thumbprint against the symbol of the political party of the candidate of his choice.

(2) There shall be no voting by proxy.

15.-(1) Voting shall commence at 8.00 am and close at 3.00 pm.

Commence-
ment and
close of poll.

(2) 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.

16.-(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, party agents or candidates, poll orderlies, sort the votes according to candidates and begin to count the votes with the ballot papers kept facing upwards.

Counting of
votes

(2) During the counting of votes, all rejected ballot papers shall be in a special envelope to be returned to the Returning Officer.

(3) The votes scored by each candidate shall be entered in a Statement of Results Form provided for that purpose which shall be signed and stamped by the Presiding Officer and endorsed by the candidates or their agents, where available at the Polling Station or Unit.

(4) The Presiding Officer shall give a copy of the Statement of Result Form to the Police Officer or other security agent, if any, at the Polling Station, give copies to candidates and party agents if available, and take the original thereof to the Returning Officer at the collation centre together with the ballot box, the relevant envelopes or packets and all other election materials including stamp pad and ink.

(5) The result of the election shall be announced at the designated collation centre for the particular Constituency.

17.-(1) When the proceedings at a Polling Station or Unit are interrupted or obstructed by riot or any other violent cause, the Presiding Officer may, without prejudice to what the Commission may otherwise decide, adjourn the proceedings to another date, and shall forthwith give notice of the adjournment to the Electoral Officer.

Adjournment
of poll in
case of riot,
etc.

(2) If, before the conclusion of the election, the proceedings are affected or interrupted by riot or any other violent or disruptive cause, the Commission may decide to cancel the election and appoint another on which the election shall be held.

Ballot paper without official mark not to be counted.

18.-(1) Subject to sub-paragraph (2) of this paragraph, a ballot paper which does not bear the official mark shall not be counted.

(2) If the Returning Officer is satisfied that a ballot paper which does not bear the official mark was however from a book of ballot papers issued to the Polling Officer of the Polling Station or Unit in which the vote was cast for use at the election in question, he shall notwithstanding the absence of the official mark count that ballot paper.

Rejected ballot papers.

19.-(1) The Presiding Officer shall endorse the word "rejected" on all ballot papers rejected under these Guidelines and such ballot papers shall not be counted except otherwise allowed by the Returning Officer who may overrule the Presiding Officer.

Objection against rejection of ballot paper.

(2) If an objection to the decision of a Presiding Officer to reject a ballot paper is raised by a candidate or a party agent at the time the decision is made, the Presiding Officer shall add to the word "rejected", the phrase "but objected to".

(3) The Presiding Officer shall prepare a statement on rejected ballot papers, stating the number rejected and the reason for rejection, and shall on request allow a candidate or party agent to copy the statement, but shall not allow the recording of the serial number of such rejected ballot papers.

Certificate of Return at an election.

20. A sealed Certificate of Return at an election shall be issued to every candidate who has won an election and is returned under these Guidelines.

Establishment of State House of Assembly Election Tribunal.

21.-(1) There is hereby established a State House of Assembly Election Tribunal for each State of the Federation to hear and determine petitions arising from the conduct of State Houses of Assembly election.

(2) Disputes arising from the election under these Guidelines shall be resolved through an election petition brought by a candidate before a State House of Assembly Election Tribunal.

(3) An election petition shall be brought within thirty days from the date on which the result of the election is declared.

22. An election petition may be brought by a candidate at the election or a person who claims to have had a right to contest the election.

Persons who
may bring
election
petition.

23.-(1) Election petition may be brought on any of the following grounds -

Grounds for
election
petition.

(a) that the person whose election is questioned was at the time of the election not qualified or was disqualified from being elected as a member of a State House of Assembly;

(b) that the election was invalid by reason of corrupt practices or offences against the law under which the election was conducted;

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

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

(2) An election petition shall be heard and determined within two months from the date of filing the petition.

24.-(1) Appeals from a State House of Assembly Election Tribunal shall lie to the Court of Appeal.

Appeal to
Court of
Appeal.

(2) The decision of the Court of Appeal shall be final.

(3) An Appeal against the decision of a State House of Assembly Election Tribunal shall be brought within fourteen days from the date on which the decision is given.

(4) An Appeal against the decision of a State House of Assembly Election Tribunal shall be heard and determined within thirty days from the date of filing the appeal.

Dated at Abuja this 5th day of December 1997.

CHIEF DAGOGO JACK
Chairman
National Electoral Commission of Nigeria

(a) The person who was elected as a member of the State House of Assembly in the election was [Name] and the person who was elected as a member of the State House of Assembly in the election was [Name].

(b) That the election was held in accordance with the provisions of the Electoral Act, 1992, and that the person who was elected as a member of the State House of Assembly in the election was [Name] and the person who was elected as a member of the State House of Assembly in the election was [Name].

(c) That the respondent was elected as a member of the State House of Assembly in the election and that the person who was elected as a member of the State House of Assembly in the election was [Name] and the person who was elected as a member of the State House of Assembly in the election was [Name].

(d) That the petitioner was elected as a member of the State House of Assembly in the election and that the person who was elected as a member of the State House of Assembly in the election was [Name] and the person who was elected as a member of the State House of Assembly in the election was [Name].

(e) An election petition was filed with the State House of Assembly Election Tribunal within the time prescribed by the Electoral Act, 1992, and that the person who was elected as a member of the State House of Assembly in the election was [Name] and the person who was elected as a member of the State House of Assembly in the election was [Name].

34 (1) (1) Appeals from a State House of Assembly Election Tribunal shall lie to the State House of Assembly Election Tribunal.

(2) The decision of the State House of Assembly Election Tribunal shall be final.

(3) An Appeal against the decision of a State House of Assembly Election Tribunal shall be brought within thirty days from the date on which the decision is given.

S. I. 26 of 1997

**IMMIGRATION ACT
(Cap. 171 LFN)**

**DAWARA THIEKOURA AND OTHERS DEPORTATION
ORDER 1997**

Commencement: 31st July 1997

I, **Baba Gana Kingibe**, Minister of Internal Affairs, being of the opinion that -

1. Diawara Thiekoura, a Senegalese,
2. N'diaye N'deye N'dere being his wife, and
3. Diawar Mohammed Wali being his son

at present in Nigeria as a family ought to be classified as prohibited immigrants and acting under the powers conferred upon me by section 18(2) of the Immigration Act, and of all other powers enabling me in that behalf, accordingly order that the said Diawara Thiekoura and his family be deported from Nigeria by the first available means and I direct that the said Diawara Thiekoura and his family shall thereafter remain out of Nigeria.

This Order may be cited as the Diawara Thiekoura and Others Deportation Order 1997.

MADE at Abuja this 31st day of July 1997

BABA GANA KINGIBE,
Minister of Internal Affairs.

S. I. 27 of 1997

COURT OF APPEAL RULES, 1981
PRACTICE DIRECTION

Commencement: 13th October 1997

In exercise of the powers conferred upon me by section 227 of the Constitution of the Federal Republic of Nigeria (Cap.62) and by virtue of all other powers enabling me in that behalf, I hereby issue the following Practice Direction for the Court of Appeal -

With effect from the 1st of November, 1997, the costs to be awarded by the Court of Appeal in a civil appeal and in an application in a civil appeal are hereby fixed as follows:-

- (1) Costs to be awarded to a successful party in a civil appeal ₦5,000.00
- (2) Costs to be awarded for delaying the hearing of a civil appeal by a party on the fixed date for the hearing of the appeal.... ₦2,500.00
- (3) Costs to be awarded in an application in a civil appeal being heard in Court: ₦1,000.00
- (4) Costs in any other application or matter ₦1,000.00

Without prejudice to the above provisions, the Court shall be at liberty to award reduced costs or no costs at all, having regard to the peculiar or exceptional nature and circumstances of the appeal or the application concerned.

This Order may be cited as the Practice Direction Order No. 1 of 1997.

MADE at Abuja this 13th day of October, 1997

MUHAMMED MUSTAPHA ADEBAYO AKANBI,
PRESIDENT, COURT OF APPEAL.