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INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS

**NATIONAL ELECTORAL COMMISSION OF NIGERIA
(REPEAL, ETC.) DECREE 1998**



Decree No. 7

[20th July 1998] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1.-(1) The National Electoral Commission Decree 1996 is hereby repealed. Repeal, etc. of
1996 No. 3.

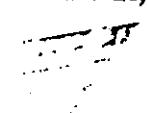
(2) Accordingly, the National Electoral Commission of Nigeria is hereby dissolved.

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

2. This Decree may be cited as the National Electoral Commission (Repeal, Etc.) Decree 1998. Citation.

MADE at Abuja this 11th day of August 1998

GENERAL ABDULSALAM ALHAJI ABUBAKAR,
*Head of State, 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 among other things -

(a) repeals the National Electoral Commission of Nigeria Decree 1996; and

(b) dissolves the National Electoral Commission of Nigeria.

**TRANSITION IMPLEMENTATION COMMITTEE
(ESTABLISHMENT, ETC.) (REPEAL, ETC.)
DECREE 1998**



Decree No. 8

[20th July 1998]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1.-(1) The Transition Implementation Committee
(Establishment, Etc.) Decree 1996 is hereby repealed.

Repeal, etc. of
the Transition
Implementation
Committee
Decree 1996.
1996 No. 16.

(2) Accordingly, the Transition Implementation Committee
is hereby dissolved.

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

2. This Decree may be cited as the Transition
Implementation Committee (Establishment, Etc.) (Repeal, Etc.)
Decree 1998.

Citation.

MADE at Abuja this 11th day of August 1998

GENERAL ABDULSALAM ALHAJI ABUBAKAR,
*Head of State, 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 among other things -

- (a) repeals the Transition Implementation Committee (Establishment, Etc.) Decree 1996; and
- (b) dissolves the Transition Implementation Committee.

TRANSITION TO CIVIL RULE (POLITICAL PROGRAMME) (REPEAL) DECREE 1998



Decree No. 9

[20th July 1998] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:-

1.-(1) The Transition to Civil Rule (Political Programme) Decree 1996, as amended, is hereby repealed. Repeal of
1996 No. 1
1997 No. 9.
Cap 192 LFN.

(2) Notwithstanding the provisions of section 6 of the Interpretation Act or any other enactment to the contrary, any act, matter or thing done or purported to have been done under or pursuant to the Decree repealed by section (1) of this section shall, by virtue of this Decree, be made null and void and of no effect whatsoever.

2. This Decree may be cited as the Transition to Civil Rule (Political Programme) (Repeal) Decree 1998. Citation.

MADE at Abuja this 11th day of August 1998

GENERAL ABDULSALAM ALHAJI ABUBAKAR,
*Head of State, 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 repeals the Transition to Civil Rule (Political Programme) Decree 1996.

**NATIONAL ASSEMBLY (BASIC CONSTITUTIONAL AND
TRANSITIONAL PROVISIONS) (REPEAL)
DECREE 1998**



Decree No. 10

[20th July 1998] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1.-(1) The National Assembly (Basic Constitutional and Transitional Provisions) Decree 1998 is hereby repealed. Repeal of 1998 No. 6.

(2) Notwithstanding the provisions of section 6 of the Interpretation Act or any other enactment to the contrary, any act, matter or thing done or purported to have been done under or pursuant to the Decree repealed by subsection (1) of this section shall, by virtue of this Decree, be made null and void and of no effect whatsoever. Cap 192 LFN.

2. This Decree may be cited as the National Assembly (Basic Constitutional and Transitional Provisions) (Repeal) Decree 1998. Citation.

MADE at Abuja this 11th day of August 1998.

GENERAL ABDULSALAM ALHAJI ABUBAKAR,
*Head of State, 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 repeals the National Assembly (Basic Constitutional and Transitional Provisions) Decree 1998.

**STATE GOVERNMENT (BASIC CONSTITUTIONAL AND
TRANSITIONAL PROVISIONS) (REPEAL)
DECREE 1998**



Decree No. 11

[20th July, 1998] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1.-(1) The State Government (Basic Constitutional and Transitional Provisions) Decree 1997 is hereby repealed. Repeal of
1997 No. 22.

(2) Notwithstanding the provisions of section 6 of the Interpretation Act or any other enactment to the contrary, any act, matter or thing done or purported to have been done under or pursuant to the Decree repealed by subsection (1) of this section shall, by virtue of this Decree, be made null and void and of no effect whatsoever. Cap 192 LFN.

2. This Decree may be cited as the State Government (Basic Constitutional and Transitional Provisions) (Repeal) Decree 1998. Citation.

MADE at Abuja this 11th day of August 1998

GENERAL ABDUSALAM ALHAJI ABUBAKAR,
*Head of State, 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 repeals the State Government (Basic
Constitutional and Transitional Provisions) Decree 1997.

**TRADE DISPUTES (ESSENTIAL SERVICES
DEREGULATION, PROSCRIPTION AND
PROHIBITION FROM PARTICIPATION
IN TRADE UNION ACTIVITIES) (REPEAL)
DECREE 1998**



Decree No. 12

[20th July 1998] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1.-(1) The Trade Disputes (Essential Services Deregulation,
Proscription and Prohibition from Participation in Trade Union
Activities) Decree is hereby repealed. Repeal of
1996 No. 24.

(2) Accordingly, the Trade Disputes (Essential Services)
(Proscription) Order 1996 is hereby consequentially repealed. S I. 19
of 1996.

(3) The repeal of the enactment specified in subsection (1)
of this section shall not affect anything done or purported to be
done under the repealed enactment.

2. This Decree may be cited as the Trade Disputes
(Essential Services Deregulation, Proscription and Prohibition from
Participation in Trade Union Activities) (Repeal) Decree 1998. Citation.

MADE at Abuja this 11th day of August 1998.

GENERAL ABDULSALAM ALHAJI ABUBAKAR,
*Head of State, 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 repeals the Trade Disputes (Essential Services Deregulation, Proscription and Prohibition from Trade Union Activities) Decree 1996.

**NUPENG AND PENGASSAN (DISSOLUTION OF
EXECUTIVE COUNCIL) (REPEAL)
DECREE 1998**



Decree No. 13

[20th July 1998] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1.-(1) The NUPENG and PENGASSAN (Dissolution of
Executive Council) Decree 1994 is hereby repealed. Repeal of
1994 No. 10.

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

2. This Decree may be cited as the NUPENG and
PENGASSAN (Dissolution of Executive Council) (Repeal) Decree
1998. Citation.

MADE at Abuja this 11th day of August 1998.

GENERAL ABDULSALAM ALHAJI ABUBAKAR,
*Head of State, 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 repeals the NUPENG and PENGASSAN (Dissolution of Executive Council) Decree 1994.

**NIGERIA LABOUR CONGRESS (DISSOLUTION
OF NATIONAL EXECUTIVE COUNCIL) (REPEAL)
DECREE 1998**



Decree No. 14

[20th July 1998] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1.-(1) The Nigeria Labour Congress (Dissolution of National Executive Council) Decree 1994 is hereby repealed. Repeal of
1994 No. 9.

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

2. This Decree may be cited as the Nigeria Labour Congress (Dissolution of National Executive Council) (Repeal) Decree 1998. Citation.

MADE at Abuja this 11th day of August 1998.

GENERAL ABDULSALAM ALHAJI ABUBAKAR,
*Head of State, 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 repeals the Nigeria Labour Congress (Dissolution of National Executive Council) Decree 1994.

**POLITICAL PARTIES (REGISTRATION
AND ACTIVITIES) (REPEAL, ETC.)
DECREE 1998**



Decree No. 15

[20th July 1998] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1.-(1) The Political Parties (Registration and Activities)
Decree 1996 is hereby repealed. Repeal, etc.
of 1996 No 28.

(2) Accordingly, the political parties registered under the
Decree specified in subsection (1) of this section, that is -

- (a) the United Nigeria Congress Party;
- (b) the National Centre Party of Nigeria;
- (c) the Congress for National Consensus;
- (d) the Democratic Party of Nigeria; and
- (e) the Grassroot Democratic Movement,

are hereby dissolved.

2. There shall be appointed for each of the political parties
dissolved under subsection (1) of section 1 of this Decree, a Sole
Administrator who shall be appointed by the Head of State,
Commander-in-Chief of the Armed Forces. Appointment
of Sole
Administrators.

Assets and
liabilities of
political parties.

3.-(1) Every party leader and treasurer of the political parties specified in subsection (1) of section 1 of this Decree or any branch thereof shall, as from the commencement of this Decree or such extension of that period as the Sole Administrator may permit, file with the Sole Administrator the following, that:

(a) a list of the assets of the political party, including cash in hand or in the bank, stocks and shares and other choses in action, and such other movable and immovable property of such political party in the possession or control of the political party or a member of such political party or other person;

(b) the full details of any existing liabilities of the political party;

(c) a list of the officers of the political party, including trustees, patrons, guarantors and such other persons as may be specified by the Sole Administrator (whether or not the scope of duty of such officers of the political party, trustees, patrons or guarantors extends throughout the Federation).

(2) Subject to the provisions of this section of this Decree, no person, other than the Sole Administrator shall, after the commencement of this Decree, transact any business or in any manner whatsoever deal with any assets of any of the dissolved political parties in the possession or control of any person except with the prior written permission of the Head of State or Commander-in-Chief of the Armed Forces.

(3) The Head of State, Commander-in-Chief of the Armed Forces or any person authorised by him in writing in that behalf shall have power to appoint such suitable person or persons as may be deemed fit who shall have power to make recommendations to the Federal Military Government as to the discharge of debts or liabilities of the political party and as to the disposal of any assets of any of the political parties.

4. Any insignia, banners, books, papers, documents, flags, emblems and other chattels belonging to any of the political parties shall be forfeited to the Federal Military Government and such articles shall be delivered to the Sole Administrator and shall be dealt with in such manner as the Head of State, Commander-in-Chief of the Armed Forces may direct.

Forfeiture of articles to the Federal Military Government.

5.-(1) The assets and liabilities of any of the political parties specified in subsection (1) of section 1 of this Decree shall be dealt with and disposed of and, as the case may be, be discharged as prescribed in the following provisions of this section.

Forfeiture of assets and liabilities of political parties.

(2) Subject to the provisions of this section, the assets of any of the said political parties are hereby forfeited to the Federal Military Government and for enabling effect to be given to the provisions of this subsection -

(a) assets in cash lodged in any bank shall be paid into the Consolidated Revenue Fund of the Federation;

(b) assets in the form of negotiable securities or choses in action (however described) shall be registered by the person duly authorised in that behalf in the name of the Federal Military Government.

(c) assets in the nature of immovable properties shall be registered by the person duly authorised in that behalf (by whatsoever name known) without any further assurance and without payment of any fee in the name of the Federal Military Government; and

(d) assets in the nature of immovable property shall be disposed of by the Government of the State in which the property is situated on the approval of the Head of State, Commander-in-Chief of the Armed Forces,

and effect shall be given to the provisions of this section on the production of any instrument in writing signed by the Sole Administrator and on the delivery of the same to any person duly authorised to receive it or apparently in possession or control of such assets, or in charge of the office or place where the assets are lodged.

(3) In subsection (2) of this section, "person de authorised" includes the Registrar-General of the Corporate Affairs Commission, registrar of business names, registrar of titles registrar of deeds of land, howsoever designated.

(4) Any assets which shall hereafter, as from the commencement of this Decree, be filed with the Sole Administrator of which he shall become aware being assets of any of the said political parties shall in like manner be forfeited and disposed of as aforementioned.

Discharge of liabilities.

6.-(1) It shall be the responsibility of the Federal Military Government to dispose of all claims in respect of any liability out of those assets that are available at the commencement of this Decree.

(2) All claims in respect of any liability of any of the political parties shall be in the first instance be addressed to the Sole Administrator who shall be responsible for forwarding the claims to the Federal Military Government.

(3) On any application for the purpose of any claim in respect of any liability, the Federal Military Government shall consider -

(a) the sources of such assets; and

(b) the details of any claims to ownership.

(4) For the purposes aforesaid, the Federal Military Government may, as suitable and subject to the provisions of this Decree, apply with any necessary modifications the provisions of law, rule or regulations of a State as to the procedure for the processing of such claims and for the mode of discharging any such liability.

(5) Notwithstanding anything to the contrary in any enactment, no claim, shall be entertained by him and any such liability shall be written off by Sole Administrator or any person affected by this Decree as a bad debt.

7. Notwithstanding the provision of section 6 of this Decree, all such insignia, banners, books, papers, documents, flags, emblems or other similar chattels or paraphernalia belonging to any of the political parties in the possession or control of the Sole Administrator or the Federal Military Government pursuant to the provisions of this Decree shall be delivered by the Sole Administrator and be deposited with the National Archives or Nigeria established under section 1 of the National Archives Decree 1992 and kept permanently therein for safe custody and preservation.

Printed documents, etc.

1992 No. 2.

8. Any person who contravenes the provisions of the following, that is -

Offences and penalties.

(a) subsection (2) of section 3 of this Decree, is guilty of an offence and liable on conviction to imprisonment for a term of not less than 5 years;

(b) paragraph (a) of subsection (2) of section 5 of this Decree by wilfully concealing assets or failing to furnish a list of assets is guilty of an offence and liable on conviction to imprisonment for a term of not less than 3 years, and in addition the court convicting him may order the forfeiture of all or any of the assets not disclosed to the Federal Military Government or the Government of a State in accordance with sections 4 and 5 of this Decree.

9. In this Decree, unless the context otherwise requires -

Interpretation.

"political party" means any of the political parties specified in subsection (1) of section 1 of this Decree;

"Sole Administrator" means any person appointed under section 2 of this Decree.

10. This Decree may be cited as the Political Parties (Registration and Activities) (Repeal, Etc.) Decree 1998.

Citation.

MADE at Abuja this 11th day of August 1998.

GENERAL ABDULSALAM ALHAJI ABUBA
*Head of State, 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 provides among other things for -

- (a) the repeal of the Political Parties (Registration and Activities) Decree 1996;
- (b) the dissolution of the 5 political parties;
- (c) the appointment of Sole Administrators to take over the assets and liabilities of the erstwhile political parties.

**LOCAL GOVERNMENT (BASIC CONSTITUTIONAL AND
TRANSITIONAL PROVISIONS) (REPEAL, ETC.)
DECREE 1998**



Decree No. 16

[20th July 1998] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1.-(1) The Local Government (Basic Constitutional and Transitional Provisions) Decree 1997 is hereby repealed. Repeal, etc. of
1997 No. 7.

(2) Accordingly, the Local Government Councils including the Area Councils in the Federal Capital Territory, Abuja are hereby dissolved.

(3) The Chairman, Vice-Chairmen and Supervisors of Local Governments and the Area Councils are hereby removed from office.

(4) Notwithstanding the provisions of section 6 of the Interpretation Act or any other enactment to the contrary, any act, matter or thing done or purported to have been done under or pursuant to the Decree repealed by subsection (1) of this section shall, by virtue of this Decree, be made null and void and of no effect whatsoever.

2. This Decree may be cited as the Local Government (Basic Constitutional and Transitional Provisions) (Repeal, Etc.) Decree 1998. Citation.

MADE at Abuja this 11th day of August 1998

GENERAL ABDULSALAM ALHAJI ABUBAKAR
*Head of State, 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 among other things -

(a) repeals the Local Government (Basic Constitutional and Transitional Provisions) Decree 1997; and

(b) dissolves the Local Government Councils including the Area Councils in the Federal Capital Territory, Abuja.

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
(ESTABLISHMENT, ETC.) DECREE 1998**



Decree No. 17

[5th August 1998] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:-

**PART I - ESTABLISHMENT AND FUNCTIONS, ETC. OF
THE INDEPENDENT NATIONAL ELECTORAL
COMMISSION**

1.-(1) There is hereby established a body to be known as the Independent National Electoral Commission (in this Decree referred to as "the Commission").

Establishment
of the Independent
National Electoral
Commission, etc.

(2) The Commission -

(a) shall be a body corporate with perpetual succession; and

(b) may sue and be sued in its corporate name.

2.-(1) The Commission shall consist of a Chairman who shall be the Chief National Electoral Commissioner and the Chief Executive of the Commission and twelve other members to be known as National Electoral Commissioners.

Membership
of the
Commission.

(2) The Chairman and members of the Commission shall not be less than 50 and 40 years of age respectively.

(3) The Chairman and members of the Commission shall be -

(a) persons of unquestionable integrity; and

(b) appointed by the Head of State, Commander-in-Chief of the Armed Forces.

Tenure of office.

3.-(1) The Chairman and members of the Commission each hold office for a period of five years and on such terms and conditions as may be specified in their letters of appointment.

(2) A member may at any time be removed from office by the Head of State, Commander-in-Chief of the Armed Forces on account of inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for any other cause of misconduct but shall not be removed from office except in accordance with the provisions of this subsection.

(3) A member may resign his membership by notice in writing addressed to the Head of State, Commander-in-Chief of the Armed Forces and that member shall, on the date of the receipt of the notice by the Head of State, Commander-in-Chief of the Armed Forces, cease to be a member.

(4) There shall be paid to every member of the Commission such salaries and allowances as the Federal Government may, from time to time, direct.

(5) A member shall not while holding office hold any other office of emolument whether in the Federal or State public service.

Functions
of the
Commission.
Cap. 62 LFN.
1993 No. 107.

4.-(1) The functions of the Commission shall be to -

(a) organise, conduct and supervise all the elections and matters pertaining to elections into all the elective offices provided in the Constitution of the Federal Republic of Nigeria 1979, as amended or any other enactment or law;

(b) register political parties in accordance with the provisions of the relevant enactment or law ;

(c) monitor the organisation and operation of the political parties including their finances;

(d) arrange for the annual examination and auditing of the funds and accounts of the political parties and publish a report on such examination and audit for public information;

(e) conduct the registration of persons qualified to vote and the preparation, maintenance and revision of the register of voters for the purpose of any election;

(f) monitor political campaigns and provide rules and regulations which shall govern the political parties;

(g) ensure that all Electoral Commissioners, Electoral and Returning Officers take and subscribe the Oath of Office prescribed by law; and

(h) delegate any of its powers to any State Resident Electoral Commissioner;

(i) carry out such other functions as may be conferred upon it by a Decree or any other enactment or law.

(2) Notwithstanding the functions of the Commission specified under subsection (1) of this section, the Commission shall have power to divide the area of the Federation or as the case may be, the area of a State, Local Government or Area Council into such number of constituencies as may be prescribed by law for the purpose of elections to be conducted by the Commission.

5.-(1) There shall be established in each State of the Federation, an office of the Commission which shall perform such functions as may be assigned to it, from time to time, by the Commission.

Establishment
of office in
each State.

(2) There shall be in each State of the Federation and the Federal Capital Territory, Abuja, a Resident Electoral Commissioner who shall -

(a) be persons of unquestionable integrity;

(b) not be less than 40 years of age; and

(c) be appointed by the Head of State, Commander-in-Chief of the Armed Forces.

(3) The Resident Electoral Commissioner appointed pursuant to subsection (2) of this section, may be removed by the Head of State, Commander-in-Chief of the Armed Forces.

Commission not to be subject to the control of any other person or authority.

6. In the discharge of its functions under this Decree, the Commission shall not be subject to the direction or control of any other person or authority.

Members of the Commission disqualified from holding elective office.

7. Notwithstanding anything to the contrary in any law, person who holds or has held office as a member of the Commission under this Decree shall not, after a period of 5 years immediately thereafter, be qualified for any elective office provided in the Constitution of the Federal Republic of Niger 1979, as amended or any enactment or law.

Proceedings, etc., of the Commission.

8.-(1) The Commission shall meet for the conduct of its business at such times, places and on such days as the Chairman may appoint.

(2) The Chairman shall preside at all meetings of the Commission but if he is absent from any meeting of the Commission the members present shall elect one of their number to preside at that meeting.

(3) During the Chairman's absence on leave or if the Chairman is otherwise not available or is unable to perform his functions, the Head of State, Commander-in-Chief of the Armed Forces may appoint any member of the Commission to act as Chairman for any specified period.

(4) The quorum for meetings of the Commission shall be eight.

(5) Questions put before the Commission at a meeting shall be decided by consensus and, where this is not possible, by a majority of the votes of the members present and voting.

(6) The Chairman shall in the case of an equality of votes have a casting vote in addition to his deliberative vote.

(7) Subject to this section, the Commission shall have power to regulate its proceedings and may make standing orders with respect to the holding of meetings, the notice to be given, the procedure thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

(8) The validity of any proceedings of the Commission shall not be affected by any vacancy in its membership or any defect in the appointment of a member or by reason that a person not entitled to do so took part in the proceedings.

(9) Where the Commission desires to obtain the advice or service of any person on a particular matter, the Commission may co-opt him to the Commission for such period as it thinks fit; but a person who is in attendance by virtue of this subsection shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.

9.-(1) The Commission may appoint one or more committees to carry out on behalf of the Commission any of the Commission's functions under this Decree.

Committees
of the
Commission.

(2) A committee, appointed by the Commission under this section, shall consist of such number of persons as may be determined by the Commission.

PART II - STAFF OF THE COMMISSION

10.-(1) There shall be a Secretary to the Commission who shall -

Secretary to the
Commission and
other staff.

(a) be an officer in the public service of the Federation not below the rank of a Permanent Secretary and the accounting officer of the Commission;

(b) have such qualifications and experience as are appropriate for a person required to perform the functions of his office under this Decree; and

(c) be appointed by the Head of State, Commander-in-Chief of the Armed Forces.

(2) Subject to the general direction of the Commission, the Secretary shall be -

(a) responsible for keeping proper records of the proceedings of the Commission;

(b) the head of the Commission's secretariat and responsible for the administration thereof; and

(c) responsible for the direction and control of all employees of the Commission with the approval of Commission.

(3) The Commission shall have power to appoint, dismiss and exercise disciplinary control over its staff as may prescribed by this Decree or any other enactment or law.

(4) The Commission shall have power to appoint either directly, on secondment or on temporary basis from any public service in the Federation, such number of employees as may in the opinion of the Commission, be required to assist the Commission in the discharge of any of its functions under this Decree and shall have power to pay persons so employed such remuneration (including allowances) as the Commission may, after consultation with the Federal Civil Service Commission, determine.

(5) Nothing in subsection (4) of this section, shall preclude the Commission from appointing persons from outside the public service of the Federation or of the State whenever it deems necessary so to do.

(6) All employees of the Commission appointed pursuant to subsections (4) and (5) of this section, excluding such as are appointed on a temporary basis for an honorarium, shall have the same rights and obligations as the members of the public service defined by section 24 of the Pensions Act.

Cap. 346 LFN.

PART III - MISCELLANEOUS

Interpretation.

11. In this Decree, unless the context otherwise requires:

"Chairman" means the Chairman of the Commission;

"Commission" means the Independent National Electoral Commission established by section 1 of this Decree;

"Constitution" means the Constitution of the Federal Republic of Nigeria 1979, as amended;

"functions" includes powers and duties;

"member" means a member of the Commission and includes the Chairman;

"Secretary" means the Secretary of the Commission appointed pursuant to section 10 of the Decree.

12. This Decree may be cited as the Independent National Electoral Commission (Establishment, Etc.,) Decree 1998.

Citation.

MADE at Abuja this 11th day of August 1998.

GENERAL ABDULSALAM ALHAJI ABUBAKAR,
*Head of State, 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 provides for the establishment of the Independent National Electoral Commission to, among other things, organise, conduct and supervise all elections and matters pertaining, to elections into all the elective offices provided for in the Constitution of the Federal Republic of Nigeria 1979, as amended or any other enactment or law.