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INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS

**NIGERIAN AIRSPACE MANAGEMENT AGENCY
(ESTABLISHMENT, ETC.) DECREE 1999**



Decree No. 48

[26th May 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

**PART I - ESTABLISHMENT OF THE NIGERIAN
AIRSPACE MANAGEMENT AGENCY**

1.-(1) There is hereby established a body to be known as the Nigerian Airspace Management Agency (in this Decree referred to as "the Agency").

Establishment of
the Nigerian Airspace
Management Agency.

(2) The Agency shall -

(a) be a body corporate with perpetual succession and common seal;

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

(c) own, hold or dispose of property (whether movable or immovable).

**PART II - ESTABLISHMENT OF THE GOVERNING
BOARD, ETC.**

2.-(1) There is hereby established for the Agency a Governing Board (in this Decree referred to as "the Board") which shall, subject to this Decree, have general control of the Agency.

Establishment
and membership of
the Governing Board.

(2) The Board shall consist of -

(a) a part-time Chairman;

(b) one representative each of the following, that is -

(i) the Federal Ministry of Aviation,

(ii) the Nigerian Air Force,

(iii) the Nigerian College of Aviation Technology,
Zaira,

(iv) Airline Operators of Nigeria;

(c) two other persons to represent public interest and who shall be persons who possess cognate experience in aviation matters; and

(d) the Managing Director of the Agency.

(3) The part-time Chairman and members of the Board, other than *ex-officio* members, shall be -

(a) appointed by the Head of State, Commander-in-Chief of the Armed Forces on the recommendation of the Minister; and

(b) persons of proven integrity and ability.

Schedule.

(4) The supplementary provisions set out in the Schedule to this Decree shall have effect with respect to the proceedings of the Board and the other matters contained therein.

Tenure of office.

3. Subject to the provisions of section 5 of this Decree, a member of the Board, other than *ex-officio* members, shall each hold office -

(a) for a term of 4 years in the first instance and may be re-appointed for a further term of 4 years and no more; and

(b) on such terms and conditions as may be specified in his letter of appointment.

4.-(1) Notwithstanding the provisions of section 4 of this Decree a person shall cease to hold office as a member of the Board if - Cessation of membership.

(a) he becomes bankrupt, suspends payment or compounds with his creditors; or

(b) he is convicted of a felony or any offence involving dishonesty or fraud; or

(c) he becomes of unsound mind or is incapable of carrying out his duties; or

(d) he is guilty of a serious misconduct in relation to his duties; or

(e) in the case of a person possessed of professional qualifications, he is disqualified or suspended, other than at his own request, from practising his profession in any part of the world by an order of a competent authority made in respect of that member; or

(f) he resigns his appointment by a letter addressed to the Head of State, Commander-in-Chief of the Armed Forces.

(2) If a member of the Board ceases to hold office for any reason whatsoever, before the expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed to the Board for the unexpired term.

(3) A member of the Board may be removed by the Head of State, Commander-in-Chief of the Armed Forces on the recommendation of the Minister if he is satisfied that it is not in the interest of the Agency or the interest of the public that the member continues in office.

5. There shall be paid to every member of the Board such allowances and expenses as the Federal Government may, from time to time, direct. Allowances of members.

6. The Board shall have power to -

Powers of the Board.

- (a) provide the general policies and guidelines relating to major expansion programmes of the Agency;
- (b) manage and superintend the affairs of the Agency;
- (c) subject to the provisions of this Decree, make, alter and revoke rules and regulations for carrying on the functions of the Agency;
- (d) fix terms and conditions of service, including remuneration of the employees of the Agency; and
- (e) do such other things which in the opinion of the Board are necessary to ensure the efficient performance of the functions of the Agency.

PART III - FUNCTIONS OF THE AGENCY

Functions of
the Agency.

7.-(1) The Agency shall -

- (a) provide air traffic services in Nigeria, including air traffic control, visual and non-visual aids, aeronautical telecommunications services and electricity supplies relating thereto, to enable public transport, private, business and military aircraft fly, as far as practicable and as safely as possible;
- (b) provide aerodromes at all the major Nigerian airports, the navigation services necessary for the operation of aircraft taking-off and landing and integrate them into the overall flow of air traffic within the Nigerian airspace;
- (c) minimise or prevent interference with the use or effectiveness of all apparatus used in connection with air navigation and for prohibiting or regulating the use of all such apparatus and the display of signs and lights liable to endanger aircraft and endanger the use of the Nigerian airspace;
- (d) generally secure the safety, efficiency and regularity of air navigation;

(e) require persons engaged in or employed in or in connection with air navigation to supply meteorological information for the purpose of air navigation as may be deemed appropriate from time to time;

(f) provide adequate facilities and personnel for effective security of navigational aids outside the airport perimeters;

(g) create conditions for the development, in the most efficient and economic manner, of air transport services;

(h) procure, install and maintain adequate communication, navigation and surveillance and air traffic management facilities at all airports in Nigeria;

(i) ensure an effective co-ordination in the use of the Nigerian airspace in line with established standards and procedures;

(j) ensure the co-ordination at all levels, of decisions relating to airspace management and air traffic control in Nigeria;

(k) hold meetings with the armed forces on Nigeria's international obligations as they relate to civil and military co-ordination;

(l) promote familiarisation visits by civil and military personnel to air traffic service units;

(m) maintain permanent liaison with the civil air traffic services units and all relevant air defence units in order to ensure the daily integration or segregation of civil and military air traffic operating within the same or immediately adjacent portions of the Nigerian airspace employing civil or military radars as necessary;

(n) obviate the need for civil aircraft to obtain special air defence clearance;

- (o) take necessary steps to prevent as far as possible, penetration of controlled airspace by any aircraft, civil or military, without co-ordination with the air traffic control unit concerned;
- (p) encourage research and development relating to all aspects of the Nigerian airspace designed to improve air safety;
- (q) undertake systems engineering development and implementation for communications, navigation and surveillance and air traffic management;
- (r) charge for services provided by the Agency;
- (s) co-ordinate the implementation of search and rescue services; and
- (t) discharge the operational, technical and financial air traffic service commitments arising from Nigeria's membership of international organisation and other air navigation agencies.

PART III - STAFF OF THE AGENCY

Managing Director
of the Agency.

8.-(1) There shall be for the Agency a Managing Director who shall be appointed by the Head of State, Commander-in-Chief of the Armed Forces on the recommendation of the Minister and on such terms and conditions as may be specified in his letter of appointment or as may be determined, from time to time, by the Government of the Federation.

(2) The Managing Director shall -

- (a) be the chief executive and accounting officer of the Agency;
- (b) be responsible to the Board for the day-to-day administration of the Agency;

(c) be appointed for a term of 5 years in the first instance and may be re-appointed for a further term of 5 years subject to satisfactory performance;

(d) be a person who possesses relevant and adequate professional qualifications in a senior management cadre and shall have been so qualified for a period of not less than 15 years.

9.-(1) The Board shall appoint for the Agency a Secretary who shall

Appointment of Secretary and other staff of the Board.

(a) be a legal practitioner and shall have been so qualified for a period of not less than 12 years;

(b) conduct the correspondence of the Board and keep the records of the Agency; and

(c) perform such other functions as the Board or the Managing Director, as the case may be, may, from time to time, assign to him.

(2) The Board shall appoint for the Agency such number of employees as may in the opinion of the Board be expedient and necessary for the proper and efficient performance of the functions of the Agency.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section the Board shall have power to appoint for the Agency either directly or on secondment from any public service in the Federation, such number of employees as may, in the opinion of the Board, be required to assist the Agency in the discharge of any of its functions under this Decree.

(4) Nothing in subsection (3) of this section, shall preclude the Board from appointing persons from outside the public service of the Federation or of the State whenever it deems it necessary so to do.

(5) The terms and conditions of service (including remuneration, allowances, benefits and pensions) of the employees of the Agency shall be as determined by the Board.

Service in the
Agency to be
pensionable.
Cap. 346 LFN.

10.-(1) Service in the Agency shall be approved service for the purposes of the Pensions Act.

(2) The officers and other persons employed in the Agency shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the civil service of the Federation.

(3) Nothing in subsections (1) and (2) of this section shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

(4) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by the Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Board, and not by any other person or authority.

PART V - FINANCIAL PROVISIONS

Fund of the
Agency.

11. There shall be established and maintained for the Agency a fund into which shall be paid and credited -

(a) all subventions and budgetary allocation from the Government of the Federation;

(b) all fees and funds accruing from -

(i) en-route local, international facility charges,

(ii) overflight charges,

(iii) charges on Class B messages,

(iv) 30 per cent of the air ticket sales charges,

(v) 30 per cent of the cargo sales charge,

(vi) sales of information,

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(vii) violation of airspace fines,

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(viii) rentage of property, plant and equipment,

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(ix) contract registration fees;

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(c) all fines payable for violation of air navigation regulations;

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(d) all sums accruing to the Agency by way of gifts, endowments, bequests, grants or other contributions by persons and organisations;

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(e) all return on investments;

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(f) foreign aid and assistance from bilateral agencies; and

(g) all other sums which may, from time to time, accrue to the Agency.

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12. The Agency shall, from time to time, apply the funds at its disposal to -

Expenditure
of the Agency.

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(a) the cost of administration and maintenance of the Agency;

(b) publicise and promote the activities of the Agency;

(c) pay allowances, expenses and other benefits of members of the Board and committees of the Board;

(d) pay the salaries, allowances and benefits of employees of the Agency;

(e) pay other overhead allowances, benefits and other administrative costs of the Agency; and

(f) undertake such other activities as are connected with all or any of the functions of the Agency under this Decree.

Power to
accept gifts.

13.-(1) The Agency may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.

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

Annual estimates
and expenditure.

14.-(1) The Board shall, not later than 30th September in each year, submit to the Head of State, Commander-in-Chief of the Armed Forces through the Minister an estimate of the expenditure and income of the Agency during the next succeeding year.

(2) The Board shall cause to be kept proper accounts of the Agency in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than 6 months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

Annual report.

15. The Board shall prepare and submit to the Head of State, Commander-in-Chief of the Armed Forces, through the Minister not later than 30th June in each year, a report in such form as the Head of State, Commander-in-Chief of the Armed Forces may direct on the activities of the Agency during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Agency for that year and the auditor's report thereon.

Power to
borrow.

16.-(1) The Agency may, from time to time, borrow by overdraft or otherwise such sums as it may require for the performance of its functions under this Decree.

(2) The Agency shall not, without the approval of the Head of State, Commander-in-Chief of the Armed Forces, borrow money which exceeds, at any time, the limit set by the Head of State, Commander-in-Chief of the Armed Forces.

(3) Notwithstanding subsection (1) of this section, where the sum to be borrowed is in foreign currency, the Agency shall

not borrow the sum without the prior approval of the Head of State, Commander-in-Chief of the Armed Forces.

(4) The Board may, with the approval of the Minister, borrow on such terms and conditions, such sums of money as the Board may require in the exercise of the functions conferred on it under this Decree.

(5) The Board may, subject to the provisions of this Decree and the conditions of any trust created in respect of any property, invest all or any of its funds with the approval of the Minister or in accordance with any general guidelines approved by the Head of State, Commander-in-Chief of the Armed Forces.

(6) The Board may invest any surplus funds in such securities as may be approved by the Minister.

17.-(1) The Agency shall be exempted from the payment of tenement rates and income tax on any income accruing from investments made by the Board or otherwise howsoever.

Exemption from tax.

(2) The provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Board or the Agency.

PART VI - INFORMATION, NOTICES, E.T.C.

18.-(1) For the purpose of obtaining required information for the proper discharge of the function conferred upon it under this Part of this Decree, any authorised officer of the Agency may by notice in writing -

Power to obtain information.

(a) require any person who undertakes the business of carrying passengers or cargo in an aircraft for reward, to furnish him such information relating to such flights or classes of flights (whether beginning and ending at the same point or at different points) as may be specified in the notices to furnish it with such information relating to the flight plan instrument carried on the aircraft and any other information required for the safe landing within and exit of any aircraft from the Nigerian airspace;

(b) specify the times at which, the form and manner in which, any information required under paragraph (a) of this subsection shall be made.

(2) In this section "authorised officer" means the Managing Director or any other officer of the Agency specially or generally authorised by the Director General to carry out the functions of an authorised officer under this section of this Decree.

Penalties for
refusal to give
information.
LN. 11 of 1965.
LN. 10 of 1966.
LN. 13 of 1966.
LN. 14 of 1966.
LN. 15 of 1966.

19.-(1) If any person fails to give information as required under section 18 of this Decree, he commits an offence and is liable on conviction to a fine or imprisonment as stipulated in the regulations made under the Civil Aviation Act.

(2) If any person knowingly makes a statement in any particulars given as aforesaid which is false in a material particular, he shall be guilty of an offence and liable on conviction to a fine and/or imprisonment as stipulated in the Regulations.

Restriction
on disclosure
of information.

20.-(1) No estimates, returns or information relating to an air transport undertaking obtained under the foregoing provisions of this Decree shall, without the prior consent in writing of the person carrying on the undertaking which is the subject of the estimates, returns or information, be disclosed except -

(a) in accordance with directions given by the Agency for the purpose of the exercise of any of its functions under this Decree; or

(b) for the purposes of any proceedings for an offence under this Decree or any report of those proceedings.

(2) If any person discloses any estimates, returns or any information in contravention of the provisions of this section of this Decree he commits an offence and is liable on conviction to a fine or imprisonment as stipulated in the regulations made under the Civil Aviation Act.

Service of
notice.

21.-(1) Any notice required or authorised by or under this part of this Decree to be served on any person may be served either -

(a) by delivering it to the person concerned; or

(b) by leaving it at his proper address; or

(c) by post and addressed to the person at his principal office, however where a notice is served by post otherwise than in registered letter, service shall not be deemed to have been effected if it is proved that the notice was not received by the person to whom it was addressed.

(2) Any notice required or authorised to be served upon a body corporate shall be deemed to have been, duly served if it is served on the Secretary to the body corporate.

(3) For the purposes of this section, the proper address of any person on whom such a notice as aforesaid is to be served shall -

(a) in the case of the Secretary of a body corporate, be that of the registered or principal office of the body corporate; and

(b) in any other case, be the last known address of the person to be served.

(4) Where the name of a person carrying on an air transport undertaking at any premises is not known then, if any such notice as aforesaid is sent by post in a registered letter so addressed as to show the name in which and the premises at which the undertaking is carried on, the letter shall be deemed for the purpose of this section to be properly addressed.

22.-(1) The Agency, may subject to the Land Use Act, acquire any land for the purpose of discharging its functions under this Decree.

Power to
acquire
land.

(2) If there is any hindrance to the acquisition of any land by the Agency under this Decree (including any failure by the Agency to reach an agreement as to the amount to be paid in respect of the acquisition) the Agency may apply to the Minister for a declaration under subsection (3) of this section.

(3) The Minister on receiving an application from the Agency and after such enquiry as he may think fit, request the Governor of the State in which the land is situated to declare that the land is required for the service of the Agency and accordingly for an over-riding public purpose.

(4) Where a declaration is made under subsection (3) of this section, the land to which the declaration relates shall be deemed to be land required for the public purpose of the Federation within the meaning of the Land Use Act and the Agency shall acquire the land accordingly.

(5) Where a declaration has been made under subsection (3) of this Decree in respect of any land and -

(a) the land has been acquired pursuant to subsection (4) of this section; or

(b) the Governor of the State concerned is satisfied that there are no rights substituting in respect of the land,

the Governor may vest the land in the Agency by issuing a certificate of occupancy in respect thereof in favour and in the name of the Agency.

(6) The compensation, if any, payable under the Land Use Act for the revocation of any rights relating to the land, where applicable, shall in the first instance be paid by the Federal Government, but the Agency shall refund to that Government any compensation so paid and all incidental expenses incurred by that Government.

(7) A plan of any land referred to in subsection (2) of this section -

(a) containing measurements of the boundaries of the land;

(b) showing the relationship of the land to any sufficient identifying mark; and

(c) signed by the Managing Director

shall be a sufficient description of the land for the purpose of an application under that subsection.

(8) The Agency shall not, without the approval in writing of the Governor of the State in which the land is situated, alienate, mortgage charge or otherwise demise any immovable property which has been vested in the Agency under this section or in respect of which a right of occupancy has been so granted to the Agency.

23.-(1) Subject to this section the Agency may by its officers or agents with all necessary workmen and other servants enter from time to time on any land or for the purposes of the discharge of the Agency's functions under this Decree and in particular may enter upon any such land or premises for the purpose of -

Power to enter land to make survey, etc.

(a) inspecting and examining lands, buildings and equipment of any air carrier;

(b) inspecting and examining accounts, records and memoranda required to be kept by air carriers;

(c) the cutting and removal of trees, underwood or structures as may interfere with surveys, and any installation which constitute a hazard to safety of air navigation.

(2) The Agency shall, when practicable, serve on the occupier of any land on which it intends to enter pursuant to subsection (1) of this section, a notice which shall be in writing giving a description of the nature of the works intended to be carried out on the land.

(3) In the discharge of its functions pursuant to subsection (1) of this section, the officers, agents, workmen and servants of the Agency may remain on any such land for such reasonable time as may enable them to execute and do all such work and things as may be necessary.

Compensation
for damages, etc.

24.-(1) In the exercise of the powers conferred upon it by section 23 of this Decree, the Agency, its officers, servants and agents shall do as little damage as may be necessary and the authority shall pay compensation for any damage done to any building, crops and economic trees.

(2) In the case of dispute as to the amount of compensation payable, the same shall be determined by a magistrate or district judge exercising jurisdiction in the place where the land is situated or the High Court within whose area of jurisdiction the land is situated, as the case may require, and such decision shall be final and binding.

PART VII - MISCELLANEOUS PROVISIONS

Limitation of
suits against
the Agency,
etc.
Cap. 379 LFN.

25.-(1) Subject to the provisions of this Decree, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Agency.

(2) Notwithstanding anything contained in any other law or enactment, no suit shall lie against any member of the Board, the Director General or any other officer or employee of the Agency for any act done in pursuance or execution of this Decree or any other law or enactment, or of any public duty or authority or in respect of any alleged neglect or default in the execution of this Decree or such law or enactment, duty or authority, shall lie or be instituted in any court unless -

(a) it is commenced within three months next after the act, neglect or default complained of; or

(b) in the case of a continuation of damage or injury, within six months next after the ceasing thereof.

(3) No suit shall be commenced against a member of the Board, the Director General, officer or employee of the Agency before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Agency by the intending plaintiff or his agent.

(4) The notice referred to in subsection (3) of this section shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

26. A notice, summons or other document required or authorised to be served upon the Agency under the provisions of this Decree or any other law or enactment may be served by delivering it to the Director General or by sending it by registered post and addressed to the Director General at the principal office of the Agency.

Service of documents.

27. -(1) In any action or suit against the Agency, no execution or attachment of process in the nature thereof shall be issued against the Agency.

Restriction on execution against property of the Agency.

(2) Any sum of money which may by the judgement of any court be awarded against the Agency shall, subject to any direction given by court where notice of appeal of the said judgement has been given, be paid from the general reserve fund of the Agency.

28. A member of the Board, the Director General, any officer or employee of the Agency shall be indemnified out of the assets of the Agency against any proceeding, whether civil or criminal, in which judgement is given in his favour, or in which he is acquitted, if any such proceeding is brought against him in his capacity as a member of the Board, the Director General, officer or employee of the Agency.

Indemnity of officers.

29.-(1) Where an offence under this Decree which has been committed by a body corporate is proved to have been committed on the instigation or with the connivance of or to be attributable to any neglect on the part of a director, manager, secretary, head of branch or project manager or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate, where practicable, shall be deemed to have committed that offence and liable to be proceeded against and punished accordingly.

Offences by body corporate.

(2) Where a person is convicted of an offence under subsection (1) of this section, he shall -

(a) in the case of an individual, be liable to a fine of ₦5000 or imprisonment for a term of six months; and

(b) in the case of the body corporate, be liable to a fine of not less than ₦50,000.

Power to investigate and impose fines, etc.

30.-(1) The Agency shall after notice and the hearing complaint or on its own initiative and investigation to determine whether any person is violating any provision of this Decree, regulations, rules or order made there under.

(2) If the Agency is satisfied after such hearing that such a person is violating any provisions of this Decree, Regulations, rules or orders, as the case may be, it shall by order require the person to take such action consistent with the provision of this Decree, regulations, rules or orders as may be necessary in the opinion of the Agency to prevent further violation of the provision of this Decree, regulations, rules or orders.

Jurisdiction.

31. The Federal High Court shall have jurisdiction to try offences committed under this Decree.

Power of Minister to give directives.

32. The Minister may give to the Agency directives of a general character with regard to the performance or exercise by the Agency or Board of its functions or powers, as the case may be, and it shall be the duty of the Agency or Board to comply with the directives.

Regulations.

33. The Board may, with the approval of the Minister, make regulations generally for the purpose of carrying out or giving full effect to the provisions of this Decree.

Transfer of functions.

34. On the commencement of this Decree -

(a) the functions of the Directorate of Economic Regulation and Monitoring relating to air transport operations including processing of licences and permits; and

(b) the functions of the Directorate of Safety Regulations and Monitoring,

(in this Decree referred to as "the Directorates") shall be transferred to the Agency established by this Decree.

(2) For the purposes of the transfer effected by subsection (1) of this section and the transfer of the certain functions from the Minister to the Agency by this Decree -

(a) the provisions of the Civil Aviation Act or any other enactment concerned with or relating to civil aviation (including subsidiary instruments) made thereunder;

(b) the provisions of any contract or instrument connected therewith shall be read and construed with such modifications (including additions, alterations, omissions or repeals) as would bring them into conformity with the general intendment of this Decree.

35.-(1) Accordingly, the statutory functions, rights, interests, obligations and liabilities of the Directorates, existing before the commencement of this Decree under any contract or instrument, or in law or in equity shall, by virtue of this Decree, be deemed to have been assigned to and vested in the Nigerian Civil Aviation Agency established by this Decree.

Savings and transfer of liabilities; staff, etc.

(2) Any such contract or instrument as is mentioned in subsection (1) of this section, shall be of the same force and effect against or in favour of the Nigerian Civil Aviation Agency established by this Decree and shall be enforceable as fully and effectively as if instead of the Directorates existing before the commencement of this Decree, the Nigerian Civil Aviation Agency established by this Decree has been named therein or had been a party thereto.

(3) The Nigerian Civil Aviation Agency established by this Decree shall be subject to all the obligations and liabilities to which the Directorates existing before the commencement of this Decree was subject immediately before the commencement of this Decree and all other persons shall have the same rights, powers

and remedies against the Nigerian Civil Aviation Agency established by this Decree as they had against the Directorates existing before the commencement of this Decree.

(4) Any proceeding or cause of action pending or existing immediately before the commencement of this Decree, by or against the Directorates existing before the commencement of this Decree in respect of any right, interest, obligation or liability of the Directorates existing before the commencement of this Decree may be continued or as the case may be commenced and any determination of a court of law, tribunal or other authority or person may be enforced by or against the Nigerian Civil Aviation Agency established by this Decree to the same extent that such proceeding or cause of action or determination might have been continued, commenced or enforced by or against the Directorates existing before the commencement of this Decree.

(5) All assets, funds, resources and other movable or immovable property which immediately before the commencement of this Decree, were vested in the Directorates existing before the commencement of this Decree shall by virtue of this Decree and without further assurance, be vested in the Nigerian Civil Aviation Agency established by this Decree.

(6) Any person who immediately before the coming into force of this Decree is the holder of any office in the Directorates existing before the commencement of this Decree shall, on the commencement of this Decree, continue in office and be deemed to have been appointed to his office by the Nigerian Civil Aviation Agency established by this Decree unless the authority by which the person was appointed terminates the appointment.

Interpretation.

36. Notwithstanding any other provision of this Decree, unless the context otherwise requires -

"Agency" means the Nigerian Airspace Management Agency established by section 1 of this Decree;

"air navigation services" includes information, direction and other facilities furnished, issued or provided in connection with the navigation or movement of aircraft and

the control of movement of vehicles in any part of an airport used for the movement of aircraft;

"airport" has the meaning assigned to it by section 17 of the Civil Aviation Act;

"Agency" means the Nigerian Civil Aviation Agency established by section 1 of this Decree;

"Board" means the Governing Board of the Agency as constituted under section 2 (1) of this Decree;

"bye-laws" means bye-laws made under section 30 of this Decree;

"cargo" includes mail;

"flight" means a journey by air beginning when the first person boards the aircraft in question with intent to fly and ending when the last person disembarks;

"Managing Director" means the Managing Director of the Agency appointed pursuant to section 8 of this Decree;

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

"Minister" means the Minister charged with responsibility for matters relating to aviation;

"operator"/"air carrier" in relation to an aircraft, means the person for the time being having the management of the aircraft;

"power" includes functions and duties;

"premises" includes lands, plants and ancillary works;

"reward" in relation to a flight, includes any form of consideration received or required to be received wholly or partly in connection with the flight irrespective of the

person by whom or to whom the consideration has been or is to be given;

"regulations" in this Decree is a reference to the Civil Aviation regulations made pursuant to the Civil Aviation Act.

(2) Every other term shall have the same meaning as contained in the Convention on International Civil Aviation 1944.

Citation.

37. This Decree may be cited as the Nigerian Airspace Management Agency (Establishment, Etc.) Decree 1999.

SCHEDULE

Section 2(4)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

Proceedings of the Board

Cap. 192 LFN. 1.-(1) Subject to this Decree and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees.

(2) The quorum of the Board shall be the Chairman or the person presiding at the meeting and 5 other members of the Board, 2 of whom shall be *ex-officio* members, and the quorum of any committee of the Board shall be as determined by the Board.

2.-(1) The Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 8 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Board, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their number to preside at the meeting.

(3) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the

Board for such period as it deems fit, but a person who is in attendance by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

Committees

3.-(1) The Board may appoint one or more committees to carry out, on behalf of the Board, such functions as the Board may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on the committee in accordance with the terms of his appointment.

(3) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous

4.-(1) The fixing of the seal of the Agency shall be authenticated by the signatures of the Chairman, the Director General or any person generally or specifically authorised by the Board to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Agency by the Director General or any person generally or specifically authorised by the Board to act for that purpose.

(3) A document purporting to be a document duly executed under the seal of the Agency shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

5. The validity of any proceedings of the Board or of a committee shall not be adversely affected by -

(a) a vacancy in the membership of the Board or committee; or

(b) a defect in the appointment of a member of the Board or committee; or

(c) reason that a person not entitled to do so took part in the proceedings of the Board or committee.

MADE at Abuja this 26th day of May 1999.

GENERAL ABDULSALAMI ALHAJI ABUBAKAR,
Head of State, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria

**NIGERIAN CIVIL AVIATION AUTHORITY
(ESTABLISHMENT, ETC.) DECREE 1999**



Decree No. 49

[26th May 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

**PART I - ESTABLISHMENT OF THE NIGERIAN
CIVIL AVIATION AUTHORITY**

1.-(1) There is hereby established a body to be known as the Nigerian Civil Aviation Authority (in this Decree referred to as "the Authority").

Establishment of
the Nigerian Civil
Aviation Authority.

(2) The Authority shall -

(a) be a body corporate with perpetual succession and common seal;

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

(c) own, hold or dispose of property (whether movable or immovable).

**PART II - ESTABLISHMENT OF THE GOVERNING
BOARD, ETC.**

2.-(1) There is hereby established for the Authority a Governing Board (in this Decree referred to as "the Board") which shall, subject to this Decree, have general control of the Authority.

Establishment
and membership of
the Governing Board.

(2) The Board shall consist of -

(a) a part-time Chairman;

(b) one representative each of the following Federal Ministries, that is -

(i) Ministry of Aviation,

(ii) Ministry of Defence,

(iii) Ministry of Communications;

who shall not be below the rank of a Director;

(c) two other persons to represent public interest and who shall be persons who possess cognate experience in aviation matters; and

(d) the Director-General of the Authority.

(3) The part-time Chairman and members of the Board, other than *ex-officio* members, shall be -

(a) appointed by the Head of State, Commander-in-Chief of the Armed Forces on the recommendation of the Minister; and

(b) persons of proven integrity and ability.

Schedule.

(4) The supplementary provisions set out in the Schedule to this Decree shall have effect with respect to the proceedings of the Board and the other matters contained therein.

Tenure of office.

3. Subject to the provisions of section 5 of this Decree, a member of the Board, other than *ex-officio* members, shall each hold office -

(a) for a term of 3 years in the first instance and may be re-appointed for a further term of 3 years and no more; and

(b) on such terms and conditions as may be specified in his letter of appointment.

4.-(1) Notwithstanding the provisions of section 4 of this Decree a person shall cease to hold office as a member of the Board if -

Cessation of membership.

(a) he becomes bankrupt, suspends payment or compounds with his creditors; or

(b) he is convicted of a felony or any offence involving dishonesty or fraud; or

(c) he becomes of unsound mind or is incapable of carrying out his duties; or

(d) he is guilty of a serious misconduct in relation to his duties; or

(e) in the case of a person possessed of professional qualifications, he is disqualified or suspended, other than at his own request, from practising his profession in any part of the world by an order of a competent authority made in respect of that member; or

(f) he resigns his appointment by a letter addressed to the Head of State, Commander-in-Chief of the Armed Forces.

(2) If a member of the Board ceases to hold office for any reason whatsoever, before the expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed to the Board for the unexpired term.

(3) A member of the Board may be removed by the Head of State, Commander-in-Chief of the Armed Forces on the recommendation of the Minister if he is satisfied that it is not in the interest of the Authority or the interest of the public that the member continues in office.

5. There shall be paid to every member of the Board such allowances and expenses as the Federal Government may, from time to time, direct.

Allowances of members.

6. The Board shall have power to -

Powers of the Board.

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- (a) provide the general policies and guidelines relating to major expansion programmes of the Authority;
- (b) manage and superintend the affairs of the Authority;
- (c) subject to the provisions of this Decree, make, alter and revoke rules and regulations for carrying on the functions of the Authority;
- (d) fix terms and conditions of service, including remuneration of the employees of the Authority; and
- (e) do such other things which in the opinion of the Board are necessary to ensure the efficient performance of the functions of the Authority.

PART III - FUNCTIONS OF THE AUTHORITY

Functions of the Authority

7.-(1) The Authority shall -

- (a) register any aircraft in Nigeria and issue to the owner, thereof, a certificate of registration and for such purpose, establish and maintain a system for recording the title to or any interest in any aircraft registered in Nigeria;
- (b) order the inspection of aircraft, aircraft manufacturers and maintenance facilities or organisations, training facilities (including simulators), and other appliances designed for use in air transportation, as may be necessary to enable the Authority to determine the issuance or granting of a certificate of registration or approval to such aircraft, aircraft manufacturer and maintenance facilities or organisation and other applicable appliances;
- (c) issue or validate type certificates and prescribe in such certificates, by regulations, terms, conditions and limitations as are required in the interest of safety;
- (d) issue, renew or validate a certificate of airworthiness in respect of aircraft, and specify in the certificate of airworthiness by regulations, the duration of such

certificate of airworthiness, the type of service for which the aircraft may be used and such other terms, conditions or limitations as are required in the interest of safety;

(e) prohibit any Nigerian registered aircraft or foreign registered aircraft from operating within the Nigerian airspace unless certificates of airworthiness is issued or validated under the regulations in force with respect to the aircraft:

Provided that the foregoing prohibition shall not apply to aircraft undergoing prescribed maintenance or repair;

(f) to issue, amend, vary, cancel and suspend airworthiness approvals, licences and certificates in conformity with regulations made under the Act;

(g) develop, issue and amend airworthiness directives, bulletins, orders, terms and conditions to bring them into conformity with airworthiness regulations;

(h) establish flight operations, airworthiness engineering and airworthiness inspection organisations, necessary for the requirements of safety of air navigation;

(i) establish a personnel licensing system to license aircraft maintenance engineers, flight crew, air traffic controllers and such other persons engaged in the use or operation of aircraft, aircraft facilities, airports and other activities related, incidental or supplementary thereto in accordance with the provisions of this Decree, regulations and the licensing requirements specified in Annex 1 of the Convention on International Civil Aviation;

(j) prohibit any person from engaging or being employed in or in connection with air navigation in any capacity whatsoever unless the Authority determines that such a person satisfies the requirements of this Decree, regulations, rules, orders, terms and conditions made thereunder;

(k) specify, monitor and supervise the conditions under which an aircraft may carry passengers, mail and cargo or be used for other purposes and prohibit an aircraft from the carriage of such classes of goods as the Authority may prescribe from time to time;

(l) require persons engaged or employed in or in connection with air navigation to supply, from time to time, meteorological information for purposes of air navigation;

(m) grant licences in respect of airports, aerodromes, heliports and airstrips and certify airways, navigational approaches and landing aids in Nigeria to ensure safety of air navigation;

(n) prohibit and regulate the installation of any structure, which by virtue of its height or position is considered to endanger the safety of air navigation;

(o) institute and regulate the use of civil air ensign and of other ensign established for purposes connected with air navigation;

(p) develop plans and policy for the use of navigable airspace and assign by regulation or order, the use of the airspace necessary to ensure the safety of aircraft and the efficient use of the Nigerian airspace;

(q) regulate the standards for the provisions of air traffic services and prescribe air traffic regulations, rules or conditions on aircraft flights (including safe altitudes) for the purpose of navigating, protecting and identifying aircraft, protecting individuals and property on ground and preventing collision between aircraft and land or water vehicles and between an aircraft and airborne objects.

(r) participate in search and rescue operations and for this purpose may enter into agreements necessary for such assistance as may be required with other relevant

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organisations, private agencies, persons and other relevant Search and Rescue organisations or agencies from other countries;

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(s) participate in the investigations with regard to an aircraft accident with a view to determine the facts, conditions and circumstances thereof, but not the probable cause of the accident, and to require the accident investigation body to submit a report of its investigations;

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(t) collate and keep a data bank of accidents, incidents and occurrences and promote accident prevention programmes;

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(u) determine the need for proposed commercial air transport operations;

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(v) determine the technical and financial capability of an applicant to conduct the proposed commercial air transport operations with the ground services that can be made available and require all commercial air transport operations to be conducted in accordance with the regulations made pursuant to the Civil Aviation Act or as may be made by the Authority and such relevant Treaties and Agreements as may be required in the interest of safety and efficient operations;

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(w) issue air operator's certificate if it is satisfied that the applicant is fit, willing and able to properly perform safe and efficient air transportation and conform with the provisions of this Decree, regulations, rules and other requirement of the Authority and it shall specify in the air operator's certificate such requirements, terms, conditions and limitations as it may deem necessary in the interest of safety of air navigation;

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(x) process applications for air transport licences in accordance with such guidelines as may, from time to time, be prescribed by the Government of the Federation or such other agency of the Government of the Federation and make recommendations to the Minister if it determines that the applicant is fit, willing and able to properly perform air transportation;

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(y) refuse, withdraw, alter, amend, modify, suspend, revoke any air operator's certificate in the interest of safety of air navigation upon receipt of a petition complaint or upon its own initiative after conducting an investigation thereto and given an opportunity to the parties to be heard within a reasonable time and notices of failure to comply with the provisions of this Decree, regulations, rules, orders, or any term, condition or limitation have been submitted to the Authority;

(z) process applications for air travel organiser's licence and recommend for issuance of such licences by the Minister if it is of opinion that the applicant is fit, willing and able to properly perform operation authorised under the licence.

(2) Notwithstanding the provisions of subsection (1) of this section, the Authority shall -

(a) supervise and monitor the activities of foreign and domestic carriers, travel and other agents and keep a register in respect of such foreign and domestic carriers, travel and other agents;

(b) require periodic statistical returns and special reports from an air carrier, prescribe the manner and form in which such reports or returns shall be made and require from any air carrier specific answers to questions upon which it deems information may be necessary;

(c) prescribe the forms of all financial records and memoranda to be kept by air carriers including accounts, records and memoranda of the movement of traffic and the receipt and expenditure of money and length of time such accounts, records and memoranda may be preserved;

(d) require every foreign and domestic air carrier to file and keep open for public inspection, tariffs showing all rates, fares and charges served by it in such form and manner as may be prescribed, from time to time, and approve or reject tariffs so filed which are inconsistent with

such approved rates specified under this Decree the regulations made and rules prescribed by the Authority:

Provided that the rates, fares and charges shown in any tariff shall in the first instance be in terms of such local currency in the Federal Republic of Nigeria but such tariff may also state rates, fares and charges in currencies other than local currency in the case of foreign carriers;

(e) require an air carrier to maintain reasonable and adequate rates of compensation and other conditions of service for its employees so as to bring them into conformity with prevailing labour practices in the industry;

(f) participate as technical advisers in the processing for approval, seasonal schedules of foreign air carriers;

(g) require a domestic air carrier to submit annually and at such other times as it may deem fit, a list showing the names of its shareholders or any person holding more than 5 per cent of the shares in the air carrier together with the names of any person on whose behalf such shares are held;

(h) prohibit, unless such relationship shall have been approved and the safety of the public is guaranteed any Nigerian air carrier to have and retain as an officer, director or member, any person who is an officer, director or member who, as a shareholder, controlling interest in any phase of aeronautics, or has a representative or nominee who represents such officer, director or member as an officer, director or member or as a shareholder holding a controlling interest in any phase of aeronautics;

(i) require every Nigerian air carrier to file with it a certified true copy or a true and complete memorandum of every contract or agreement affecting air transportation or any modification or cancellation thereof, between the air carrier and any other air carrier, foreign air carrier or other bodies, for leases, pooling or apportioning earnings, losses, traffic, service or equipment or relating to establishment of

transportation rates, fares, charges or classifications, or for preserving and improving safety, prevailing or otherwise eliminating destructive, oppressive or wasteful competition, or for any other co-operative working arrangement:

Provided that the Authority may disapprove of such contract or agreement whether or not previously approved by it if it deems it to be adverse to the public interest or is a violation of the provision of this Decree, rules and regulations or the approval given for any such contract or Agreement;

(j) investigate and determine upon its own initiative or upon the receipt of a complaint by a Nigerian air carrier, foreign air carrier or agent whether any air carrier or air travel agent has been or engaged in unfair or deceptive practices or unfair methods of competition in air transportation or the sale of tickets thereof and order such Nigerian air carrier, foreign air carrier or air travel agent to cease and desist from such practices or methods of competition;

(k) establish procedures for investigation and determination of applications for special operating authorisations and such procedures may include written notice to holders of air carrier certificates, to make submissions which may be heard orally in support of such application as will not unduly delay the issuance of special operating authorisation, taking into consideration the degree or emergency involved;

(l) participate in and advise the Minister on technical matters of bilateral air services agreements, generally, and activities of international aviation organisations;

(m) ensure that aviation regulations made pursuant to the Civil Aviation Act and practices are in conformity with provisions of the Convention on International Civil Aviation, standards and the recommended practices adopted thereunder and other requirements prescribed by international aviation organisations from time to time;

(n) set training standards for and approve air transport training institutions;

(o) institute programmes for the protection of air travellers interests;

(p) specify the fees to be paid in respect of the issue, validation, renewal, extension or variation of any certificate, licence or other document issued under this Decree or the undergoing of any examination or test required by virtue of this Decree, regulations, rules, orders and in respect of any other matter in respect of which it appears to it to be expedient for the purpose of the regulation of charge fees.

(3) The functions conferred upon the Authority under this section of this Decree includes the powers to develop, make, issue and revise operating regulations, rules, orders, terms and conditions in respect of any matter relating, incidental or supplemental thereto or such matter as the Authority may deem necessary in the public interest and safety of air navigation.

(4) In the exercise of its functions under this Decree in relation to safety regulation, the Authority may not submit its decision for the approval of nor be bound by the decisions or recommendations of any person, body or organisation.

PART III - STAFF OF THE AUTHORITY

8.-(1) There shall be for the Authority a Director-General who shall be appointed by the Head of State, Commander-in-Chief of the Armed Forces on the recommendation of the Minister and on such terms and conditions as may be specified in his letter of appointment or as may be determined, from time to time, by the Government of the Federation.

Director-General
of the Authority

(2) The Director-General shall -

(a) be the chief executive and accounting officer of the Authority;

(b) be responsible to the Board for the day-to-day administration of the Authority;

(c) be appointed for a term of 4 years in the first instance and may be re-appointed for a further term of 4 years subject to satisfactory performance;

(d) be a person who possesses relevant and adequate professional qualifications in a senior management cadre and shall have been so qualified for a period of not less than 15 years.

Appointment of Secretary and other staff of the Board.

9.-(1) The Board shall appoint for the Authority a Secretary who shall -

(a) be a legal practitioner and shall have been so qualified for a period of not less than 12 years;

(b) conduct the correspondence of the Board and keep the records of the Authority; and

(c) perform such other functions as the Board or the Director-General, as the case may be, may, from time to time, assign to him.

(2) The Board shall appoint for the Authority such number of employees as may in the opinion of the Board be expedient and necessary for the proper and efficient performance of the functions of the Authority.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section the Board shall have power to appoint for the Authority either directly or on secondment from any public service in the Federation, such number of employees as may, in the opinion of the Board, be required to assist the Authority in the discharge of any of its functions under this Decree.

(4) Nothing in subsection (3) of this section, shall preclude the Board from appointing persons from outside the public service of the Federation or of the State whenever it deems it necessary so to do.

(5) The terms and conditions of service (including remuneration, allowances, benefits and pensions) of the employees of the Authority shall be as determined by the Board.

10.-(1) Service in the Authority shall be approved service for the purposes of the Pensions Act.

Service in the Authority to be pensionable.
Cap. 346 LFN.

(2) The officers and other persons employed in the Authority shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the civil service of the Federation.

(3) Nothing in subsections (1) and (2) of this section shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

(4) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by the Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Board, and not by any other person or authority.

PART V - FINANCIAL PROVISIONS

11. There shall be established and maintained for the Authority a fund into which shall be paid and credited -

Fund of the Authority.

(a) all subventions and budgetary allocation from the Government of the Federation;

(b) all fees and funds accruing from the grant of -

(i) air travel organisers licence,

(ii) air transport licence,

(iii) calibration of nav aids where applicable,

(iv) personnel licences,

(v) 70 per cent of the air ticket and cargo sales charge,

(vi) aircraft maintenance organisation approval,

(vii) aircraft registration and certification,

(viii) certificate of airworthiness (issue and renewal),

(ix) rentage of property, plant and equipment,

(x) medical examination fees, where applicable,

(xi) sale of information and publications,

(xii) contract registration fees;

(c) all fines payable for violation of air navigation regulations;

(d) all sums accruing to the Authority by way of gifts, endowments, bequests, grants or other contributions by persons and organisations;

(e) all return on investments;

(f) foreign aid and assistance from bilateral agencies; and

(g) all other sums which may, from time to time, accrue to the Authority.

Expenditure
of the Authority.

12. The Authority shall, from time to time, apply the funds at its disposal to -

(a) the cost of administration and maintenance of the Authority;

(b) publicise and promote the activities of the Authority;

(c) pay allowances, expenses and other benefits of members of the Board and committees of the Board;

(d) pay the salaries, allowances and benefits of employees of the Authority;

(e) pay other overhead allowances, benefits and other administrative costs of the Authority; and

(f) undertake such other activities as are connected with all or any of the functions of the Authority under this Decree.

13.-(1) The Authority may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift. Power to accept gifts.

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

14.-(1) The Board shall, not later than 30th September in each year, submit to the Head of State, Commander-in-Chief of the Armed Forces through the Minister an estimate of the expenditure and income of the Authority during the next succeeding year. Annual estimates and expenditure.

(2) The Board shall cause to be kept proper accounts of the Authority in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than 6 months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

15. The Board shall prepare and submit to the Head of State, Commander-in-Chief of the Armed Forces, through the Minister not later than 30th June in each year, a report in such form as the Head of State, Commander-in-Chief of the Armed Forces may direct on the activities of the Authority during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Authority for that year and the auditor's report thereon. Annual report.

16.-(1) The Authority may, from time to time, borrow by overdraft or otherwise such sums as it may require for the performance of its functions under this Decree. Power to borrow.

(2) The Authority shall not, without the approval of the Head of State, Commander-in-Chief of the Armed Forces, borrow money which exceeds, at any time, the limit set by the Head of State, Commander-in-Chief of the Armed Forces.

(3) Notwithstanding subsection (1) of this section, where the sum to be borrowed is in foreign currency, the Authority shall not borrow the sum without the prior approval of the Head of State, Commander-in-Chief of the Armed Forces.

(4) The Board may, with the approval of the Minister, borrow on such terms and conditions, such sums of money as the Board may require in the exercise of the functions conferred on it under this Decree.

(5) The Board may, subject to the provisions of this Decree and the conditions of any trust created in respect of any property, invest all or any of its funds with the approval of the Minister or in accordance with any general guidelines approved by the Head of State, Commander-in-Chief of the Armed Forces.

(6) The Board may invest any surplus funds in such securities as may be approved by the Minister.

Exemption
from tax.

17.-(1) The Authority shall be exempted from the payment of tenement rates and income tax on any income accruing from investments made by the Board or otherwise howsoever.

(2) The provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Board or the Authority.

PART VI - INFORMATION, NOTICES, E.T.C.

Power to obtain
information.

18.-(1) For the purpose of obtaining required information for the proper discharge of the function conferred upon it under this Part of this Decree, any authorised officer of the Authority may by notice in writing -

(a) require any person who undertakes the business of carrying passengers or cargo in an aircraft for reward, to

furnish him such information relating to such flights or classes of flights (whether beginning and ending at the same point or at different points) as may be specified in the notices to the use of the aircraft for the purpose of the business and to persons employed in connection with that business;

(b) specify the times at which, the form and manner in which, any information required under paragraph (a) of this subsection shall be made.

(2) In this section "authorised officer" means the Director General or any other officer of the Authority specially or generally authorised by the Director General to carry out the functions of an authorised officer under this section of this Decree

19.-(1) If any person fails to give information as required under section 18 of this Decree, he commits an offence and is liable on conviction to a fine or imprisonment as stipulated in the regulations made under the Civil Aviation Act.

Penalties for refusal to give information.
LN. 11 of 1965.
LN. 10 of 1966
LN. 13 of 1966.
LN. 14 of 1966.
LN. 15 of 1966.

(2) If any person knowingly makes a statement in any particulars given as aforesaid which is false in a material particular, he shall be guilty of an offence and liable on conviction to a fine and/or imprisonment as stipulated in the Regulations.

20.-(1) No estimates, returns or information relating to an air transport undertaking obtained under the foregoing provisions of this Decree shall, without the prior consent in writing of the person carrying on the undertaking which is the subject of the estimates, returns or information, be disclosed except -

Restriction on disclosure of information.

(a) in accordance with directions given by the Authority for the purpose of the exercise of any of its functions under this Decree; or

(b) for the purposes of any proceedings for an offence under this Decree or any report of those proceedings.

(2) If any person discloses any estimates, returns or any information in contravention of the provisions of this section of-

this Decree he commits an offence and is liable on conviction to a fine or imprisonment as stipulated in the regulations made under the Civil Aviation Act.

Service of
notice.

21.-(1) Any notice required or authorised by or under this part of this Decree to be served on any person may be served either -

(a) by delivering it to the person concerned; or

(b) by leaving it at his proper address; or

(c) by post and addressed to the person at his principal office, however where a notice is served by post otherwise than in registered letter, service shall not be deemed to have been effected if it is proved that the notice was not received by the person to whom it was addressed.

(2) Any notice required or authorised to be served upon a body corporate shall be deemed to have been, duly served if it is served on the Secretary to the body corporate.

(3) For the purposes of this section, the proper address of any person on whom such a notice as aforesaid is to be served shall -

(a) in the case of the Secretary of a body corporate, be that of the registered or principal office of the body corporate; and

(b) in any other case, be the last known address of the person to be served.

(4) Where the name of a person carrying on an air transport undertaking at any premises is not known then, if any such notice as aforesaid is sent by post in a registered letter so addressed as to show the name in which and the premises at which the undertaking is carried on, the letter shall be deemed for the purpose of this section to be properly addressed.

22.-(1) The Authority, may subject to the Land Use Act, acquire any land for the purpose of discharging its functions under this Decree.

Power to
acquire
land.

(2) If there is any hindrance to the acquisition of any land by the Authority under this Decree (including any failure by the Authority to reach an agreement as to the amount to be paid in respect of the acquisition) the Authority may apply to the Minister for a declaration under subsection (3) of this section

(3) The Minister on receiving an application from the Authority and after such enquiry as he may think fit, request the Governor of the State in which the land is situated to declare that the land is required for the service of the Authority and accordingly for an over-riding public purpose.

(4) Where a declaration is made under subsection (3) of this section, the land to which the declaration relates shall be deemed to be land required for the public purpose of the Federation within the meaning of the Land Use Act and the Authority shall acquire the land accordingly.

(5) Where a declaration has been made under subsection (3) of this Decree in respect of any land and -

(a) the land has been acquired pursuant to subsection (4) of this section; or

(b) the Governor of the State concerned is satisfied that there are no rights substituting in respect of the land,

the Governor may vest the land in the Authority by issuing a certificate of occupancy in respect thereof in favour and in the name of the Authority.

(6) The compensation, if any, payable under the Land Use Act for the revocation of any rights relating to the land, where applicable, shall in the first instance be paid by the Federal Government, but the Authority shall refund to that Government any compensation so paid and all incidental expenses incurred by that Government.

(2) of this
the land;
sufficient

(2) The Authority shall, when practicable, serve on the occupier of any land on which it intends to enter pursuant to subsection (1) of this section, a notice which shall be in writing giving a description of the nature of the works intended to be carried out on the land.

use of an

(3) In the discharge of its functions pursuant to subsection (1) of this section, the officers, agents, workmen and servants of the Authority may remain on any such land for such reasonable time as may enable them to execute and do all such work and things as may be necessary.

writing
alienate,
property
on or in
to the

24.-(1) In the exercise of the powers conferred upon it by section 23 of this Decree, the Authority, its officers, servants and agents shall do as little damage as may be necessary and the authority shall pay compensation for any damage done to any building, crops and economic trees.

Compensation
for damages, etc.

by its
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(2) In the case of dispute as to the amount of compensation payable, the same shall be determined by a magistrate or district judge exercising jurisdiction in the place where the land is situated or the High Court within whose area of jurisdiction the land is situated, as the case may require, and such decision shall be final and binding.

PART VII - MISCELLANEOUS PROVISIONS.

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25.-(1) Subject to the provisions of this Decree, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Authority.

Limitation of
suits against
the Authority,
etc.
Cap. 379 LFN.

and

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(2) Notwithstanding anything contained in any other law or enactment, no suit shall lie against any member of the Board, the Director General or any other officer or employee of the Authority for any act done in pursuance or execution of this Decree or any other law or enactment, or of any public duty or authority or in respect of any alleged neglect or default in the execution of this Decree or such law or enactment, duty or authority, shall lie or be instituted in any court unless -

(a) it is commenced within three months next after the act, neglect or default complained of; or

(b) in the case of a continuation of damage or injury, within six months next after the ceasing thereof.

(3) No suit shall be commenced against a member of the Board, the Director General, officer or employee of the Authority before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Authority by the intending plaintiff or his agent.

(4) The notice referred to in subsection (3) of this section shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

Service of documents.

26. A notice, summons or other document required or authorised to be served upon the Authority under the provisions of this Decree or any other law or enactment may be served by delivering it to the Director General or by sending it by registered post and addressed to the Director General at the principal office of the Authority.

Restriction on execution against property of the Authority.

27. -(1) In any action or suit against the Authority, no execution or attachment of process in the nature thereof shall be issued against the Authority.

(2) Any sum of money which may by the judgement of any court be awarded against the Authority shall, subject to any direction given by court where notice of appeal of the said judgement has been given, be paid from the general reserve fund of the Authority.

Indemnity of officers.

28. A member of the Board, the Director General, any officer or employee of the Authority shall be indemnified out of the assets of the Authority against any proceeding, whether civil or criminal, in which judgement is given in his favour, or in which he is acquitted, if any such proceeding is brought against him in his capacity as a member of the Board, the Director General, officer or employee of the Authority.

29.-(1) Where an offence under this Decree which has been committed by a body corporate is proved to have been committed on the instigation or with the connivance of or to be attributable to any neglect on the part of a director, manager, secretary, head of branch or project manager or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate, where practicable, shall be deemed to have committed that offence and liable to be proceeded against and punished accordingly.

Offences by body corporate.

(2) Where a person is convicted of an offence under subsection (1) of this section, he shall

(a) in the case of an individual, be liable to a fine of ₦50,000 or imprisonment for a term of six months; and

(b) in the case of the body corporate, be liable to a fine of not less than ₦500,000.

30.-(1) The Authority shall after notice and the hearing complaint or on its own initiative and investigation to determine whether any person is violating any provision of this Decree, regulations, rules or order made there under.

Power to investigate and impose fines, etc.

(2) If the Authority is satisfied after such hearing that such a person is violating any provisions of this Decree, Regulations, rules or orders, as the case may be, it shall by order require the person to take such action consistent with the provision of this Decree, regulations, rules or orders as may be necessary in the opinion of the Authority to prevent further violation of the provision of this Decree, regulations, rules or orders.

31. The Federal High Court shall have jurisdiction to try offences committed under this Decree.

Jurisdiction.

32. The Minister may give to the Authority directives of a general character with regard to the performance or exercise by the Authority or Board of its functions or powers, as the case may be, and it shall be the duty of the Authority or Board to comply with the directives.

Power of Minister to give directives.

Regulations. 33. The Minister may make regulations generally for the purpose of carrying out or giving effect to the provisions of this Decree.

Operating regulations and bye-laws. 34. The Board may, with the approval of the Minister, make operating regulations and bye-laws generally for the purpose of carrying out or giving full effect to the provisions of this Decree.

Transfer of functions. 35. On the commencement of this Decree -
(a) the functions of the Directorate of Economic Regulation and Monitoring relating to air transport operations including processing of licences and permits; and
(b) the functions of the Directorate of Safety Regulations and Monitoring,

(in this Decree referred to as "the Directorates") shall be transferred to the Authority established by this Decree.

(2) For the purposes of the transfer effected by subsection (1) of this section and the transfer of the certain functions from the Minister to the Authority by this Decree -

(a) the provisions of the Civil Aviation Act or any other enactment concerned with or relating to civil aviation (including subsidiary instruments) made thereunder; and

(b) the provisions of any contract or instrument connected therewith.

shall be read and construed with such modifications (including additions, alterations, omissions or repeals) as would bring them into conformity with the general intendment of this Decree.

Savings and transfer of liabilities, staff, etc. 36.-(1) Accordingly, the statutory functions, rights, interests, obligations and liabilities of the Directorates, existing before the commencement of this Decree under any contract or instrument, or in law or in equity shall, by virtue of this Decree, be deemed to have been assigned to and vested in the Nigerian Civil Aviation Authority established by this Decree.

(2) Any such contract or instrument as is mentioned in subsection (1) of this section, shall be of the same force and effect against or in favour of the Nigerian Civil Aviation Authority established by this Decree and shall be enforceable as fully and effectively as if instead of the Directorates existing before the commencement of this Decree, the Nigerian Civil Aviation Authority established by this Decree has been named therein or had been a party thereto.

(3) The Nigerian Civil Aviation Authority established by this Decree shall be subject to all the obligations and liabilities to which the Directorates existing before the commencement of this Decree was subject immediately before the commencement of this Decree and all other persons shall have the same rights, powers and remedies against the Nigerian Civil Aviation Authority established by this Decree as they had against the Directorates existing before the commencement of this Decree.

(4) Any proceeding or cause of action pending or existing immediately before the commencement of this Decree, by or against the Directorates existing before the commencement of this Decree in respect of any right, interest, obligation or liability of the Directorates existing before the commencement of this Decree may be continued or as the case may be commenced and any determination of a court of law, tribunal or other authority or person may be enforced by or against the Nigerian Civil Aviation Authority established by this Decree to the same extent that such proceeding or cause of action or determination might have been continued, commenced or enforced by or against the Directorates existing before the commencement of this Decree.

(5) All assets, funds, resources and other movable or immovable property which immediately before the commencement of this Decree, were vested in the Directorates existing before the commencement of this Decree shall by virtue of this Decree and without further assurance, be vested in the Nigerian Civil Aviation Authority established by this Decree.

(6) Any person who immediately before the coming into force of this Decree is the holder of any office in the Directorates existing before the commencement of this Decree shall, on the

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commencement of this Decree, continue in office and be deemed to have been appointed to his office by the Nigerian Civil Aviation Authority established by this Decree unless the authority by which the person was appointed terminates the appointment.

Interpretation.

37. Notwithstanding any other provision of this Decree, unless the context otherwise requires -

"air navigation services" includes information, direction and other facilities furnished, issued or provided in connection with the navigation or movement of aircraft and the control of movement of vehicles in any part of an airport used for the movement of aircraft;

"airport" has the meaning assigned to it by section 17 of the Civil Aviation Act;

"Authority" means the Nigerian Civil Aviation Authority established by section 1 of this Decree;

"Board" means the Governing Board of the Authority as constituted under section 2 (1) of this Decree;

"bye-laws" means bye-laws made under section 34 of this Decree;

"cargo" includes mail;

"flight" means a journey by air beginning when the first person boards the aircraft in question with intent to fly and ending when the last person disembarks;

"Director-General" means the Director-General of the Authority appointed pursuant to section 8 of this Decree;

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

"Minister" means the Minister charged with responsibility for matters relating to aviation;

"operator"/"air carrier" in relation to an aircraft, means the person for the time being having the management of the aircraft;

"power" includes functions and duties;

"premises" includes lands, plants and ancillary works;

"reward" in relation to a flight, includes any form of consideration received or required to be received wholly or partly in connection with the flight irrespective of the person by whom or to whom the consideration has been or is to be given;

"regulations" in this Decree is a reference to the Civil Aviation regulations made pursuant to the Civil Aviation Act.

(2) Every other term shall have the same meaning as contained in the Convention on International Civil Aviation 1944.

38. This Decree may be cited as the Nigerian Civil Aviation Authority (Establishment, Etc.) Decree 1999. Citation.

SCHEDULE

Section 2(4)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

Proceedings of the Board

1.-(1) Subject to this Decree and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees. Cap. 192 LFN.

(2) The quorum of the Board shall be the Chairman or the person presiding at the meeting and 3 other members of the Board, 2 of whom shall be *ex-officio* members, and the quorum of any committee of the Board shall be as determined by the Board.

2.-(1) The Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 4 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Board, the Chairman shall preside but if he is absent, the members present shall appoint one of their number to preside at the meeting.

(3) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it deems fit, but a person who is in attendance by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

Committees

3.-(1) The Board may appoint one or more committees to carry out, on behalf of the Board, such functions as the Board may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on the committee in accordance with the terms of his appointment.

(3) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous

4.-(1) The fixing of the seal of the Authority shall be authenticated by the signatures of the Chairman, the Director General or any person generally or specifically authorised by the Board to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to

(b) promotion of Civil Aviation in such a manner as to best foster its development and safety and provide for the regulation of safe and efficient use of the airspace both by civil and military aircraft and other gainful purposes.

**NATIONAL EMERGENCY MANAGEMENT AGENCY
(ESTABLISHMENT, ETC.) (AMENDMENT)
DECREE 1999**



Decree No. 50

[26th May 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows -

1.-(1) The National Emergency Management Agency (Establishment, Etc.) Decree 1999 is hereby amended in subsection (2)(b) of section 13 by substituting therefor the following new paragraph, that is -

Amendment of
1999 No. 12.

"(b) 20 *per cent* of the Ecological Fund for the management of ecological related disasters;"

2. This Decree may be cited as the National Emergency Management Agency (Establishment, Etc.) (Amendment) Decree 1999.

Citation.

MADE at Abuja this 26th day of May 1999.

GENERAL ABDUSALAMI 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 amends the National Emergency Management Agency (Establishment, Etc.) Decree 1999 to provide that there shall be credited to the fund of the Agency 20 *per cent* of the Ecological Fund for the management of ecologically related disasters.

AND PRINTED

ORITY OF THE FEDERAL MILITARY GOVERNMENT OF NIGERIA
RY OF INFORMATION AND CULTURE, PRINTING DEPARTMENT, LAGOS

**CIVIL AVIATION (AMENDMENT)
DECREE 1999**



Decree No. 51

[26th May 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

- | | | |
|---|--|---|
| 1. The Civil Aviation (in this Decree referred to as the "principal Act") is hereby amended as set out in this Decree. | | Amendment of Civil Aviation Act. Cap. 51 LFN. |
| 2. Immediately after the existing section 16 of the principal Act there shall be inserted the following new sections, that is - | <p style="margin-left: 40px;">"Powers of the Minister.</p> <p style="margin-left: 40px;">16A. Subject to the provisions of this Act and such other law or enactment, the Minister may make recommendations generally to the Head of State, Commander-in-Chief of the Armed Forces on the establishment of a civil aviation authority for regulation of air navigation in Nigeria.</p> <p style="margin-left: 40px;">16B. The provisions of this Act shall be liable to review, from time to time, as may be deemed appropriate."</p> | Insertion of sections 16A and 16B. |
| 3. This Decree may be cited as the Civil Aviation (Amendment) Decree 1999. | <p style="margin-left: 40px;">Periodic review of the Act.</p> | Citation. |

MADE at Abuja this 26th day of May 1999.

GENERAL ABDULSALAMI ALHAJI ABUBAKAR,
*Head of State, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria*

**FEDERAL AIRPORTS AUTHORITY OF NIGERIA
(AMENDMENT) DECREE 1999**



Decree No.52

[26th May 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1. The Federal Airports Authority of Nigeria Decree 1996
(in this Decree referred to as "the principal Decree") is hereby
amended as set out in this Decree. Amendment of
1996 No. 9.

2. Section 3 of the principal Decree is amended in
subsection (1) - Amendment of
section 3.

(a) by deleting paragraphs (c)(d),(e) and (f);

(b) in paragraph (g) by deleting the words "or regulate";
and

(c) in paragraph (h) by deleting the words "and enroute";

3. Section 8 of the principal Decree is hereby deleted. Deletion of
section 8.

4. Section 13 of the principal Decree is amended in
subsection (1)(b) - Amendment of
section 13.

(a) by deleting sub-paragraphs (i), (ii), (iii), (iv), (v) and
(xvi);

(b) in sub-paragraph (xxi) by deleting the words "violation
of airspace";

Deletion of
sections 18 to 22.

5. Sections 18, 19, 20, 21, 22 of the principal Decree are hereby deleted.

Amendment of
section 34.

6. Section 34 of the principal Decree, as renumbered, is amended -

(a) in subsections (1) and (2) by substituting therefor the following new subsections, that is -

"(1) On the commencement of this Decree, the Directorate of National Air Traffic Services and the division of Aeronautical Telecommunications shall cease to be part of the Authority and the functions and employees, assets and liabilities of the said Directorate of National Air Traffic Services and the division of Aeronautical Telecommunications shall be inherited by Nigerian Airspace Management Agency.

(2) For the purposes of the transfer effected by subsection (1) of this section the provisions of any contract or instrument connected therewith, shall be read and construed with such modifications (including additions, alterations, omissions or repeals) as would bring them into conformity with the general intendment of this Decree.";

(b) in subsection 2 by substituting therefor the following new subsection, that is -

"(2) For the purpose of the transfer effected by subsection (1) of this section, the provisions of the Civil Aviation Act or any other enactment concerned with or relating to civil aviation (including subsidiary Instrument) made thereunder shall be modified to the extent as would bring it into conformity with the general intendment of this Decree.";

Cap 51 LFN.

Amendment of
Schedule 1.

7. Schedule 1 to the principal Decree is amended -

(a) by substituting for paragraph 1 the following new paragraph, that is -

"1. on the commencement of this Decree, the Authority shall retain such persons in its employment, not being persons on the staff of the Directorate of National Air Traffic Services, and the division of Aeronautical Telecommunications and other staff of the Authority transferred by this Decree to the Nigerian Airspace Management Agency";

(b) by repealing paragraph 3 and renumbering the existing paragraph 4 as paragraph 3.

8. This Decree may be cited as the Federal Airports authority of Nigeria (Amendment) Decree 1999.

Citation.

MADE at Abuja this 26th day of May 1999.

GENERAL ABDULSALAMI ALHAJI ABUBAKAR,
*Head of State, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria.*

**FORFEITURE OF ASSETS, ETC. (CERTAIN PERSONS)
DECREE 1999**



Decree No. 53

[26th May 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1. The -

(a) properties specified in Part I of the Schedule to this Decree; and

(b) the various sums of money and other assets specified in Part II thereof,

Forfeiture of certain properties and various sums of money, etc. to the Federal Republic of Nigeria. Schedule.

being properties acquired corruptly and illegally by the persons mentioned therein are hereby forfeited to the Federal Republic of Nigeria and shall vest in the Federal Government of Nigeria free of all encumbrances without any further assurance other than this Decree.

2. Any person who holds any of the properties referred to in section 1 of this Decree shall, within 14 days from the making of this Decree, yield up possession of such property to the Secretary to the Government of the Federation or any person acting on his behalf.

Yielding possession of forfeited property.

3. The Registrar of Deeds in the Federal or State Lands Registry, as the case may be, or any other person in charge of registration of lands, instruments, deeds or rights affecting land, shall, upon presentation to him by the Attorney-General of the Federation or any person acting on his behalf of a copy of this Decree, expunge from the relevant register the name of any person

Registration of properties affected.

in whose name any interest is registered in respect of any property by this Decree and substitute therefor the Federal Republic of Nigeria.

Rectification of certain registers.

4.-(1) The Secretary to the Government of the Federation shall cause a copy of this Decree to be served on the secretary or other officer or agent of the company having charge of, or control over the register of members of the company and the secretary or other officer or agent aforesaid shall strike out the name of the holder of any share to which section 1 of this Decree relates and substitute therefor the name of the Federal Republic of Nigeria.

(2) The Secretary to the Government of the Federation shall also cause a copy of this Decree to be served upon the Registrar-General of the Corporate Affairs Commission who shall cause his records relating to the names of the members of the company to be rectified accordingly.

Indemnity.

5. Any person who in intended compliance with this Decree deals with any of the properties, various sums of money and other assets affected by this Decree or who rectifies any register or other records relating to any such property or assets shall stand indemnified in respect thereof and no suit or other proceedings shall lie at the instance of any person aggrieved for anything done in respect of such compliance or rectification.

Penalty.

6. Any person who contravenes or fails to comply with any of the provisions of section 2, 3 or 4 of this Decree commits an offence and is liable on conviction to imprisonment for a term of two years without the option of fine.

Exclusion of civil proceedings.

7.-(1) No civil proceedings shall lie or be instituted in any court for or on account of or in respect of any act, matter or thing done or purported to be done under or pursuant to this Decree and if any such proceedings are instituted before on or after the commencement of this Decree the proceedings shall abate, be discharged and made void.

(2) The question whether any provision of Chapter IV of the Constitution of the Federal Republic of Nigeria has been, is

being or would be contravened by anything done or proposed to be done in pursuance of this Decree shall not be inquired into in any court of law and accordingly, no provision of that Constitution shall apply in respect of any such question.

8. This Decree may be cited as the Forfeiture of Assets, Etc. (Certain Persons) Decree 1999.

Citation.

SCHEDULE

Section 1

Part I

Section 1(a)

**LIST OF PROPERTIES/ASSETS BELONGING TO
LATE GENERAL SANI ABACHA**

ABUJA PROPERTY

<i>Location</i>	<i>Description</i>	<i>Name with which acquired</i>
Maitama Abuja	Plot 135 (A6), House No. 12, Zaire, Crescent, Maitama.	Gen. Sani Abacha
Asokoro Abuja	Plot 574 (A4), Yakubu Gowon Crescent, Near ECOWAS Secretariat, Asokoro.	Gen. Sani Abacha
Maitama Abuja	Plot 2824 (A6) Block No. 17, along Danube Street, Maitama.	Gen. Sani Abacha
Maitama Abuja	Plot 650 (A6) Rhine Street, Maitama.	Gen. Sani Abacha
Asokoro Abuja	Plot 1487 (A4) Justice Mamman Nasir Street, Asokoro.	Gen. Sani Abacha

<i>Location</i>	<i>Description</i>	<i>Name with which acquired</i>
Maitama Abuja	Plot 2480 (A6) Alvan Ikoku Street, Maitama.	Gen. Sani Abacha

LAGOS PROPERTY

Victoria Island, Lagos	Plot 636 Adeyemo Alakija Street, Victoria Island, Lay Out (Cowry House).	STALEMBO Properties Nig. Ltd.
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WEST AFRICAN REFINERY, SIERRA LEONE

Sierra Leone	30 per cent shares valued at \$420,000 USD in West African Refinery, Sierra Leone	NASITUME Investment Ltd. from UNIPETROL
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**LIST OF PROPERTIES/ASSET BELONGING TO
ALHAJI ISMAILA GWARZO**

ABUJA PROPERTY

<i>S/No.</i>	<i>Location</i>	<i>Description</i>	<i>Name with which acquired</i>
1.	Plots 3 and 4, Queen Ida Street, Asokoro, Abuja	Developed. Plot 3 has 2 No. completed 6 bedroom duplex with a tennis court and swimming pool. Plot 4, 2 No. completed bedroom duplex, rented and occupied by Philis Project Centre.	Urban Villas Ltd.
2.	Plot No. 1251 Off Yakubu Gowon Crescent round- about, Asokoro, Abuja.	6 No. of 5 bedroom duplex with boys quarters each	Alhaji Ismaila Gwarzo

Location	Description	Name with which acquired
3. Plots 191, 199 and 208 along Deeper Life Road off Shehu Shagari Way, Asokoro, Abuja	Plot 191 - 4 No. 6 bedroom duplex all rented by Tanko Yakassai & others Plot 199 - A newly completed storey building, rented and occupied by Syrian Embassy 8 No. 2 bedroom flats Plot 208 - A storey building under construction. It is already plastered and roofed. 8 No. 2 Bedroom flats	Alhaji Ismaila Gwarzo Alhaji Ismaila Gwarzo
4. Plot 444, Kotangora Close, Area 3, Garki, Abuja	Fully developed. A complete 3 storey house. Not occupied	MUAB Ltd.
5. Plot 488, Yabo Close, Garki II, Abuja	A complete duplex not occupied	MUAB Ltd.
6. Plot 273 Port-Said St., Zone 4, Wuse, Abuja.	Completed 2 storey house. Occupied by Jameel Ltd. Owned by Gwarzo & Jihad Khalil	MUAB Ltd.
7. Plots 577 and 578, Blantyre Street, Wuse II, Abuja	Four No. of 4 storey houses of six (6) flats each. Newly completed. Not occupied	Urban Villas Ltd.
8. Large expanse of land in Wuse II along Ahmadu Bello Way, Abuja	Cleared but not developed.	Alhaji Ismaila Gwarzo

	<i>Location</i>	<i>Description</i>	<i>Name with which acquired</i>
9.	Plot 2432, Ganges Street, Off Alvan Ikoku, Maitama Abuja	A completed duplex not occupied.	JAMEEL Nig. Ltd

KANO PROPERTY

1.	Plot No. 9D, Civic Centre Road, Kano.	Developed. Glass front 4 storey building for commercial use. Not Occupied.	FK Construction Company Ltd.
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ZARIA PROPERTY

1.	No. 4 Dangaladima Road Gellesu		Lawan Isa
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WEST AFRICAN REFINERY, SIERRA LEONE

	Sierra Leone	10 per cent shares valued at \$140,000 USD in West African Refinery, Sierra Leone	Integrated Investment Trust Ltd.
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Part II**Section 1(b)****1. LATE GENERAL SANI ABACHA AND FAMILY**

(a) US \$625,263,187.19

(b) £75,306,886.93

(c) ₦100,000,000.00

2. MOHAMMED SANI ABACHA

₦250,000,000.00

3. **ABDULKADIR ABACHA**
N50,000,000.00
N46,886,901.60
4. **ALHAJI ISMAILA GWARZO**
(a) N2,000,000.00
(b) N139,051,033.55
(c) Authorisation to Investigation Panel to collect US \$2,000,000 from Mr. Gilbert Chagoury.
(d) N8,363,164,000.00 and N247,903,491.91

VEHICLES

- (e) PEUGEOT 505 SUPER EVOLUTION
Not Registered
Engine No. X03305593X
Chasis No. 551A1703305593
- (f) PEUGEOT 505 ST EVOLUTION
Reg. No. AM 660 ABC
Engine No. X103256170
Chasis No. V551A1703256178V
- (g) TOYOTA LANDCRUISER
Reg. No. FG 052 - A⁰/₁
Engine No. 1FZ - F4477
Chasis No. FZJ80 - 0103814

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(h) PEUGEOT 505 SALOON

Reg. No. AA 186 KWL

Engine No. X 106123650

Chasis No. 504A1106123650V

(i) PEUGEOT 504 STATION WAGON BESTLINE 2000

Not Registered

Engine No. G1106111125

Chasis No. 504G110611125

(j) MERCEDES BENZ LORRY 911

Reg. No. XA 390 ZAR

Engine No. 3520113601

(k) MERCEDES BENZ PACKER (PICK-UP)

Reg. No. AG 577 ZAR

5. **CHIEF ANTHONY ANI**

(a) DM.30,000,000.00

(b) US \$3,000,000.00

6. **ALHAJI BASHIR DALHATU**

US \$5,000,000.00 gift from Late General Sani Abacha held in a London Account

7. **ALHAJI ABDULAZEEZ ARISEKOLA ALAO**

₦100,000,000.00

MADE at Abuja this 26th day of May 1999.

**GENERAL ABDULSALAMI ALHAJI ABUBAKAR,
*Head of State, Commander-in-Chief
of the Armed Forces.
Federal Republic of Nigeria.***

**INSTITUTE OF MEDICAL LABORATORY
TECHNOLOGY (CHANGE OF NAME)
DECREE 1999**



Decree No. 54

[26th May 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows -

1. Section 1 of the Institute of Medical Laboratory
Technology Act is hereby amended as follows, that is - Amendment of
Cap 186 LFN.

(a) in subsection (1) thereof, by substituting for the first
four lines thereof the following, that is -

Establishment
of Institute
of Medical
Laboratory
Science and
Technology.

1. There shall be for the profession
of Medical Laboratory Sciences in Nigeria
a body to be known as the Institute of
Medical Laboratory Science and Technology
(hereinafter in this Decree referred to as
"the Institute) which shall be a body
corporate under that name and be charged
with the general duty of -";

(b) accordingly, for the words the "Institute of Medical
Laboratory Technology" wherever it occurs in the Act
there shall be substituted therefor the words "Institute of
Medical Laboratory Science and Technology".

Citation.

2. This Decree may be cited as the Institute of Medical Laboratory Technology (Change of Name) Decree 1999.

MADE at Abuja this 26th day of May 1999

GENERAL ABDULSADAMI 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 amends the Institute of Medical Laboratory Technology Act to change the name of the Institute to the Institute of Medical Laboratory Science and Technology.

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NATIONAL BROADCASTING COMMISSION
(AMENDMENT) DECREE 1999



Decree No. 55

[26th May 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1. The National Broadcasting Commission Decree 1992 (in this Decree referred to as "the principal Decree") is amended as set out in this Decree. Amendment of
992 No. 38.

(2) Section 2 of the principal Decree is amended in subsection (1) - Amendment of
section 2.

(a) by substituting for paragraph (b) the following new paragraph (b) -

"(b) receiving, processing and considering applications for the establishment, ownership or operation of radio and television stations, including-

(i) cable television services, direct satellite broadcast and any other medium of broadcasting,

(ii) radio and television stations owned, established or operated by the Federal, State or Local Government;"

(b) in paragraph (d), by substituting for the word "broadcast", the word "broadcasting";

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(c) by inserting after paragraph (o), the following new paragraphs (p) to (t) -

"(p) ensuring qualitative manpower development in the broadcasting industry by accrediting curricula and programmes for all tertiary training institutions that offer Mass Communication in relation to broadcasting;

(q) intervening and arbitrating in conflicts in the broadcast industry;

(r) ensuring strict adherence to the national laws, rules and regulations relating to the participation of foreign capital in relation to local capital in broadcasting;

(s) serving as national consultants on any legislative or regulatory issues on the broadcasting industry;

(t) guaranteeing and ensuring the liberty and protection of the broadcasting industry with due respect to the law."; and

(d) renumbering the existing paragraph (p) as paragraph (u).

Amendment of
section 3.

3. Section 3 of the principal Decree is amended -

(a) by substituting for the existing subsection (1) the following new subsection (1) -

"(1) The Commission shall consist of -

(a) a Chairman;

(b) ten other members as may be approved to represent the following interests, that is -

(i) law,

- (ii) business,
- (iii) culture,
- (iv) education,
- (v) social science,
- (vi) broadcasting,
- (vii) public affairs,
- (viii) engineering,
- (ix) State Security Service,
- (x) the Federal Ministry of Information and Culture; and

(c) the Director-General of the Commission.";

(b) in subsection (2) by substituting for the words "in the opinion of the Minister" between the words "are" and "capable", the words "on the recommendation of the Minister and the approval of the President"; and

(c) in subsection (3), by inserting before the word "appointed" the words "citizens of Nigeria who shall be"

4. Section 9 of the principal Decree is amended -

Amendment of section 9.

(a) in subsection (1) by -

(i) substituting for the existing paragraph (a) the following new paragraph (a) -

"(a) is a body corporate registered under the Companies and Allied Matters Decree 1990 or a station owned, established or operated by the Federal, State or Local Government;"

(ii) deleting paragraph (c), and

(iii) renumbering paragraphs (d) and (e) as (c) and (d) respectively;

(b) by substituting for the existing subsection (5) the following new subsection (5) -

"(5) It shall be illegal for any person to have controlling shares in more than two of each of the broadcast sectors of transmission."; and

(c) by inserting immediately after subsection (5), the following new subsection (6) -

"(6) Any broadcast station transmitting from Nigeria before the commencement of this Decree shall be deemed to have been licensed under this

Decree and, accordingly, shall be subject to the provisions of this Decree."

Amendment of section 13.

5. Section 13 of the principal Decree is amended in subsection (1) by substituting for paragraph (a) the following new paragraph (a) -

"(a) to allocate to a licensed station, that is -

(i) in the case of a radio station, Frequency Modulation, Medium Wave and Short Wave,

(ii) in the case of television, Very High Frequency and Ultra High Frequency, and

(iii) such other broadcast frequencies as the Commission may from time to time determine."

Amendment of section 14.

6. Section 14 of the principal Decree is amended -

(a) in subsection (2) by inserting the following new paragraph (a) -

as (c) and

"(a) such percentage of fees and levy to be charged by the Commission on the annual income of licensed broadcasting stations owned, established or operated by private individual(s), Federal, State or Local Government.":

(5) the

(b) by inserting immediately after subsection (3) the following new subsection (4) -

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"(4) No person shall offer for sale, sell or have in his possession with a view to selling in the course of his business, any installation, mechanism, instrument, material or other apparatus -

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(a) constructed for the purpose of; or

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(b) intended to be used for,

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wireless telegraphy except under and in accordance with a licence issued by the Commission in that behalf."

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7. Immediately after section 14 of the principal Decree there is inserted the following new section 14A -

Insertion of new section 14A.

"Radio and television licence fees.

14A. The Commission shall -

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(a) collect and hold in trust for;

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(b) disburse on behalf of,

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the broadcast houses such licence fees accruing from the ownership of radio and television sets, as the Commission may prescribe."

8. Immediately after section 19 of the principal Decree, there is inserted the following new sections 19A and 19B -

Insertion of new sections 19A and 19B

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"Liability to code of sanctions.

19A. Any station which contravenes the provisions of the National Broadcasting Code or any other order of the Commission shall be liable to the sanctions prescribed in the Code.

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Indemnity, etc. of the Commission and staff.

19B:-(1) Every member of staff or other officer of the Commission shall be entitled to be indemnified by the Commission against losses or liabilities sustained or incurred in or about the execution of the duties attached to his office or otherwise in relation thereto, and no member, staff or other officer of the Commission shall be liable for any loss, damage or misfortune which may happen to or be incurred by the commission in the execution of the duties of his office or in relation thereto unless the same happened through his wilful neglect or default.

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(2) The Commission shall not be liable or responsible for any infringement by a licensee in the exercise of his licence, of a copyright in any work of any law arising out of the exercise of the licence, and nothing in this Decree shall affect the liability of the licensee in respect of any such act done by him."

(b)

Amendment of First Schedule. by -

9. The First Schedule to the principal Decree is amended

(a) inserting immediately after paragraph 1 the following new paragraph 1A -

(c) th

"1A. The principal office of the Commission shall be in the Federal Capital Territory, Abuja, where its general sessions shall be held.";

(b) inserting immediately after paragraph 5 the following new paragraphs 5A, 5B and 5C -

"5A. The Commission shall conduct its proceedings in such a manner as shall be best conducive to the proper dispatch of its business and the ends of justice.

5B. Each vote and official act of the Commission shall be entered on record and its proceedings shall be made public upon request by any party interested.

5C. The Commission may withhold publications of records or proceedings containing secret information affecting the national defence and security."

10. The Third Schedule to the principal Decree is amended-

Amendment of
Third Schedule.

(a) by inserting the following new paragraphs 2A and 2B -

"2A. In considering an application for the renewal of a licence the Commission shall review the past conduct of the licensee.

2B. The Commission may not renew a licence if, having regard to the past performance of the station, it is not in the national or public interest or the interest of the broadcast industry to do so.";

(b) by inserting the following new paragraph 4 -

"4. A licensee shall be responsible for the contents of the station's broadcast.";

(c) in paragraph 5 by substituting for the sub-paragraph (b) the following new sub-paragraph (b) -

"(b) a local programme content which shall not be less than 60 per cent local and not more than 40 per cent foreign for radio and television and not less

than 20 *per cent* local or more than 80 *per cent* foreign for cable satellite retransmission.";

(d) by substituting for paragraph 7, the following new paragraph 7 -

"7. Each station shall make available for inspection by the inspectorate staff of the Commission, its broadcast facilities including equipment, station transmission log, programmes and transmission recordings which must be kept for at least 3 months before being discarded.";

(e) in paragraph 8 by -

(i) substituting in sub-paragraph (b) the words "two years" for the words "one year",

(ii) substituting for the full stop at the end of sub-paragraph (d), a semi colon, and the following new sub-paragraphs (e) to (k) -

"(e) for false statements knowingly made either in the application form or in any statement of fact which may be required pursuant to sections 9 and 25 of this Decree;

(f) where the Commission discovers even after the issuance of licence, authentic information or fact that would ordinarily disqualify the granting of same;

(g) where there is wilful or repeated failure to operate substantially as set forth in the licence;

(h) where there is wilful or repeated violation, or wilful or repeated failure to observe any provision of this Decree or any rule or regulation of the Commission authorised by this Decree or by a treaty ratified by the Federal Republic of Nigeria;

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(i) where there is violation of or failure to observe any cease and desist order issued by the commission;

(j) where there is wilful or repeated failure to allow reasonable access into the premises of any station; and

(k) where a provision of the National Broadcasting code has been seriously breached."

(f) immediately after paragraph 8, there is inserted the following new paragraphs 8A, 8B and 8C -

"8A. The public hearing referred to in paragraph 8 may be held at such places as the Commission shall determine to be appropriate, and in making such determination, the Commission shall consider whether the public interest, convenience or necessity will be served by conducting the hearing at a place in or in the vicinity of the principal area to be served by the station in question.

8B. Pursuant to paragraph 8A, the Commission shall serve upon the licensee or person involved an order to show cause why an order of revocation, suspension or any order should not be issued against him and the order to show cause shall contain a statement of the matter with respect to which the Commission is inquiring and shall call upon the said licensee or person to appear before the Commission at such time and place as may be stated in the order but not less than thirty days after the receipt of such order, to give evidence upon the matter specified therein.

8C. If after the hearing, the Commission determines that an order of revocation, suspension, or any other order should be issued, it shall issue such order, which shall include a statement of the

findings of the Commission and the grounds and reasons for the findings and specify the effective date of the order, and cause same to be served on the said licensee or person.";

Citation.

11. This Decree may be cited as the National Broadcasting Commission (Amendment) Decree 1999.

MADE at Abuja this 26th day of May 1999.

GENERAL ABDULSALAMI ALHAJI ABUBAKAR,
Head of State, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria

**NATIONAL COUNCIL OF NIGERIAN VISION
(ESTABLISHMENT, ETC.) (AMENDMENT)
DECREE 1999**



Decree No.56

[26th May 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1. The National Council of Nigerian Vision (Establishment,
Etc.) Decree 1999 is amended in section 2 - Amendment of
1999 No. 10.

(a) subsection (1) by -

(i) inserting the following new paragraph (a), that
is -

"(a) the Chief of General Staff, who shall be
the alternate Chairman;" ,

(ii) renumbering paragraph (a) as paragraph (aa);

(iii) deleting paragraph (l);

(b) subsection (2) by substituting for the words "in
subsection (1)(m) of this section", the words "in subsection
(1)(o) of this section".

2. This Decree may be cited as the National Council of
Nigerian Vision (Establishment, Etc.) (Amendment) Decree 1999.

Citation.

MADE at Abuja this 26th day of May 1999.

GENERAL ABDUSALAMI 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 amends the National Council of Nigerian Vision (Establishment, Etc.) Decree 1999 to provide for the Chief of General Staff to be the alternate Chairman of the Council.

NEWSPAPERS (REPEAL) DECREE 1999



Decree No. 57

[26th May 1999]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows -

1. The Newspapers Decree 1993 (in this Decree referred to as "the repealed Decree") is hereby repealed and the Board established under the repealed Decree is consequentially dissolved.

**Repeal of
1993 No. 43.**

2.-(1) By virtue of this Decree, there shall be vested in the Nigerian Press Council (in this Decree referred to as "the Council"); established under the Nigerian Press Council Decree 1992, immediately at the commencement of this Decree, without further assurance, all assets, funds, resources and other movable and immovable property which immediately before the commencement of this Decree were vested in the dissolved Board.

Savings provisions.

1992 No. 85.

(2) As from the date of commencement of this Decree -

(a) all rights, interests, obligations and liabilities of the dissolved Board existing before the commencement of this Decree under any contract or instrument, or in law or in equity, shall by virtue of this Decree be assigned to and vested in the Council;

(b) any contract or instrument as is mentioned in paragraph (a) of this subsection shall be of the same force and effect against or in favour of the Council and shall be enforceable as fully and effectively as if instead of the dissolved Board, the Council had been named therein or had been a party thereto;

**Nigerian
Chief**

(c) the Council shall be subject to all the obligations and liabilities to which the dissolved Board was subject immediately before the commencement of this Decree and all other persons shall have the same rights, powers and remedies against the Council as they had against the dissolved Board immediately before the commencement of this Decree.

(3) Any proceedings or cause of action pending or existing immediately before the commencement of this Decree by or against the dissolved Board in respect of any right, interest, obligation or liability of the dissolved Board may be commenced or continued, as the case may be, and any determination of any court of law, tribunal or other authority or person may be enforced by or against the Council to the same extent that the proceedings, cause of action or determination might have been continued, commenced or enforced by or against the dissolved Board as if this Decree had not been made.

(4) Notwithstanding the provisions of this Decree but subject to such directions as may be issued by the Council, a person who immediately before the commencement of this Decree held office in the dissolved Board shall be deemed to have been transferred to the Council on terms and conditions not less favourable than those obtaining immediately before the commencement of this Decree, and service in the dissolved Board shall be deemed to be service in the Council for purposes of pension.

(5) Any newspaper registered under the repealed Decree shall be deemed to be registered by the Council under the Nigerian Press Council Decree 1992.

1992 No. 85.

(6) The Minister of Information and Culture, if he thinks fit, may, within twelve months after the commencement of this Decree, by order published in the *Gazette*, make additional transitional or savings provisions for the better carrying out of the objectives of this section.

3. This Decree may be cited as the Newspapers (Repeal) Decree 1999.

Citation.

MADE at Abuja this 26th day of May 1999

GENERAL ABDULSALAMI 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 Newspapers Decree 1993 and transfers all the rights, interests staff among other things, to the Nigerian Press Council established under the Nigerian Press Council Decree 1992.

**NIGERIAN MEDIA COUNCIL (REPEAL)
DECREE 1999**



Decree No. 58

[26th May 1999]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows -

1. The Nigerian Media Council Decree 1988 (in this Decree referred to as "the repealed Decree") is hereby repealed and the Council established under the repealed Decree is consequentially dissolved.

Repeal of
1988 No. 59

2-(1). By virtue of this Decree, there shall be vested in the Nigerian Press Council established under the Nigerian Press Council Decree 1992 (in this Decree referred to as "the Council") immediately at the commencement of this Decree, without further assurance, all assets, funds, resources and other movable and immovable property which immediately before the commencement of this Decree were vested in the dissolved Council.

Saving provisions.
1992 No. 85.

(2) As from the date of commencement of this Decree -

(a) all rights, interests, obligations and liabilities of the dissolved Council existing before the commencement of this Decree under any contract or instrument, or in law or in equity, shall by virtue of this Decree be assigned to and vested in the Press Council;

(b) any contract or instrument as is mentioned in paragraph (a) of this subsection shall be of the same force and effect against or in favour of the Press Council and shall be enforceable as fully and effectively as if instead of the dissolved Council, the Press Council had been named therein or had been a party thereto;

(c) the Press Council shall be subject to all the obligations and liabilities to which the dissolved Council was subject immediately before the commencement of this Decree and all other persons shall have the same rights, powers and remedies against the Press Council as they had against the dissolved Council immediately before the commencement of this Decree.

(3) Any proceedings or cause of action pending or existing immediately before the commencement of this Decree by or against the dissolved Council in respect of any right, interest, obligation or liability of the dissolved Council may be commenced or continued, as the case may be, and any determination of any court of law, tribunal or other authority or person may be enforced by or against the Press Council established by this Decree to the same extent that the proceedings, cause of action or determination might have been continued, commenced or enforced by or against the dissolved Council as if this Decree had not been made.

(4) Notwithstanding the provisions of this Decree but subject to such directions as may be issued by the Press Council, a person who immediately before the commencement of this Decree held office in the dissolved Council shall be deemed to have been transferred to the Press Council established by this Decree on terms and conditions not less favourable than those obtaining immediately before the commencement of this Decree, and service in the dissolved Council shall be deemed to be service in the Press Council for purposes of pension.

(5) The Minister of Information and Culture, if he thinks fit, may, within twelve months after the commencement of this Decree, by order published in the *Gazette*, make additional transitional or savings provisions for the better carrying out of the objectives of this section.

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3. This Decree may be cited as the Nigerian Media Council
(Repeal) Decree 1999.

Citation.

MADE at Abuja this 26th day of May 1999

GENERAL ABDULSALAMI 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 Nigerian Media Council Decree
1988 and transfers the assets, liabilities and staff, etc, to the
Nigerian Press Council

**NIGERIAN LAW REFORM COMMISSION
(AMENDMENT) DECREE 1999**



Decree No. 59

[26th May 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows -

1. The Nigerian Law Reform Commission Act is amended - Amendment of
Cap. 313 LFN.

(a) in section 8 by substituting for subsection (1), the
following new subsection -

"(1) There shall be appointed for the Commission
by the Head of State, Commander-in-Chief of the
Armed Forces, on the recommendation of the
Attorney-General, a Secretary who shall -

(a) be the accounting officer of the
Commission;

(b) hold office -

(i) for a period of five years in the
first instance and may be re-
appointed for one further period of
five years and no more, and

(ii) on such terms and conditions as
may be specified in his letter of
appointment;

(c) assist the Chairman in ensuring that all
the rules and regulations relating to the
management of the human, material and

financial resources of the Commission are adhered to in accordance with the objectives of the Federal Government; and

(d) carry out such other duties as may be directed, from time to time, by the Commission."; and

(b) in section 10, by deleting subsection (3).

Citation.

2. This Decree may be cited as the Nigerian Law Reform Commission (Amendment) Decree 1999.

MADE at Abuja this 26th day of May 1999.

GENERAL ABDULSALAMI 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 amends the Nigerian Law Reform Commission Act, among other things, to -

(a) provide for the Head of State, Commander-in-Chief of the Armed Forces to appoint the Secretary to the Commission;

(b) assign to the Secretary the role of accounting officer; and

(c) provide a tenure of office for the Secretary.

**NIGERIAN PRESS COUNCIL (AMENDMENT)
DECREE 1999**



Decree No. 60

[26th May 1999]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1. The Nigerian Press Council Decree 1992 (in this Decree referred to as "the principal Decree") is hereby amended as set out in this Decree.

Amendment of
1992 No. 85.

2.-(1) Section 2 of the principal Decree is amended in subsection (1) -

Amendment of
section 2.

(a) paragraph (d) by substituting therefor the following new paragraph, that is -

"(d) four representatives of the general public one of whom shall be a Legal Practitioner and a woman;

(b) paragraph (i) by substituting for the words "the Secretary to the Council" the words "the Executive Secretary to the Council".

(2) Accordingly, for the word "Secretary" there shall be substituted the words "Executive Secretary" wherever it appears in the principal Decree.

3. Section 3 of the principal Decree is amended -

Amendment of
section 3.

(a) by inserting immediately after the existing paragraph (a) the following new paragraphs, that is -

"(b) monitoring the activities of the Press with a view to ensuring compliance with the Code of Professional and Ethical Conduct of the Nigerian Union of Journalists;

(c) receiving application from, and documenting the Print media and monitoring their performance to ensure that owners and publishers comply with the terms of their mission statements and objectives in liaison with the Newspapers Proprietors Association of Nigeria;"

(b) by renumbering the existing paragraphs (b), (c), (d) and (e) as paragraphs (d), (e), (f) and (g) respectively.

Amendment
of section 4.

4. Section 4 of the principal Decree is amended by substituting therefor the following new section, that is -

"4.-(1) There shall be appointed for the Council an Executive Secretary by the Head of State, Commander-in-Chief of the Armed Forces on the recommendation of the Minister.

(2) The Executive Secretary shall -

(a) be a journalist with at least 15 years post qualification experience and shall have held high journalistic positions;

(b) be the chief executive of the Council;

(c) be responsible for the execution of the policy of the Council and of its day-to-day administration;

(d) in addition to the functions expressly conferred on him by this Decree, perform such other functions as the Council may, from time to time, direct;

(e) hold office on such terms as to emolument and otherwise as may be specified in his letter of appointment

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and may, from time to time, be approved by the Head of State, Commander-in-Chief of the Armed Forces;

(f) subject to this section, the Executive Secretary shall hold office for a term of four years in the first instance and may be eligible for re-appointment for a further term of four years;

(g) the Executive Secretary may be removed from office on the recommendation of the Minister for inability to discharge the functions of his office arising from infirmity of mind or body or from any other cause."

5. Immediately after section 5 of this principal Decree, there shall be inserted the following new section 5A, that is -

Insertion of section 5A

"Service in the Council to be pensionable. Cap. 346 LFN.

5A. -(1) Service in the Council shall be approved service for purposes of the Pensions Act.

(2) Employees of the Council shall be entitled to pension, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the civil service of the Federation.

(3) Nothing in subsection (1) or (2) of this section or in this Decree shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

(4) For the purposes of the application of the provisions of the Pensions Act any power exercisable thereunder by a Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Council other than any other person or authority."

Insertion of
section 5B.

6. Immediately after the existing section 5 of the principal Decree, there shall be inserted the following new section 5B, that is -

"Remuneration
of staff.

5B. Without prejudice to the provisions of section 5A of this Decree, the terms and conditions of service including terms and conditions as to remuneration, allowance, retirement and other benefits of the staff and other employees of the Council shall be as may be determined by the Council with the approval of the Minister."

Amendment of
section 7.

7. Section 7 of the principal Decree is amended by substituting therefor the following new section, that is -

"(1) The Nigeria Union of Journalists shall provide a Code of Professional and Ethical Conduct to guide the Press and journalists in the performance of their duties.

(2) The Nigeria Union of Journalists shall cause a revision of such Code of Professional and Ethical Conduct, as may be deemed appropriate from time to time to conform with media practices.

(3) The Council shall, after due consideration, approve the Code of Professional and Ethical Conduct by the Nigeria Union of Journalists and ensure compliance.

(4) The Council shall cause to be published in the Nigerian Press Council Journal, the Code of Professional and Ethical Conduct as approved under subsection (3) of this section which shall be binding on every journalist in Nigeria."

Amendment of
section 9.

8. Section 9 of the principal Decree is amended in subsection (1)(b) by substituting therefor the following new paragraph, that is -

"(b), without prejudice to provisions of the Code of Professional and Ethical Conduct, summon any person in Nigeria to attend any meeting of the Council to give evidence and to examine him as a witness in the case of journalists, ;"

9. Section 14 of the principal Decree is amended by substituting for subsection (2) the following new subsection, that is -

Amendment of
section 14.

"(2) If the Council is satisfied that the performance of the Press is not consistent with the provisions of the Code of Professional and Ethical Conduct, the Executive Secretary shall, in accordance with such general directions as may be given by the Council, lay before the Council all complaints made under subsection (1) of this section."

10. Section 15 of the principal Decree is amended -

Amendment of
section 15.

(a) in subsection (1)(a) and (b) by substituting for the words "Code of Conduct" the words "Code of Professional and Ethical Conduct";

(b) by substituting for the words, "Conduct of Conduct" wherever it appears in the principal Decree the words "Code of Professional and Ethical Conduct";

(c) by inserting immediately after the existing subsection (3) the following new subsection, that is -

"(3) Where the medium of information or the journalist so sanctioned in accordance with subsection 1 of this section does not comply with the Council's decisions, the medium or journalist commits an offence and is liable on conviction -

(a) in the case of a body corporate to a fine of ₦30,000; and

(b) in the case of a journalist to a fine of ₦2,000 and the Council shall order suspension of the journalist from practice for a period not exceeding six months.

(4) Where there is persistent refusal to comply with the directives of the Council, the medium or journalist so sanctioned in accordance with subsection (1) of this section commits an offence and is liable on conviction -

(a) in the case of a body corporate to a fine of ₦100,000; and

(b) in the case of a journalist to a fine of ₦15,000,

or in an extreme case the Council shall order the striking out of the name of the journalist from the register.";

(d) by renumbering the existing subsection (3) as subsection (5).

Amendment of
section 16.

11. Section 16 of the principal Decree is amended by substituting therefor the following new section, that is -

"(1) It shall be the duty of the Executive Secretary to maintain a register of accredited journalists compiled by the Council in collaboration with the Nigeria Union of Journalists and the Nigerian Guild of Editors;

(2) The register referred to in subsection (1) of this section shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together, is registered or was so registered and that any person not so specified was not registered.

(3) Where in accordance with subsection (2) of this section a person is in any proceedings, shown to have been or not to have been so registered at a particular date with the Council, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be or not to be so registered."

Amendment of
section 17.

12. Section 17 of the principal Decree is amended in subsection (1)(a) by substituting for the words "Nigeria Union of Journalist" wherever it appears in the section the words "the Council"

Amendment of
section 18.

13. Section 18 of the principal Decree is amended -

(a) in subsection (1)(c) by substituting therefor the following new paragraph, that is -

"(c) the Council is of the opinion that a registered journalist has, on the basis of complaints made pursuant to section 14 of this Decree been found guilty of persistent breach of the Code of Professional and Ethical Conduct;"

(b) in subsection (2) by substituting therefor the following new subsection, that is -

"(2) The Council may give directives under subsection (1) of this section -

(a) reprimanding that person; or

(b) suspending that person from practice by ordering him not to engage in practice as a journalist for such period not exceeding three months as a may be specified in the directive; or

(c) requesting the Nigeria Union of Journalists to strike that person's name off the register and any such directive may, where appropriate, include provision requiring the refund of moneys paid or the handing over of documents or any other thing as the circumstances of the case may require.";

(c) in subsection (3) by substituting therefor the following new subsection, that is -

"(3) For the purposes of subsection (1) of this section, a person shall not be deemed to have committed an offence unless it was an offence at the time of commission and at a time no appeal or further appeal is pending or may (without extension of time) be brought in connection with the offence."

14. Section 19 of the principal Decree is amended by inserting immediately after subsection (4) thereof the following new subsection (5), that is -

Amendment of
section 19.

"(5) Where any person has been convicted of an offence under this section of this Decree -

(a) in a High Court, he shall be liable to a fine not exceeding ₦5,000 or imprisonment for a term not exceeding 2 years or to both such fine and imprisonment and to an additional fine of ₦200 for each day during which the offence continues; and

(b) in a Magistrate Court, he shall be liable to a fine of ₦3,000 and to an additional fine of ₦100 for each day during which the offence continues."

Amendment of
section 24.

15. Section 24 of the principal Decree is amended by substituting therefor the following new section, that is -

"24. The Council may publish its journals and books to publicize its activities and the result of its findings on adjudications and such other matters which relate to the development of mass media in Nigeria.

Qualification,
etc. for
appointment
as Editor.

24B.-(1) A person shall be qualified for appointment as an editor if -

(a) he has attained the age of 25 years;

(b) he is a registered member of the Nigerian Union of Journalist; and

(c) he has, for a period of not less than 5 years served as a reporter or acquired working experience as a journalist in a reputable newspaper house, electronic news medium or news agency.

(2) Nothing in subsection (1) of this section shall be construed to include working experience, employment in a house journal, newsletter or any similar publication."

16. Immediately after section 26 of the principal Decree, there shall be inserted the following new sections, that is -

Insertion of sections 26A, 26B, 26C, 26D, 26E, 26F, 26G.

"Documentation of Newspapers, etc."

26A.-(1) An application for documentation with the Council as a newspaper, magazine or journal shall be made in such form as may be prescribed by the Council from time to time.

(2) Notwithstanding the provisions of subsection (1) of this section, any person requiring the documentation of a newspaper, magazine, or journal shall submit -

(a) a brief mission statement and objectives of the newspaper, magazine or journal;

(b) the title or name of the newspaper, magazine or journal;

(c) the full address of the location of the office of the newspaper, magazine or journal;

(d) the name of the body corporate which owns or intends to publish the newspaper, magazine or journal;

(e) a copy of the certificate of incorporation; and

(f) such other information as the Council may, from time to time, require.

(3) The Council shall, pursuant to the provisions of subsection (1) of this section, have power to charge such administrative fees as may be determined from time to time.

Renewal of
documentation.

26B.-(1) The Council shall document a newspaper, magazine or journal if it is satisfied that the requirements of section 26A of this Decree have been met.

(2) The documentation of a newspaper, magazine and journal under this Decree shall be renewed every year.

Register of
documented
newspapers, etc.

26C. The Council shall cause to be established and maintained a register into which shall be entered the names and addresses of every newspaper, magazine or journal documented under this Decree.

Offences and
penalties.

26D.-(1) Any person who, without documentation with the Council, owns, publishes or prints a newspaper, magazine, journal commits an offence and is liable on conviction to a fine of ₦250,000 or imprisonment for a term not exceeding 3 years or to both such fine and imprisonment and to an additional fine of ₦5,000 for every day the offence continues.

(2) Any news agent who circulates for sale any copy of a newspaper, magazine, or journal which is not documented in accordance with the provisions of this Decree commits an offence and is liable on conviction to a fine of ₦50,000 or imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Proof of
evidence on
documentation.

26E. A copy of an entry in or an extract from the register referred to in section 26C of this Decree purporting to be duly issued by the Council or certified by any person appointed for that purpose by the Council and shall be received in evidence unless the contrary is proved be presumed contents of the documentation.

26F.-(1) The owner or publisher of a newspaper, magazine or journal shall submit to the Council not later than 60 days after the end of each year a return on the performance of the newspaper, magazine or journal in such form as may be specified by the Council from time to time, restating its mission statement and objectives, any change in its name or confirming if the newspaper, magazine or journal has abided by its mission statement and objectives and that the newspaper, magazine or journal has kept to the Code of Professional and Ethical Conduct in the discussion of issues of public interest.

Submission of annual performance returns.

(2) Any owner or publisher of a newspaper, magazine or journal who fails to comply with the provisions of subsection (1) of this section commits an offence and is liable on conviction to a fine of ₦100,000.

26G.-(1) Notwithstanding the provisions of section 26F of this Decree -

Notice to file annual returns.

(a) if the owner or publisher of a newspaper, magazine or journal fails to make the annual returns on the performance of the newspaper, magazine or journal as required by this Decree; or

(b) a cause of action has been taken against the owner or publisher by reason of that failure, the Council may, by notice signed by its Chairman addressed to the owner or publisher, require the owner or publisher to deliver forthwith or send to Council the annual returns as required by this Decree.

(2) Any owner or publisher required by notice to deliver or send a copy of the returns on performance who fails to deliver

or send the annual returns commits an offence and is liable on conviction to a fine of ₦10,000 for every day on which the offence continues."

Amendment of
section 27.

17. Section 27 of the principal Decree is amended -

"(a) in the interpretation of the word "journalist" by substituting for the word "Nigeria Union of Journalist" the word "Council";

(b) in the interpretation of the word "newspaper" by substituting therefor the following new interpretation, that is -

"Newspaper" includes a magazine, journal and any paper containing public news, intelligence or occurrences or any remarks, observations or comments printed therein for sale and published periodically or in parts or numbers";

(c) inserting in alphabetical sequence the interpretation of the following words, that is -

"editor" includes a person who is in-charge of all the journalists in a mass circulation newspaper, magazine, journal, an electronic news medium or news agency who is responsible for making decisions about the contents;

"news agent" includes a person who sells newspapers, whether for himself or on behalf of another in a shop, stall or other structure whether movable or immovable;

"owner" "printer" or "publisher" means the body corporate which owns, prints or publishes a newspaper documented under this Decree;".

Amendment of
Schedule.

18. Schedule 1 of the principal Decree is amended -

(a) by substituting for the title the following new title, that is - "SCHEDULE";

(b) by substituting for paragraph 2(1) the following new paragraph, that is -

"2.-(1) The Chairman may by notice addressed through the Minister to the Head of State, Commander-in-Chief of the Armed Forces of the Federation resign his appointment and any member of the Council referred to in paragraph 1(2) of this Schedule may by notice addressed through the Minister to the body that nominated him indicate his intention to resign his appointment.";

(c) by substituting for paragraph 7(1) the following new paragraph, that is -

"7.-(1) The fixing of the seal of the Council shall be authenticated by the signature of the Executive Secretary or of some other person authorised generally or specifically for that purpose by the Council."

19. This Decree may be cited as the Nigerian Press Council (Amendment) Decree 1999.

Citation.

MADE at Abuja this 26th day of May 1999

GENERAL ABDULSALAMI 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 amends the Nigerian Press Council Decree 1992 to promote, among other things, for the reconstitution of the membership of the Council.

**PORTS (RELATED OFFENCES, ETC.) (AMENDMENT)
DECREE 1999**



Decree No. 61

[26th May 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1. The Ports (Related Offences, Etc.) Decree 1996 is
amended in section 1 - Amendment of
1996 No. 12.

(a) by substituting for subsections (1) and (2), the following
new subsections -

Cap. 84
LFN.

1999 No.38.
1996 No.9.

"(1) Notwithstanding anything to the
contrary contained in any law or enactment,
including the Customs and Excise
Management Act, the Nigerian Ports
Authority Decree 1999 and the Federal
Airports Authority of Nigeria Decree 1996,
it shall be unlawful for any person, not
being a duly authorized officer or agent of
any of the following, namely -

(a) the Nigeria Customs Service;

(b) the Nigerian Ports Authority;

(c) the Federal Airports Authority of
Nigeria;

(d) the Nigerian Immigration
Service;

(e) the Port Police; and

(f) the Inspection Agents,

to do any of the acts or things mentioned in subsection (2) of this section.

(1A) Without prejudice to the provisions of subsection (1) of this section, the Nigeria Customs Service may, if it considers it appropriate, by written notification, require the presence of any other relevant agency of the Federal Government in the course of the administration of the customs and excise laws with respect to the importation or exportation of goods in any Port.

(1B) Notwithstanding the provisions of subsection (1A) of this section and unless otherwise requested by written notification by the Nigeria Customs Service, it shall be unlawful for any person, not being a duly authorised officer or agent of the Nigeria Customs Service, the appointed Inspection Agents or any other person as may be authorised under any law or instrument to that effect, to be concerned with or be involved with the actual process of examination and clearance of goods in any Port.

(2) Save for the persons mentioned in this section or a genuine passenger, or a traveller or a *bona fide* owner of goods, or an approved clearing agent or such other persons as may be authorised by the Minister, it shall be an offence under this Decree for any person without lawful authority or excuse, proof of which shall be on the person charged, to do any of the following, that is -

(a) trespass or be found loitering within the vicinity or premises of any of the Ports listed in the Schedule to this Decree;

(b) enter into and remain in the premises of any Port for the purpose of perpetrating or furthering any nuisance thereon;

(c) obstruct, interfere or hinder any authorized person in the performance of his lawful duty under the customs and excise laws; or

(d) hold himself out under any guise or cover as having been authorised to enforce any aspect of the customs and excise laws.

(2A) It shall be an offence for any person to conduct any illegal or unauthorised business within the premises of any Port.";

(b) in subsection (3), by substituting for the expression "subsection (2)", the expression "subsections (2) and (2A)".

2. This Decree may be cited as the Ports (Related Offences, Etc.) (Amendment) Decree 1999.

Citation.

MADE at Abuja this 26th day of May 1999.

GENERAL ABDULSALAMI 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 amends the Ports (Related Offences, Etc.) Decree 1996 to expressly provide the agencies lawfully entitled to be in attendance at the Ports in the course of importation and exportation of goods into and out of Nigeria.

**TRIBUNALS (CERTAIN CONSEQUENTIAL
AMENDMENTS, ETC.) DECREE 1999**



Decree No. 62

[28th May 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1. The enactments specified in the first column of Parts I and II of the Schedule to this Decree are amended to the extent set out in the second column of those Parts of that Schedule. Amendments, etc.

2.-(1) The Federal High Court or the High Court of a State, as the case may be, shall have jurisdiction to try the offences created under the enactments specified in the Schedule to this Decree. Jurisdiction.

(2) Accordingly, a tribunal established in any of the enactments specified in the Schedule to this Decree is hereby dissolved.

(3) A charge, claim or court process filed before a Tribunal established under any of the enactments specified in the Schedule to this Decree shall be deemed to have been duly filed or served before the Federal High Court or High Court of a State, as the case may be and such charge, claim and court process shall be deemed amended as to title, venue and such other matter as may be appropriate to give effect to this subsection without further assurance than this Decree.

(4) Any order, remand, decision or judgment made by a Tribunal before the commencement of this Decree is hereby preserved.

(5) A decision or judgement of a Tribunal made before the commencement of this Decree shall be enforced in accordance with the procedure or law relating to the enforcement of a decision or judgment of the Tribunal before the commencement of this Decree.

(6) Where before the commencement of this Decree, a matter has been concluded in a Tribunal and the Tribunal was for any reason whatsoever unable to deliver the judgment, the judgment may be delivered by a Judge of the Federal High Court or the High Court of a State, as the case may be:

Provided that the judgment shall have been written.

Pending proceeding, etc. 3.-(1) Where any part-heard matter is pending before any Tribunal on the date of the making of this Decree the Judge -

(a) may, if the parties to the proceedings agree in a civil cause, adopt the proceedings of the Tribunal concerned;

(b) shall, in a criminal case, try the matter *de novo* pursuant to this Decree.

(2) All new proceedings shall be brought before the Court in accordance with the rules of procedure of the Court concerned.

Summary trial of criminal cases. Cap 134 LPN.

4. All criminal proceedings brought before the Court relating to a matter for which the Court has jurisdiction under this Decree shall be tried summarily in accordance with section 33 of the Federal High Court Act and rules of procedure made under that Act or under the equivalent section of the relevant High Court Law of the State concerned and rules of procedure made under that Law.

Trial in any division of the Court.

5. A civil or criminal proceeding may be commenced and proceeded with in any division of the Federal High Court notwithstanding the place of commission of the offence or a cause of action.

Accelerated hearing.

6. All proceedings pursuant to this Decree shall be given accelerated hearing.

7.-(1) A person convicted or against whom a judgment is given under this Decree may, within 30 days of the conviction or judgement, appeal to the Court of Appeal. Right of appeal to Court of Appeal, etc.

(2) There shall be a right of appeal from a decision of the Court of Appeal to the Supreme Court.

8. In this Decree, unless the context otherwise requires - Interpretation.

"Court" means the Federal High Court or the High Court of a State, as the case may be;

"Tribunal" means a Tribunal established under any of the enactments specified in the Schedule to this Decree.

9. This Decree may be cited as the Tribunals (Certain Consequential Amendments, Etc.) Decree 1999. Citation.

SCHEDULE

Section 1

Part 1

<i>Year</i>	<i>No.</i>	<i>Title</i>	<i>Extent of Amendment</i>
	Cap 159 LFN	Food and Drugs Act	<ol style="list-style-type: none"> Section 14(3) is amended by substituting for the words "High Court of a State or a magistrate" the words "the Federal High Court". Immediately after section 17 insert the following new section. 17A- Trial of offence 17A. The Federal High Court shall have exclusive jurisdiction to try offences under this Act.
1984	3	Recovery of Public Property (Special Military Tribunal Decree 1984	<ol style="list-style-type: none"> For the title substitute the following new title - "Recovery of Public Property (Special Provisions) Decree 1984". For the words "Chairman of the Tribunal" substitute the words "the Judge of a Federal High Court". For the word "Tribunal" wherever it appears in the Decree, substitute the words "Federal High Court.". Sections 5, 6, 7, 12, 14, 15, 16, 17, 18, 19, 20, 31 are hereby deleted.

A 1986 1999 No. 62 Tribunals (Certain Consequential Amendments, etc.)

5. In section 22, delete the definition of "tribunal"
is hereby deleted.

1984

20

Special
Tribunal
Miscellaneous
Offences
Decree 1984

5. In section 22, delete the definition of "tribunal" deleted.
6. The Second Schedule is hereby deleted.
1. For the title substitute the following new title "Miscellaneous Offences Decree 1984"

Sections 1,2,4,5, 6,8,9,11,12 are hereby deleted.

2. Section 7 is amended by substituting therefor the following-

*Power to
search.

7.-(1) Any person who commits an offence under this Decree shall be arrested without warrant by a police officer or customs office, as the case may be.

- (2) Notwithstanding the provisions of any other enactment conferring power to search, if the Judge of the Federal High Court is satisfied that there is a reasonable ground to suspect that there may be found in any building or other place, whatsoever, any money or other property or any books, record, account, statements of information in any other form whatsoever which, in his opinion are or may be material to the subject matter of any trial under this Decree, he may issue a warrant under his hand authorising any police officer, if necessary by force, to search the said building or other place or any part thereof, and to search for, seize and remove such things as aforesaid found therein."

<i>Year</i>	<i>No.</i>	<i>Title</i>	<i>Extent of Amendment</i>
			<p>3. For the word "tribunal" substitute the word "Federal High Court" wherever it appears.</p> <p>4. Section 13 is amended by deleting the definition of "tribunal".</p> <p>5. The Schedule is hereby deleted.</p>
1984	22	Counterfeit and Fake Currency Decree 1984	<p>1. Section 7 is amended by -</p> <p>(a) substituting for the words "Chairman of a tribunal" the words "Judge of the Federal High Court";</p> <p>(b) deleting the words "any member of the armed forces and an officer of the armed forces" wherever they appear in the section.</p> <p>2. For section 8 substitute the following new section -</p> <p>"^{Trial of} 8. The Federal High Court shall have exclusive _{offences} jurisdiction to try offences created under this Decree."</p> <p>3. Section 9 is amended by -</p> <p>(a) substituting for the words "Chairman of a Tribunal", the words "Judge of the Federal High Court";</p> <p>(b) deleting the words "or any member of the armed forces or any member of the security agencies."</p>

4. Sections 10,11,14,15,16, 17 and 19 are hereby deleted.

5. For section 12, substitute the following new section -

^{"Trial of} 12.-(1) Where any person is convicted of any offence ^{offences.} under this Decree the Federal High Court may, either at the time of making the conviction or subsequently, make an order that any counterfeit bank note or current coin, or instrument, tool, engine or any machinery, implement, utensil or material whatsoever used or intended to be used for the false making or counterfeiting of a bank note or current coin be forfeited to the Federal Republic of Nigeria.

(2) Notwithstanding that no person has been convicted by it if the Federal High Court is satisfied that any person brought before it or to its notice for the purposes of a trial in the nature of a counterfeit bank note or current coin, instrument, engine or any machinery, implement, utensil or material whatsoever it or has been used for, intended to be or capable of being used for the false making or counterfeiting of a bank note or current coin, then, the Federal High Court may at the completion of such trial make an order that any such thing be forfeited to the Federal Republic of Nigeria.

<i>Year</i>	<i>No.</i>	<i>Title</i>	<i>Extent of Amendment</i>
			(3) The passport of any person convicted under this Decree shall be forfeited to the Federal Republic of Nigeria and shall not be released to him until ten years from the date of pronouncement of the sentence imposed on such person by the Federal High Court."
			6. Section 18 is amended by deleting the definition of "tribunal".
			7. For the word "tribunal" wherever it appears in this Decree substitute the words "Federal High Court".
			8. The Schedule is hereby deleted.
1984	48	National Drug Law Enforcement Agency Decree 1989	1. Section 17 is amended by substituting therefor the following new section - "Trial of offences 17.-(1) The Federal High Court shall have exclusive jurisdiction to try offences under this Decree. (2) The Federal High Court shall have power to impose the penalties provided in this Decree. (3) In any trial for an offence under this Decree, the fact that an accused person is in possession of pecuniary resources or property for which he cannot satisfactorily account and which is disproportionate to his known sources of income, or that he had at or about the time of the alleged offence obtained an accretion to his pecuniary resources or property for which he cannot satisfactorily account, may be proved and may be taken into consideration by the Federal High Court as corroborating the testimony of any witness in such trial."

2. For section 31(1) substitute the following new subsection -

"(1) Where a person is discharged or acquitted by the Federal High Court of an offence under this Decree, the Federal High Court may make an order of revocation or confirmation; as the case may be, of an interim order made pursuant to this Decree, whichever order is considered just, appropriate or reasonable within this Decree:

Provided that the property may still be attached where a discharge is merely given for a period of 30 days."

3. Section 32(1) substitute for paragraph (a) the following new paragraph (a) -

"(a) any police officer or customs officer;".

4. Section 40 is hereby deleted.

5. For the word "Tribunal" wherever it appears in the Decree substitute the words "Federal High Court".

1993 15 National Agency
for Food and Drugs
Administration and
Control Decree
1993

1 Section 25 insert the following new subsection (5).

"(5) The Federal High Court shall have exclusive jurisdiction to try offences under this Decree."

2. For the word "Tribunal" wherever it appears in the Decree substitute the words "Federal High Court".

<i>Year</i>	<i>No.</i>	<i>Title</i>	<i>Extent of Amendment</i>
1993	19	Drugs and Related Products (Registration, etc.) Decree 1993	1. Section 7B is amended by substituting therefor the following new section 7B- <p><i>"Trial of offences.</i> "7B. The Federal High Court shall have exclusive jurisdiction to try offences under in this Decree."</p>
1994	18	Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Decree 1994	1. Sections 1,2,4,5,24,27 are hereby deleted 2. Section 25 is amended by substituting therefor the following new section - <p><i>"Powers of offences.</i> 25.- A person who commits an offence under this Decree may be arrested without warrant by a police officer."</p> 3. Section 26 is amended by substituting therefor the following new section - <p><i>"Bail.</i> 26.-(1) The Court shall have power to grant bail to an accused person charged with an offence under this Decree or any other law triable by the Court upon such terms and conditions as the Court may deem fit including -</p> <p>(a) the payment of deposit of one-quarter of the amount of money involved in the offence;</p> <p>(b) the provision of a surety or such number of sureties who shall deposit adequate security for the balance of the amount involved in the offence;</p>

(c) the handing over of his passport to the Court for the duration of the bail.

(2) Notwithstanding the provisions of subsection (1) of this section, the police shall, before any person is charged before the Court for an offence under this Decree, have power to grant bail to any person who is arrested or detained upon such terms and conditions as are reasonably necessary to ensure compliance with the provisions of subsection (1)(a)-(c) of this section."

4 Section 29 is amended -

(a) by substituting for the definition of the word "director" the following new definition-

"director" means a director as defined in the Companies and Allied Matters Decree 1990, as amended, and within the meaning of section 20(5) of the Banks and Other Financial Institutions Decree 1991, as amended and includes a wife, husband, father, mother, son or daughter of a director;"

(b) by deleting the definition of the word "Tribunal".

5. In the Appendix to Schedule 1 substitute for the words "the Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Tribunal" the words "In the Federal High Court"

6. Schedule 2 is hereby deleted.

Year	No.	Title	Extent of Amendment
1995	3	Money Laundering Decree 1995	<p>7. For the word "Tribunal" wherever it appears in the Decree substitute the words "Federal High Court".</p> <p>1. For section 18 substitute the following new section -</p> <p><small>Trial of offences</small> 18.-(1) The Federal High Court shall have exclusive of jurisdiction to try offences under this Decree.</p> <p>(2) The Federal High Court shall have power to impose the penalties provided in this Decree.</p> <p>(3) In any trial for an offence under this Decree, the fact that an accused person is in possession of pecuniary resources or property for which he cannot satisfactorily account and which is disproportionate to his known sources of income, or that he had at or about the time of the alleged offence obtained an accretion to his pecuniary resources or property for which he cannot satisfactorily account, may be proved and may be taken into consideration by the Federal High Court as corroborating the testimony of any witness in such trial."</p> <p>2. Sections 21 is hereby deleted.</p> <p>3. For the word "Tribunal" wherever it appears in the Decree substitute the words "Federal High Court".</p>

1999

Counterfeit and
Fake Drugs
(Miscellaneous
Provisions) Decree
1999

1. For section 4 substitute the following new section -
"Trial of 4.-(1) The Federal High Court shall have exclusive
offences jurisdiction to try offenders under this Decree.

(2) The Federal High Court shall have power to impose the penalties
provided in this Decree."

2. Section 5 is hereby deleted.

PART II

1984

5 Robbery and
Firearm (Special
Provisions) Decree
1984

1. For section 8 substitute the following new section -
"Trial of 8. Offences under this Decree shall be triable in the
offences High Court of the State concerned."

Sections 9, 10, 11, 12 and 14 are hereby deleted.

Section 15 is amended by deleting the definition of "tribunal".

1984

47 Students Union
Activities (Control
and Regulations)
Decree 1989

1. Section 5 is amended by substituting for subsection (3), the following new
subsection-
"(3) Any student or person who commits an offence under this
Decree shall be tried by the High Court of the State concerned."

<i>Year</i>	<i>No.</i>	<i>Title</i>	<i>Extent of Amendment</i>
			2. Section 6 is amended by deleting the words "(including the Constitution of the Federal Republic of Nigeria.",
1995	13	Advance Fee Fraud and Other Fraud Related Offences Decree 1995	<p>1. Sections 13,15,19,20 and 22 are hereby deleted.</p> <p>2. For section 12 substituting the following new section -</p> <p><i>Trial of offences.</i> 12.-(1)-The High Court of the State concerned shall have exclusive jurisdiction to try offences under this Decree.</p> <p>(2) The High Court of the State concerned shall have power to impose the penalties provided in this Decree.</p> <p>3. For section 18 substitute the following new section -</p> <p><i>Trial of offences.</i> 18.-(1) The High Court of the State concerned shall have power to grant bail to an accused person charged with an offence under this Decree or any other law triable by the High Court of the State concerned upon such terms and conditions as the High Court of the State concerned may deem fit including -</p> <p>(a) the payment of deposit of one-quarter of the amount of money involved in the offence;</p> <p>(b) the provision of a surety or such number of sureties who shall deposit adequate security for the balance of the amount involved in the offence; and</p>

(c) the handing over of his passport to the High Court of the State concerned for the duration of the bail.

(2) Notwithstanding the provisions of subsection (1) of this section, the police shall, before any person is charged before the High Court of the State concerned for an offence under this Decree, have power to grant bail to any person who is arrested or detained upon such terms and conditions as are reasonably necessary to ensure compliance with the provisions of subsection (i)(a)-(c) of this section."

4. Section 23 delete definition of "Tribunal".
5. For the word "Tribunal" wherever it appears in the Decree substitute the words "High Court of the State concerned.

MADE at Abuja this 26th day of May 1999

GENERAL ABDULSALAMI 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, among other things -

- (a) sundry amendments to the enactments specified in the Schedule;
- (b) for the jurisdiction of the Federal High Court or the High Court of a State concerned to try offences hitherto being tried by the Tribunals established thereunder.

**CONSTITUTION OF THE FEDERAL REPUBLIC OF
NIGERIA (CERTAIN CONSEQUENTIAL REPEALS)
DECREE 1999**



Decree No. 63

[29th May 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1. Subject to section 6 of the Interpretation Act (which relates to the effect of repeals, expiration and lapsing of enactments), the enactments set out in the Schedule to this Decree, including all amendments thereto, are hereby repealed or consequentially repealed with effect from 29th May 1999.

Repeal of
certain Decrees,
Cap. 192 LFN.
Schedule.

2. This Decree may be cited as the Constitution of the Federal Republic of Nigeria (Certain Consequential Repeals) Decree 1999 and shall come into force on 29th May 1999.

Citation and
commencement.

SCHEDULE

Section 1

**DECREES CEASING TO HAVE EFFECT ON THE COMING INTO
FORCE OF THE CONSTITUTION OF THE FEDERAL
REPUBLIC OF NIGERIA 1999**

<i>Year</i>	<i>No.</i>	<i>Title</i>
1979	Cap. 62 LFN	Constitution of the Federal Republic of Nigeria (Enactment) Act, including the Constitution of the Federal Republic of Nigeria 1979.

<i>Year</i>	<i>No.</i>	<i>Title</i>
1984	1	Constitution (Suspension and Modification) Decree 1984.
1984	2	State Security (Detention of Persons) Decree 1984.
1984	6	Banking (Freezing of Accounts) Decree 1984.
1984	13	Federal Military Government (Supremacy and Enforcement of Powers) Decree 1984.
1984	16	Civil Service Commission and Other Statutory Bodies, Etc. (Removal of Certain Persons from Office) Decree 1984.
1984	17	Public Officers (Special Provisions) Decree 1984.
1984	23	Military Courts (Special Powers) Decree 1984.
1984	34	Regulated and Other Professions (Private Practice Prohibition) Decree 1984.
1985	8	Judgments of Tribunals (Enforcement, Etc.) Decree 1985.
1986	1	Treason and Other Offences (Special Military Tribunals) Decree 1986.
1987	2	Civil Disturbances (Special Tribunals) Decree 1987.
1989	12	Constitution of the Federal Republic of Nigeria (Promulgation) Decree 1989, including the Constitution of the Federal Republic of Nigeria 1989.
1990	6	Forfeiture of Assets (Miscellaneous Provisions) Decree 1990.

<i>Year</i>	<i>No.</i>	<i>Title</i>
1990	27	National Council of State Decree 1990.
1990	28	Executive Power (Constitutional Amendment, Etc.) Decree 1990.
1991	9	Tribunals (Miscellaneous Provisions) Decree 1991.
1992	21	Association of Individuals (Dissolution and Proscription, Etc.) 1992 Decree.
1992	24	Academic Staff Union of Universities (Proscription and Prohibition from Participation in Trade Union) Decree 1992.
1993	29	Treason and Treasonable Offences Decree 1993.
1993	63	National Guard Decree 1993.
1993	107	Constitution (Suspension and Modification) Decree 1993.
1994	12	Federal Military Government (Supremacy and Enforcement of Powers) Decree 1994.
1996	2	Transition to Civil Rule (Lifting of Ban on Politics) Decree 1996.
1996	27	Ahmadu Bello University (Appointment of Sole Administrator) Decree 1996.
1998	3	Constitutional Court Decree 1998.
1998	34	Transition to Civil Rule (Political Programme) Decree 1998.
1998	35	Political Parties (Registration and Activities) Decree 1998.

<i>Year</i>	<i>No.</i>	<i>Title</i>
1998	36	Local Government (Basic Constitutional and Transitional Provisions) Decree 1999.
1999	3	State Government (Basic Constitutional and Transitional Provisions) Decree 1999.
1999	5	National Assembly (Basic Constitutional and Transitional Provisions) Decree 1999.
1999	6	Presidential Election (Basic Constitutional and Transitional Provisions) Decree 1999.

MADE at Abuja this 26th day of May 1999.

GENERAL ABDULSALAMI 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 certain enactments which may not be in consonance with the Constitution of the Federal Republic of Nigeria 1999 promulgated into law recently.