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STATUTORY CORPORATIONS ETC. (SPECIAL PROVISIONS)
DECREE 1969

Arrangement of Sections

Section 1. Statutory Corporations etc. affected.
2. Powers of and appointments to boards of corporations affected.
3. Composition of boards of corporations affected.
4. Special as to registered companies.
5. Extended meaning of "Commissioner" etc.
6. Citation, commencement repeal etc.

Decree No. 34

[1st April 1969]

The Federal Military Government hereby decrees as follows:

1.—(1) The statutory corporations and companies controlled by the Federal Military Government mentioned in subsection (2) of this section (hereafter in this Decree individually referred to as "corporation affected") shall operate and have effect subject to this Decree; and where constituted under any special enactment that enactment shall be affected by this Decree, and be deemed to have been amended to any extent necessary to give effect hereto.

(2) The following are the statutory corporations and companies as aforesaid referred to in subsection (1) above, that is to say—

(i) Electricity Corporation of Nigeria;
(ii) Niger Dams Authority;
(iii) Nigerian Broadcasting Corporation;
(iv) Nigerian Coal Corporation;
(v) Nigerian National Press Limited;
(vi) Nigerian National Shipping Line Limited;
(vii) Nigerian Ports Authority;
(viii) Nigerian Railway Corporation;
(ix) Tourist Company of Nigeria Limited;
(x) W.A.A.C. (Nigeria) Limited.
(3) The Federal Executive Council may, if it thinks fit, from time to time by notice published in the Federal Gazette extend the operation of this Decree to other statutory corporations and companies controlled by the Federal Military Government by the inclusion of their names in subsection (2) above.

2.—(1) The board of any corporation affected shall be responsible for the determination of the overall policy of the corporation, and in particular with regard to the financial, economic, and operational programmes of the corporation affected, and for ensuring the implementation of such policy.

(2) The chief executive of a corporation affected, by whatever name called or known, shall be responsible for the implementation of the policy decisions of the board and for the day to day running of the corporation affected; and if by virtue of his office he is a member of the board, he shall continue to be a member thereof but without vote.

(3) The Commissioner charged with responsibility for a corporation affected (in this Decree hereafter referred to as “the appropriate Commissioner”) may give to the board of a corporation affected, directives of a general or a special nature with regard to the exercise by the corporation affected of its functions; and as the case may require, it shall be the duty of the chairman, the board and the chief executive, to comply with the directives unless matters of policy are in dispute and subsection (4) of this section applies.

(4) In the application of subsection (3) above, where the appropriate Commissioner intends to initiate a policy in so far as it relates to a corporation affected, he must consult with the chairman of the board of that corporation, and in the event of disagreement, the policy and any directive issued shall stand suspended, so however that if any part in dispute is severable from any other aspects of policy not in dispute, the policy or the directive issued shall be suspended only in respect of the part in dispute; and thereafter the policy, or the part in dispute, as the case may be, so suspended shall, after reference to it by the appropriate Commissioner, be affirmed, modified, or rejected by the Federal Executive Council as that Council may think fit and so direct.

(5) Appointments of members to the board of a corporation affected shall be made by the appropriate Commissioner only after first satisfying the Federal Executive Council in respect thereof that the persons concerned are persons of integrity, and of good standing in the community from which they are to be drawn. In addition, the Federal Executive Council must be satisfied that such persons have the necessary ability, experience or specialised knowledge of the working of the particular corporation in respect of which appointments as aforesaid are contemplated, so as to discharge their functions of office in a manner satisfactory to the appropriate Commissioner.

(6) Persons when appointed pursuant to subsection (5) above shall thereafter be removable only on the grounds of misbehaviour, or inability from any cause to discharge their functions as aforesaid.

3.—(1) The board of any corporation affected—

(a) shall consist of a chairman and not more than 8 other members so however that without derogating from that number there may be ex-officio members (co-opted or otherwise) not exceeding at any one time 5 in number; and
(b) the chairman and every member (not being an ex-officio member), in either case eligible for re-appointment, shall hold office for an initial period of three years (any re-appointment being for the like period) and the appointment or re-appointment, as the case may be, shall be part time only upon and subject to other conditions of service (including remuneration) as the Federal Executive Council through the appropriate Commissioner may approve or direct.

(2) The voting by ex-officio members shall not in any event influence decisions taken at any meeting of the board of a corporation affected.

4.—(1) If there is lodged with the registrar of companies a copy of this Decree together with a certificate as to any company controlled by the Federal Military Government that it is a corporation affected, the registrar shall file the copy and certificate without fee and when so filed the memorandum and articles of association of the company shall be deemed to be amended to the extent necessary to give effect to this Decree.

(2) A certificate for the purposes of this section may be signed by the Secretary to the Federal Military Government and when purporting to be so signed shall be accepted by all courts and persons without proof of signature, unless the contrary appears.

5. For the avoidance of doubt it is declared that where a function is conferred by this Decree on a Commissioner in respect of any other enactment and that function is one affected by section 2 of the Constitution (Miscellaneous Provisions) (No. 2) Decree 1967, the reference to “Commissioner” where used herein, in proper case, include the Head of the Federal Military Government; and “function” shall likewise have the extended meaning as in that section of the Decree of 1967 aforesaid.

6.—(1) This Decree may be cited as the Statutory Corporations etc. Decree 1969 and shall be deemed to have come into operation on 1st August 1969.

(2) The amendments hereunder to the enactments mentioned in this subsection are consequential upon the provisions of this Decree and those enactments shall have effect accordingly—

(a) the Statutory Corporations (Salaries and Allowances, Etc.) (Extended Application) Decree 1969 shall cease to apply to the Central Bank of Nigeria, and section 1 (2) of that enactment is amended to the extent necessary to give effect hereto,

(b) section 4 of the Niger Dams Act 1962 (which provides for an advisory council) is hereby repealed.

(3) This Decree shall apply throughout the Federation.

MAJOR-GENERAL Y. GOWON,
Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria

MAD at Lagos this 9th day of August 1969.

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