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Supplement to Official Gazette No. 57, Vol. 58, 25th November, 1971—Part A

THE REVISED EDITION (LAWS OF THE FEDERATION) DECREE 1971

ARRANGEMENT OF SECTIONS

Section
1. Appointment of Law Revision Committee.  
2. Contents of the revised edition, etc.  
7. Expenses.  
8. Decree to be re-printed as introduction to the revised edition.  
9. Interpretation.  
10. Citation and extent.  

SCHEDULE.

Decree No. 52


WHEREAS the Revised Edition of the Laws of the Federation and Lagos 1958 was prepared under the authority of the Revised Edition (Laws of the Federation and Lagos) Act 1958 and was brought into force, as to Volumes I to X, on 31st August 1960 and, as to Volumes XI and XII, on 1st February 1961:

AND WHEREAS eleven annual volumes, which contain considerable amending provisions, have since then been added to that Edition:

AND WHEREAS it is expedient that the Laws of the Federation should be revised and consolidated in parts particularly in view of the creation of twelve States in the Federation and the necessity of expunging from the said laws the laws enacted for the former Federal territory and other provisions which have become redundant:

AND WHEREAS for the purposes of the revision of the Laws of the Federation it is necessary to appoint a Committee with power to prepare a new set of the Revised Edition of the Laws of the Federation which shall be submitted to the Federal Executive Council for its approval and which shall contain all Federal enactments in force as at 31st December 1970 (together with every amendment made thereto), but as hereinafter stated excluding any power to make any alteration or amendment in the matter or in the substance of any such laws:
NOW THEREFORE THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1.—(1) Subject to this Decree, there is hereby established a Law Revision Committee (hereinafter referred to as "the Committee") which shall consist of the Attorney-General of the Federation and Commissioner for Justice (as Chairman) and the following officers of the Federal Ministry of Justice, that is to say—

(a) the Solicitor-General of the Federation,
(b) the First Parliamentary Counsel,
(c) a Deputy Solicitor-General,
(d) six other members, who shall be appointed by the Head of the Federal Military Government, of whom—

(f) two shall be representatives from the States,
(ii) two shall be representatives from the universities in Nigeria; and
(iii) two legal practitioners, who shall be nominated by the Nigeria Bar Association, from among members of the association, and
(e) the Librarian of the Federal Ministry of Justice who shall be Secretary.

(2) The quorum of the Committee shall be four.

(3) The Committee shall have the function of revising the Laws of the Federation and preparing a revised edition of the Laws of the Federation.

(4) If for any reason a member of the Committee is unable to perform the functions of his office as such member before the revised edition has been completed, the Head of the Federal Military Government may appoint some other person to act in the place of that member.

(5) The Committee may act notwithstanding the absence from Nigeria or the inability to act of one or more of its members.

2.—(1) Subject to the provisions of this section and section 3 of this Decree, the revised edition shall contain—

(a) all Federal enactments in force on the appointed day, and all subsidiary instruments made thereunder and in force on the appointed day;

(b) all Federal enactments which have been enacted or promulgated but not yet brought into operation on the appointed day, and all subsidiary instruments made thereunder; and

(c) a table of contents, a chronological table of enactments and an index.

(2) The Committee may in its discretion retain as if it were part of a Federal enactment any portion of any enactment which is included in the revised edition if in its opinion such portion (in this Decree referred to as "State law") cannot conveniently be omitted from the revised edition, or if in its opinion the retention of such portion would be of utility to the Government of any State, notwithstanding that that portion of the enactment does not have effect as a Federal enactment.

(3) The Committee shall, in the preparation of the revised edition take no account of any earlier revised edition of the laws of the Federation (including the revised edition prepared under the Revised Edition (Laws of the Federation and Lagos) Act 1958) but the Committee shall proceed as if no such edition had ever been prepared.
(4) The Committee may cause a different form of printing to be used, so far as it is practicable, in respect of all those enactments included in the revised edition which in its opinion are—
(a) Federal enactments;
(b) State laws:

Provided that nothing in this section shall be construed as restricting any power of a court to decide whether any enactment or part thereof contained in the revised edition is a Federal enactment or a State law.

(5) Nothing in this section shall empower the Committee to make any alteration or amendment in the matter or in the substance of any Federal enactment without the approval of the Federal Executive Council.

3.—(1) The Federal Executive Council may by order specify a Schedule of enactments which it shall not be necessary for the Committee to include in the revised edition upon the grounds that such enactments are—
(a) obsolescent;
(b) of a temporary nature;
(c) under revision with a view to replacement; or
(d) of restricted or personal application.

(2) Enactments omitted in accordance with subsection (1) of this section shall have the same force and validity as if they had not been omitted in the revised edition.

4. In the preparation of the revised edition the Committee shall have the powers set out in the Schedule to this Decree.

5.—(1) The revised edition when brought into force in accordance with section 6 of this Decree shall be and be taken by all courts and for all purposes whatsoever to be the sole authentic edition of Federal enactments enacted on or before the appointed day.

(2) Nothing in this section shall be construed to imply the validity of any enactment included in the revised edition where such enactment is inconsistent with the Constitution of the Federation, as amended by the Constitution (Suspension and Modification) Decree 1966 and other Decrees.

6.—(1) Each volume of the revised edition shall be submitted to the Federal Executive Council as and when completed for its consideration and approval.

(2) When the revised edition has been printed and bound the Federal Executive Council may by order direct that the revised edition shall come into force on such date as it thinks fit.

(3) One copy of each volume of the revised edition shall be dated and signed by the members of the Committee and shall be sealed with the public seal of the Federation and that copy shall be transmitted to the Chief Justice of Nigeria who shall deposit the same among the records of the Supreme Court of Nigeria.

7. The Accountant-General of the Federation may, upon warrant addressed to him by the Federal Commissioner for Finance, make payment of all expenses for and incidental to the preparation, printing and publication of the revised edition.
8. This Decree shall be reprinted at the commencement of the revised edition.

9. In this Decree, unless the context otherwise requires—
   "appointed day" means the 31st day of December 1970;
   "Committee" means the Law Revision Committee established under section 1 of this Decree;
   "enactment" means any provision of an Act or a Decree and includes any subsidiary instrument made under such Act or Decree;
   "Federal enactment" means—
   (a) any enactment which is, or has effect as if it were a law enacted by any Federal Legislature in Nigeria with respect to any matter within its competence, not being a law which is or has effect as if it were enacted by that legislature by virtue of its competence to make law for the peace, order and good government of the former Federal territory;
   (b) any Decree promulgated by the Federal Military Government with respect to any matter whatsoever;
   "the revised edition" means the revised edition of Federal enactments to be prepared under the authority of this Decree;
   "subsidiary instrument" means any order, rules, regulations, rules of court or bye-laws; and
   "State" means a State created under the States (Creation and Transi

10. This Decree may be cited as the Revised Edition (Laws of the Federation) Decree 1971 and shall apply throughout the Federation.

SCHEDULE

Section 4

POWERS OF THE COMMITTEE

(1) To omit—
   (a) all enactments which have been expressly and specifically repealed or which have expired, or have become spent or have had their full effect;
   (b) all repealing enactments contained in Acts and Decrees and also all tables and lists of repealed enactments, whether contained in Schedules or otherwise;
   (c) all preambles to Acts and Decrees where such omissions can, in the opinion of the Committee, conveniently be made;
   (d) all enacting clauses;
   (e) all enactments prescribing the date when an Act or a Decree or part of an Act or a Decree is to come into operation, where such omission can, in the opinion of the Committee, conveniently be made; and
   (f) all amending enactments or parts thereof where the amendments effected thereby have been embodied by the Committee in the Act or Decree to which they relate.

(2) To consolidate into one enactment any two or more enactments in pari materia making the alterations thereby rendered necessary and affixing such date thereto as may seem most convenient.

(3) To alter the order of any section of any enactment, and in all cases where it may appear to be necessary to re-number any section.
(4) To alter the form or arrangement of any section of any enactment by transferring words, by combining any such section in whole or in part with another section or other sections or by dividing it into two or more sub-sections.

(5) To divide enactments, whether consolidated or not, into Parts or Divisions.

(6) To transfer any provision contained in an enactment from that enactment to any other enactment to which the Committee considers that it more properly belongs.

(7) To arrange the enactments, whether consolidated or not, in any sequence or group that may be convenient.

(8) To add a title or short title to any enactment which may require it and to alter the title or short title of any enactment.

(9) To supply or alter marginal notes.

(10) To supply or alter tables of contents.

(11) To correct cross-references.

(12) To shorten and simplify the phraseology of any enactments.

(13) To correct grammatical and typographical errors in any enactment, and for that purpose to make verbal additions, omissions or alterations not affecting the meaning of any enactment.

(14) To make such formal alterations as to names, localities, offices and otherwise as may be necessary to bring any enactment into conformity with the circumstances of any part of the Federation.

(15) To make such adaptations of or amendments to any enactments as may appear to be necessary or proper as a consequence of any change in the Constitution of the Federation, as contained in the Constitution (Suspension and Modification) Decree 1966.

(16) To do all things relating to form and method which to the Committee appear necessary for the perfecting of the revised edition.

Made at Lagos this 15th day of November 1971.

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

Published by Authority of the Federal Military Government of Nigeria and printed by the Ministry of Information, Printing Division, Lagos
RIGHT-HAND TRAFFIC (CHANGE-OVER) DECREE 1971

ARRANGEMENT OF SECTIONS

Section
1. Change-over to right-hand traffic.
2. Establishment and functions of the National Commission on Right-Hand Traffic.
5. Secretary to the Commission.
7. Establishment, etc. of State Committees on Right-Hand Traffic.
8. Traffic wardens.
9. Members not personally liable.
10. Regulations.
11. Interpretation.
12. Citation, commencement and savings.

Decree No. 53


THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1.—(1) As from the prescribed date—

(a) every motor vehicle shall in approaching and passing traffic coming in the opposite direction be driven on the right side of the highway,

(b) in respect of any highway which, in accordance with any law is open to movement of traffic in both directions, every motor vehicle when overtaking traffic proceeding in the same direction shall pass such traffic on the left side thereof,

and the provisions of any law in force anywhere in the Federation relating to road traffic shall be construed subject to this Decree.

(2) In this Decree “the prescribed date” means 2nd April 1972.

2. There is hereby established a body to be known as the National Commission on Right-Hand Traffic and the functions of the Commission shall be, notwithstanding anything to the contrary in any law,—

(a) to co-ordinate all administrative arrangements to ensure a smooth change-over to right-hand traffic;

(b) to examine all highways in the Federation and make (or cause to be made) on them such structural alterations as the Commission thinks are required to make the highways suitable for right-hand traffic;

(c) to erect road signs appropriate for right-hand traffic and remove, or make any suitable modifications to, existing road signs;

(d) to advise on the conversion of motor vehicles and on other technical and safety aspects of the change-over to right-hand traffic;
(e) to inform and educate the public in all matters concerning the change-over to right-hand traffic; and

(f) to perform such other functions relating to the change-over as the Commissioner may determine.

3.—(1) The Commission shall consist of twenty-four members to be appointed by the Commissioner and shall comprise—

(a) a Chairman being a person appearing to the Commissioner to be capable of conducting the affairs of the Commission;

(b) one representative from each State being the Chairman of the State’s Committee on Right-Hand Traffic;

(c) the Director, Federal Public Works;

(d) the Director, Federal Information Service;

(e) one representative of the Federal Ministry of Finance;

(f) one representative of the Federal Ministry of Transport;

(g) one representative of the Nigeria Police Force;

(h) one representative of the Armed Forces;

(i) one representative of the Automobile Association of Nigeria;

(j) one representative of the National Road Safety Committee; and

(k) three other persons representing interests which, in the opinion of the Commissioner, are not adequately represented.

(2) Any member appointed in pursuance of paragraph (b), (c) or (d) of subsection (1) above may specify, with the prior consent of the Commissioner, the person who in his absence from any meeting of the Commission is entitled to represent him at such meeting; and any person so specified who attends a meeting of the Commission as a representative of such a member shall be deemed to be a member of the Commission during such meeting.

4.—(1) The Commission shall appoint a Management Committee to manage the day to day affairs of the Commission and the Commission may appoint standing or ad-hoc committees as the Commission thinks fit to carry out, consider and report on any matter with which the Commission is concerned.

(2) The Chairman shall be the chairman of the Management Committee and the Commission shall appoint one of its members to be chairman of any committee appointed under this section.

(3) The decision of the Management Committee on any matter shall be effective from the date of the decision but may at any time be cancelled or modified by the Commission.

5. There shall be a secretary to the Commission who shall be an officer in the public service of the Federation and shall keep the Commission’s records, conduct correspondence and perform such other duties as the Commission may from time to time direct.

6.—(1) Subject to this Decree and to section 26 of the Interpretation Act 1964 (which provides for decisions of a statutory body to be taken by a majority of its members and for the chairman to have a second or casting vote) the Commission may make rules regulating the proceedings of the Commission or any committee thereof.
(2) The Chairman shall preside at every meeting of the Commission but in his absence the members present shall elect one of their number to preside at the meeting.

(3) The quorum of the Commission shall be eight and the quorum of the Management Committee or of any other committee of the Commission shall be determined by the Commission.

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

(5) The validity of any proceedings of the Commission or a committee thereof shall not be affected—

(a) by any vacancy in the membership of the Commission or committee;
(b) by any defect in the appointment of a member of the Commission or committee; or
(c) by reason that a person not entitled to do so took part in the proceedings.

7.—(1) There is hereby established for each State a body to be known as the State Committee on Right-Hand Traffic, the composition of which shall be as determined by the Military Governor or Administrator of that State.

(2) The Commission may in respect of any State delegate to the State Committee for that State such of its functions under this Decree as it thinks fit and the State Committee shall exercise such functions accordingly.

(3) Nothing in this section shall be construed as preventing the Commission from exercising any function delegated to a State Committee under this section.

8.—(1) The Commission may, with the approval of the Commissioner, arrange for the recruitment and training of persons to be known as traffic wardens who may, subject to subsection (2) below, be deployed to assist in the control and direction of traffic during a period of not more than six months from the prescribed date.

(2) Traffic wardens recruited pursuant to subsection (1) above shall have such powers and perform such functions as may be prescribed.

9. No member of the Commission shall be personally liable for any act or omission done or made in good faith while engaged on the business of the Commission.

10. The Commissioner may make regulations generally for the purposes of this Decree; and, without prejudice to the generality of the foregoing, the regulations may make provisions—

(a) prohibiting or restricting the driving of motor vehicles or any class or description of motor vehicles on the highway or on any specified highway or part of a highway at specified periods on the prescribed date;
(b) requiring motor vehicles or any class or description of motor vehicles designed for left-hand traffic to be modified structurally as may be prescribed;
(c) requiring motor vehicles designed for left-hand traffic to be provided with such signals, signs or other devices as may be prescribed;
(d) requiring the provision of reflective safety markings on specified parts of any class or description of motor vehicles;

(e) with respect to the speed at which motor vehicles or any class or description of motor vehicles may be driven on any highway within a period of six months from the prescribed date.

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

"the Chairman" means the chairman of the Commission;

"the Commission" means the National Commission on Right-Hand Traffic established under section 2 of this Decree;

"the Commissioner" means the Federal Commissioner for Works and Housing;

"functions" includes powers and duties;

"highway" includes any roadway to which the public have access;

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

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads;

"prescribed" means prescribed by regulations made under this Decree;

"the prescribed date" has the meaning assigned thereto by section 1 (2) of this Decree.

12.—(1) This Decree may be cited as the Right-Hand Traffic (Change-over) Decree 1971 and shall apply throughout the Federation.

(2) This Decree shall be deemed to have come into force on 15th October 1969.

(3) For the avoidance of doubt, it is hereby declared that anything done or purported to be done by the Commission (whether or not composed in accordance with section 3 of this Decree) on or after the day aforesaid shall be deemed to have been validly done.

MADE at Lagos this 15th day of November 1971.

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

EXEMPLARY NOTE

(This note does not form part of the above Decree but is intended to explain its purpose)

The Decree provides for the change-over to right-hand traffic on 2nd April 1972.

The Decree formally establishes the National Commission for Right-Hand Traffic the principal duties of which include the co-ordination of all administrative arrangements regarding the change-over and the education of the public in all matters pertaining to the change-over. State Committees are also set up to perform such duties as may be delegated to them by the National Commission.