

NATIONAL CENSUS DECREE 1973



ARRANGEMENT OF SECTIONS

Section

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SCHEDULE

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Decree No. 26

[See section 19 (2)]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

Establishment, Constitution and Functions of the Board

1. For the purposes of taking the next census in Nigeria under the principal Act there is hereby established a board to be called "the National Census Board" (hereinafter in this Decree referred to as "the Board").

Establishment of the National Census Board.

2. The Board shall, subject to the provisions of this Decree, be responsible for the overall control and supervision of the arrangements for the census as directed under section 3 of the principal Act by the Head of the Federal Military Government to be taken in November 1973, and without prejudice to the generality of the foregoing provisions, the Board shall have power—

Functions of the Board.

(a) to make such arrangements as are necessary for the collection, revision and collation of the information required to be obtained for the purpose of the census ;

(b) to control and supervise the preparation and issue of any necessary forms and instructions for the conduct of the census ;

(c) to call for, examine, study and make recommendations in respect of any reports which may from time to time be submitted to it by the Chief Census Officer ;

(d) to appoint, with the approval of the Head of the Federal Military Government, census officers, supervisors and enumerators required for the taking of the census ;

(e) to give such directions to the Chief Census Officer or any other person appointed pursuant to this Decree ;

(f) to submit the results of the census so soon as may be possible after the conclusion of the enumeration to the Head of the Federal Military Government ; and

(g) to do all such things as may be necessary or expedient for the exercise of the powers or the performance of its functions under this Decree and the principal Act.

Composition
of the Board.

3.—(1) The Board shall consist of a Chairman and the following other members, that is—

(a) the Permanent Secretary, Federal Ministry of Economic Development and Reconstruction ;

(b) the Permanent Secretary, Federal Ministry of Internal Affairs ;

(c) the Chief Census Officer who shall have no voting right ;

(d) 12 members comprising one representative each of the Governments of the States in the Federation ;

(e) one member representing the Nigerian Army ;

(f) one member representing the Nigerian Navy ;

(g) one member representing the Nigerian Air Force ;

(h) one member representing the Nigeria Police Force ;

(i) three demographers or system analysts from the universities ;

(j) one representative of the Nigerian Institute of Social and Economic Research ; and

(k) three representatives of users of census data.

(2) All appointments under subsection (1) above shall be made by the Head of the Federal Military Government.

(3) The Chairman shall have power to co-opt as a member of the Board without any right to vote any person, whose contribution will in the opinion of the Board facilitate the work of the Board, to attend any meeting of the Board.

Establish-
ment, func-
tions, etc. of
State Census
Committees.

4.—(1) There shall be established for each State a State Census Committee (hereinafter in this Decree referred to as "the Committee").

(2) The Committee in each State shall consist of a number of persons who shall be appointed by the Head of the Federal Military Government after consultation with the Military Governor or Administrator of a State, and shall comprise—

(a) a Chairman, who shall be the representative of the State on the Board ; and

(b) other members, of whom one shall be a Census Officer of the State, and the number of members of the Committees, respectively, shall be uniform throughout the Federation but shall not be less than 10, or more than 15.

(3) The Committee shall advise the Board on any aspect of the Board's functions and shall assist the State Census Officer in the execution of his functions and consider reports which shall from time to time be made to the Committee by that Officer.

(4) Every Committee shall have a Census Office the head of which shall be the State Census Officer.

(5) The Head of the Federal Military Government may in writing, after consultation with the Military Governor or Administrator of a State, make provisions for the tenure of office of members of the Committee, the quorum and the procedure at meetings of the Committee and such other matters as may be relevant to the proper functions of the Committee.

The Chief Census Officer's Functions, e c.

5. The Chief Census Officer shall be the chief executive of the Board and shall be responsible subject to the authority of the Board for—

Functions of
the Chief
Census
Officer.

(a) the direction of the overall technical and administrative control of the conduct and operation of the census ;

(b) the demarcation of the whole country into census enumeration areas ;

(c) the designing, testing and finalization of census questionnaires ;

(d) the procurement of census materials, equipment and supplies and their distribution to the different census offices in the States ;

(e) the appointment of all census personnel, except census officers, supervisors and enumerators to be appointed under section 2 (d) above ;

(f) the training of all census technical staff, including cartographers and cartographic assistants, enumerating staff and data processing staff ;

(g) the processing, tabulation, analysis and publication of census data and

(h) the conduct of the census post enumeration survey and the analysis thereof.

6.—(1) There shall be a Secretary to the Board who shall serve under the general direction of the Chairman.

Duties of the
Secretary.

(2) The Secretary—

(a) shall be responsible for the summoning of meetings of the Board at such times as may be directed by the Chairman and the keeping of the records of all the proceedings of the meetings of the Board ;

(b) shall be the head of the secretariat of the Board and shall be responsible for the general administration thereof ;

(c) shall provide census office accommodation and equipment for members of the Board and of the committees in Lagos and in the States ; and

(d) shall perform such other functions as may be determined by the Chairman.

Supplementary Provisions

Meetings
of the
Board, etc.

7.—(1) The Chairman shall fix the first meeting of the Board for such date as may be convenient and may give such direction as he thinks fit as to the procedure which shall be followed at that meeting.

(2) Subject to subsection (1) above the Board shall have power to regulate its own proceedings.

(3) The Chairman shall preside at all meetings of the Board, and in his absence such member of the Board, as may be elected at the meeting of the Board from which the Chairman is absent, shall preside.

(4) Every decision of the Board shall be by the majority of the members present and voting where there is no consensus, and the Chairman shall have a casting vote apart from his deliberative vote where there is a deadlock.

(5) The validity of the proceedings of the Board shall not be affected by any vacancy in its membership or by any defect in the appointment of a member.

(6) A quorum at any meeting of the Board shall be formed—

(a) if 14 members of the Board are present ; and

(b) if out of those 14 members at least 7 members, who are representatives of State Governments, are present.

Financial
provisions

8.—(1) Any expenses incurred in connection with the conduct and operation of the census shall be defrayed out of moneys from time to time provided by the Federal Military Government.

(2) The Secretary to the Federal Military Government shall be the accounting officer and he may delegate his authority to incur any expenditure in relation to the census to Secretaries to the Military Governments of the States and he may also delegate the said authority to such other member of his staff subordinate to him as he deems fit.

Special
provisions
as to staff

9.—(1) The Public Service Commission of the Federation or of a State may, on an application made to it by the Board in that behalf, second to the Board officers in the public service of the Federation or, as the case may be, of a State to assist the Board in the discharge of its functions under this Decree.

(2) The Board may if it deems it necessary to do so and with the approval of the Head of the Federal Military Government appoint, on a temporary basis, persons not in the public service of the Federation to perform such duties as the Board may direct.

Oath of
secrecy.

10. Every person employed in the execution of any power or duty under this Decree shall make an oath or affirmation in the form set out in the Schedule to this Decree and such oath or affirmation shall—

(a) in the case of the Chief Census Officer and any State Census Officer, be made before a Magistrate, and

(b) in any other case, be made before the Chief Census Officer, any State Census Officer or any other person specified for that purpose by the Chief Census Officer.

11. It shall not be lawful for any State Committee to debate, discuss or deal with, or require the State Census Officer or any census officer to release to the Committee, population figures (or matters relating thereto) of the State in question without the approval in writing of the Board; and any person who, without such approval—

(a) communicates or releases any information concerning the population figures of a State to the Committee or members thereof; or

(b) tables for discussion at a meeting of the Committee the population figures of the State; or

(c) treats, engages in, or takes part in debating the population figures of the State at a meeting of the Committee,

shall be guilty of an offence and shall be liable on conviction to a term of imprisonment of not less than five years without the option of a fine.

12.—(1) Any person employed for any of the purposes of this Decree who—

(a) makes or signs or causes to be made or signed any returns or document of whatever nature required for the purposes of this Decree which he knows to be false or untrue in any material particular, or

(b) enters in such returns or document any information or statement which he knows to be false or untrue in any material particular, or

(c) counterfeits any seal or stamp of the Board or signature or initials or other mark of any other person authorised by the board to certify such returns or document,

shall be guilty of an offence and liable on conviction to a fine of ₹1,000 or imprisonment for three years or to both such fine and such imprisonment.

13.—(1) Any person, being a person employed for any of the purposes of this Decree, who without lawful authority publishes or communicates, to any person, otherwise than in the ordinary course of his duties, any information acquired by him in the course of his duties, shall be guilty of an offence and liable on conviction to a fine of ₹1,000 or to a term of imprisonment of three years, or to both such fine and such imprisonment.

(2) Any person, being in possession of any information which to his knowledge has been disclosed in contravention of this Decree, who publishes or communicates to any person such information shall be guilty of an offence and liable on conviction to a fine of ₹1,000 or to a term of imprisonment of three years, or to both such fine and such imprisonment.

(3) Any person who, in the execution of any other purpose or duty under this Decree fails to comply with or contravenes any other term or condition of his oath shall be guilty of an offence and shall be liable on conviction to a fine of ₹1,000 or to a term of imprisonment of three years or to both such fine and such imprisonment.

14.—(1) Any person who is required to furnish information, estimates, returns or particulars under this Decree and who fails so to do, shall be guilty of an offence and liable on conviction to a fine of ₹50 or to a term of imprisonment of three months, or to both such fine and such imprisonment, or in the case of a second or subsequent offence to a fine of ₹100 or to a term of imprisonment of six months, or to both such fine and such imprisonment, but it shall be a defence for any person charged with failure to furnish

Prohibition of debate of census figures of a State except with permission of the Board, and penalty.

Penalty for falsifying returns, etc.

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information, estimates, returns or particulars under this Decree to prove that he did not know and had no reasonable cause for knowing that he was required to give that information or those estimates, returns or particulars.

(2) Any person who after conviction in respect of an offence under subsection (1) continues to fail to comply with such subsection, shall be guilty of a further offence and may on conviction thereof be punished accordingly.

(3) Any person who in purported compliance with requirement to furnish information, estimates, returns or particulars under this Decree knowingly or recklessly makes any statement in such information, estimates, returns or particulars which is false in any material particular, shall be guilty of an offence and liable on conviction to a fine of ₹100 or to a term of imprisonment of six months, or to both such fine and such imprisonment.

Penalty in respect of double counting.

15. Any person who during the census—

(a) knowingly presents himself to any person employed for the purpose of this Decree for counting more than once or misleads any such person employed as aforesaid into counting him more than once ; or

(b) aids, abets, counsels or procures any person to do any act referred to in paragraph (a) above,

shall be guilty of an offence and liable on conviction to a fine of ₹1,000 or to a term of imprisonment of three years or both such fine and such imprisonment.

Penalty for destruction, etc. of documents.

16. Any person who wilfully and without lawful authority destroys, defaces or mutilates any schedule, form or other document containing information obtained in the pursuance of the provisions of this Decree or destroys, obliterates, alters or damages any sticker containing the number of the house pasted on the premises for the purposes of the census shall be guilty of an offence and liable on conviction to a fine of ₹1,000 or to a term of imprisonment of three years, or to both such fine and such imprisonment.

Application of the Statistics Act.

17. So much of the provisions of the principal Act and of any regulations or instruments made thereunder (insofar as those provisions are not inconsistent with this Decree) as relate to the taking of census or connected therewith shall apply in relation to the exercise by the Board of its powers or the performance of its functions under this Decree as they apply for the purposes of that Act, as if—

(a) the reference in section 4 to “the Statistician, subject to the control of the Minister” were a reference to the Board established under section 1 of this Decree ;

(b) the references in sections 5 and 14 thereof to the “Statistician” were references to the “Chief Census Officer” ;

(c) Parts III and IV thereof were omitted ;

(d) the reference in section 14 thereof to “the approval of the Minister” were a reference to “the approval of the Head of the Federal Military Government”.

Interpretation.

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

“the Chairman” means the Chairman of the Board ;

“the principal Act” means the Statistics Act.

Cap. 193.

Citation, commencement and expiry.

19.—(1) This Decree may be cited as the National Census Decree 1973.

(2) This Decree shall be deemed to have come into operation on 1st April 1972 and shall continue in force for a period of five years thereafter.

SCHEDULE section 10
FORM OF OATH/AFFIRMATION

I,.....do swear/affirm that I will faithfully and honestly fulfil my duties as..... in conformity with the requirements of the National Census Decree 1973 and that save as provided in that Decree I will not disclose or make known any matter or thing which comes to my knowledge by reason of such duties.

.....
Signature of Declarant

SWORN/AFFIRMED at.....the.....day of

.....197.....

BEFORE ME

.....
*Signature of Magistrate,
Chief Census Officer, State
Census Officer or Person
Authorised*

MADE at Lagos this 22nd day of June 1973.

GENERAL Y. GOWON,
*Head of the Federal Military Government,
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 purpose)

The Decree establishes the National Census Board which shall be responsible for the overall control and supervision of the arrangements for the census to be taken in Nigeria in 1973. It also establishes a Census Committee in each State of the Federation which shall assist the State Census Officer in the execution of his functions and consider periodic reports submitted to it by the State Census Officer. Census offices will be established in the States and each office will be headed by the State Census Officer.

2. The Decree, among other things, sets out the functions and composition of the Board and of the Committee in each State.

3. The Decree creates new offences of improper discussion, debating or disclosure of population figures of a State at meetings of any Committee of the State, and provides penalties for the commission of such offences. Other offences include wilful destruction or mutilation, among other things, of stickers containing numbers of houses pasted for the purposes of the census.

**WEST AFRICAN EXAMINATIONS COUNCIL
DECREE 1973**



ARRANGEMENT OF SECTIONS

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SCHEDULE

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to the Council, etc.

Decree No. 27

[22nd June 1973]

Commence-
ment.

WHEREAS the institution known as the West African Examinations Council was formally constituted by an Ordinance enacted by the Government of the then British territory of the Gold Coast which Ordinance was subsequently adopted with necessary modifications by the Governments of the then British territories of the Gambia, Nigeria and Sierra Leone, respectively, and embodied in Ordinances of their own :

AND WHEREAS after the attainment of independence by the Gambia, Ghana, Nigeria and Sierra Leone, respectively, it became necessary and expedient to revise the laws governing the establishment and constitution of the said Council :

AND WHEREAS in consequence of the revision the proposals set out in a modified form in Part I of this Decree and in the Schedule thereto were agreed to by representatives of all the aforementioned States as forming the bases for the reconstitution of the Council :

AND WHEREAS in consequence of the revision and the agreed proposals the provisions set out in a modified form as aforementioned were subsequently adopted by law by the Governments of the Gambia, Ghana and Sierra Leone, respectively, and therefore form part of the municipal laws of those States :

AND WHEREAS it is necessary and expedient to reconstitute and continue in being in accordance with the laws of Nigeria the West African Examinations Council as so adopted by all the West African States as aforesaid and to make provisions for other matters connected therewith :

NOW, THEREFORE, THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

PART I—GENERAL

West African Examinations Council

1.—(1) The institution known as the West African Examinations Council shall continue to be in existence in Nigeria and shall, in accordance with the provisions of this Decree, continue to discharge its responsibility for holding such examinations in Nigeria as may be necessary in the public interest in the same manner as (pursuant to the laws respectively in force in the other territories of West Africa as defined in section 24 below) it may hold examinations in such territories :

Provided that the Federal Executive Council may, after consultation with the Council, issue directives to the Council as to what examinations are in the public interest in Nigeria and the Council shall in Nigeria comply with such directives.

(2) The Council shall be a body corporate with perpetual succession and a common seal.

(3) The provisions of the Schedule to this Decree shall have effect with respect to the constitution and procedure of the Council and the other matters therein mentioned.

2. The functions of the Council shall be—

(a) to review and consider annually the examinations to be held in West Africa in the public interest ;

(b) to conduct such examinations as the Council may think appropriate pursuant to this Decree and to award certificates and diplomas on the results of examinations so conducted ;

West African Examinations Council continued in being.

Functions of the Council.

(c) to consider the advisability of inviting and if thought fit to invite any other examining body to conduct examinations in West Africa and—

(i) to award certificates and diplomas on the results of such examinations,

(ii) to advise any body so invited on such adaptations of their examinations as the Council may think necessary for the purposes of this Decree, and

(iii) to assist any body so invited in the conduct of such examinations in West Africa,

so however that no examination having a lower standard than any examination of equal status conducted pursuant to this Decree shall be conducted in West Africa by any such body.

3.—(1) The Council shall appoint from among its members a committee to be known as the Administrative and Finance Committee to which it may delegate power to act between meetings of the Council in respect of any matter with which the Council is charged under this Decree.

Administra-
tive and
Finance
Committee.

(2) The Administrative and Finance Committee may appoint a national sub-committee in each of the countries in which the Council is established and may delegate to any such sub-committee such powers as it thinks fit in regard to administrative and financial matters affecting only the country in which such sub-committee is established.

4.—(1) There shall be a Registrar to the Council to be appointed by the Council to manage the affairs of the Council under its direction.

Staff of the
Council.

(2) The Council may appoint such other persons to be officers and servants of the Council as the Council may determine to assist the Registrar in the exercise of his functions.

(3) The remuneration and tenure of office and conditions of service of the Registrar and other officers and servants of the Council shall be determined by the Council.

5.—(1) Every employee of the Council whose salary is not less than the prescribed salary or, if his appointment contains provisions for increases in salary, who may receive a maximum annual salary thereunder exceeding the prescribed salary shall be subject to the authority of the Council.

Staff
discipline.

(2) Before dismissing any employee to whom subsection (1) above relates, the Council shall institute such inquiry as it shall deem fit.

(3) Any employee aforesaid who is dismissed by any committee under section 3 of this Decree to which power of dismissal shall have been delegated in accordance with that section, shall have the right of appeal to the Council.

(4) Every other employee of the Council, other than an employee to whom subsection (1) above relates, shall be subject to the authority of the Registrar, so however that no pensionable member of the staff of the Council shall be dismissed by the Registrar without the approval of the Council.

(5) The Council may by order published in the *Gazette* determine the prescribed salary for the purposes of subsection (1) above.

Application
of Pensions
Act.
Cap. 147.

6.—(1) The Federal Executive Council may by order published in the *Gazette* declare the office of any person employed by the Council to be a pensionable office in Nigeria for the purposes of the Pensions Act.

(2) Subject to subsections (3) and (4) below, the Pensions Act shall in its application by virtue of the foregoing subsection to any office have effect as if the office were in the public service of the Federation within the meaning of the Constitution of the Federation.

(3) For the purposes of the application of the Pensions Act in accordance with subsection (2) above—

(a) paragraph (1) of section 7 of that Act (which confers on the Commissioner power to waive the requirement to give notice of desire to retire at the age of forty-five) shall have effect as if for the references to the Commissioner there were substituted references to the Council, and

(b) the power under section 9 (1) of the Act to require an officer to retire at any time after attaining the age of forty-five, subject to his being given six months' notice in writing, shall be exercisable by the Council and not by any other authority.

(4) Nothing in the foregoing provisions shall prevent the appointment of a person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office.

Financial Provisions, etc.

Offices and
premises.

7.—(1) For the purpose of providing offices and premises necessary for the performance of its functions, the Council may—

(a) purchase or take on lease any land, and

(b) build, equip and maintain offices and premises.

(2) The Council may sell or lease any land, offices or premises held by it and no longer required for the performance of its functions.

Compulsory
acquisition
of land.

8.—(1) Whenever there is any hindrance to the acquisition by the Council of any land required for any purpose of the Council under this Decree (including any failure by the Council to reach agreement as to the amount to be paid in respect of the acquisition), the Federal Commissioner for Education, on the application of the Council and after such enquiry as he may think fit, may declare that the land is required for the service of the Council.

(2) Where a declaration is made under subsection (1) above, the land to which the declaration relates shall be deemed to be land required for a public purpose of the Federation within the meaning of the Public Lands Acquisition Act, and the Head of the Federal Military Government—

(a) may cause action to be taken under that Act for acquiring the land for the Federal Military Government, or

(b) if the land is native land, may issue a requisition under section 13 (2) of the Land and Native Rights Act for the revocation of any rights relating to the land.

Cap. 167.

Cap. 96.

(3) Where a declaration has been made under subsection (1) above in respect of any land other than native land and—

(a) the land has been acquired pursuant to subsection (2) (a) above, or

(b) the Head of the Federal Military Government is satisfied that there are no rights subsisting in respect of the land,

the Head of the Federal Military Government may vest the land in the Council by means of a certificate under the hand and seal of the Chief Federal Lands Officer.

(4) Where a declaration has been made under subsection (1) above in respect of any native land and—

(a) the rights relating thereto have been revoked pursuant to subsection (2) (b) above, or

(b) the Military Governor or Administrator of the State in which the land is situated is satisfied that there are no rights subsisting in respect of the land,

the Military Governor or Administrator in question may grant to the Council a right of occupancy of the land on such terms and conditions as he thinks fit.

(5) The compensation, if any, payable under the Public Lands Acquisition Act for the acquisition of any land under this section or payable under the Land and Native Rights Act for the revocation of any rights relating to the land, as the case may be, shall in the first instance be paid by the Federal Military Government, but the Council shall refund to that Government any compensation so paid and all incidental expenses incurred by that Government.

(6) A plan of any land referred to in subsection (1) above—

(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 Registrar to the Council,

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

9.—(1) The Council may accept gifts of land, money or other property upon such trusts and conditions, if any, as may be specified by the person making the gift.

Power to accept gifts, etc.

(2) The Council shall not accept any gift if the conditions attached by the person making the gift to the acceptance thereof are inconsistent with the functions of the Council.

Power to borrow.

10. The Council may borrow on such terms or conditions such sums of money as the Council may require in the exercise of the functions conferred on it under this Decree or any other written law.

11.—(1) The Council shall establish and maintain a fund from which there shall be defrayed all expenditure incurred by the Council.

Fund to be maintained by the Council.

(2) There shall be paid and credited to the fund established in pursuance of subsection (1) above—

(a) all moneys raised for the purposes of the Council by way of gift, loan, grant-in-aid, testamentary disposition or otherwise,

(b) all dues, fees or charges for services rendered by the Council,

(c) all interest received in respect of moneys invested by the Council, and

(d) all other assets from time to time accruing to the Council.

12.—(1) The Council may from time to time apply the proceeds of the fund established pursuant to section 11 above—

Expenditure of the Council, etc.

(a) to the cost of administration of the Council,

(b) for reimbursing members of the Council or of any committee set up by the Council for such expenses as the Council thinks fit,

(c) to the payment of salaries, fees or other remuneration or allowances and pensions, superannuation allowances and gratuities payable to the officers and servants of the Council, so however that no payment of any kind under this paragraph (except such as may be expressly authorised by the Council) shall be made in Nigeria to any person who is in receipt of emoluments from the Federal Military Government or a State,

(d) to the repayment of any money borrowed under section 10 or of any interest payable thereon,

(e) for the maintenance of any property acquired by or vested in the Council, and

(f) for and in connection with all or any of the functions of the Council under this Decree or any other written law.

(2) The Council may from time to time invest money standing to its credit in such manner and to such extent as the Council may think necessary or expedient.

Accounts.

13.—(1) The Council shall keep proper accounts and other records relating thereto and shall cause to be prepared not later than 30th June in each year a statement of accounts relating to the last preceding financial year.

(2) The accounts of the Council shall be audited by auditors to be appointed by the Council.

(3) As soon as the accounts of the Council have been audited, the Council shall cause the statement of accounts together with the auditors' report thereon to be published in such manner as it thinks fit.

National Committees

National Committees.

14.—(1) A National Committee shall be established by the Council in each of the following countries, that is—

(a) the Gambia, Ghana, Nigeria and Sierra Leone, and

(b) any other country in West Africa (not being an Associated Country) as may accede to this Decree or any other law pertaining to the Council; and each National Committee shall be composed of such persons or holders of certain offices as the Council shall think fit.

(2) Every National Committee shall elect one of its members to be the chairman thereof.

(3) Every member of a National Committee shall hold office for a period of four years from the date of his appointment and shall be eligible for re-appointment.

Duties of National Committees.

15.—(1) It shall be the duty of every National Committee—

(a) to advise the Council on any matter that may be referred to it for advice by the Council,

(b) to elect such number of members to the Council as the Council may prescribe, and

(c) to carry out such functions as the Council may from time to time delegate to it.

(2) A National Committee may at any time make a report or recommendations to the Council on any matter relevant to the provisions of this Decree.

(3) A National Committee may from time to time appoint from among its members such sub-committees as it shall think fit to carry out such duties with which it may be charged by such National Committee.

Associate Membership

16.—(1) The Council shall have power to admit as an Associated Country any West African country, other than those mentioned in section 14 (1) of this Decree, which wishes to be associated to a limited extent with the work of the Council.

Associated Countries.

(2) The power to admit an Associated Country shall be exercised by a resolution of the Council passed by a simple majority of members present at an annual general meeting of the Council but only after application for admission has been received from the country concerned and in such manner as the Council may approve.

17.—(1) Every Associated Country shall have the right to appoint as many delegates as the Council may by resolution passed at a general meeting determine to attend any of the following meetings, that is—

Powers and privileges of Associated Countries.

(a) annual general meetings of the Council, and

(b) any meeting of any of the following bodies—

(i) all International Committees except the Appointments Committee,

(ii) all working parties engaged on revision of any examination syllabus,

(iii) unless the Registrar directs otherwise, all National Sub-Committees of International Committees (except the Appointments Committee) of member countries.

(2) An Associated Country shall be served with copies of the minutes and all other relevant documents of the proceedings of any meeting which it is entitled to attend under subsection (1) above but the delegates of an Associated Country shall not be entitled to vote at any such meeting nor count towards a quorum.

(3) Every Associated Country shall bear the whole cost of sending its delegates to, and maintaining them at, meetings of the Council or any committee thereof.

(4) The privileges of an Associated Country shall include—

(a) the use at cost of the research and development facilities of the Test Development and Research Division of the Council in such manner as the Director thereof may with the approval of the Registrar recommend ;

(b) the use of the data processing facilities of the Council in such manner as the Registrar may direct.

18. Any right or privilege conferred upon an Associated Country by virtue of its association with the Council under this Decree shall cease—

Termination of status of Associated Country.

(a) upon notice being served on the Council by the Associated Country that it no longer wishes to be associated with the Council, or

(b) upon notice being served on the Associated Country by the Council that its association with the Council has been terminated, so however that the Council shall not serve notice unless it is satisfied that the Associated Country is no longer ready or able to discharge the obligations of an Associated Country under this Decree or that its continued association with the Council shall not be in the best interests of the Council.

PART II—OFFENCES IN RELATION TO EXAMINATIONS

19.—(1) If a candidate for an examination—

(a) is found before or during the examination to have had foreknowledge of live questions or the contents of live question papers (whether or not such foreknowledge is in respect of one or more live questions or live question papers); or

Penalties for illegally using examination papers.

(b) in any manner unauthorised makes use of live questions or live question papers, such candidate shall not take or be allowed to take or continue the examination; in addition, he shall be prohibited from taking any examination held or conducted by or on behalf of the Council for a period of two years immediately following upon such contravention and if a candidate aforesaid has already taken any papers at the examination, his results therefrom shall be cancelled.

(2) The penalties contained in this section—

(a) may be imposed whether or not a prosecution for an offence under section 20 or 21 of this Decree has been brought or is being conducted or is contemplated; and

(b) shall be in addition to such other penalties as a court may impose upon conviction for an offence under the aforesaid section 20 or 21;

and the power to impose any of the penalties under this section shall be exercised by the Council or by any person authorised in that behalf by the Council.

20.—(1) Any person engaged in setting, moderating, revising, vetting, printing or in the collection, storage, distribution or custody of live question papers or instructions, or in making drafts or copies thereof or engaged as a supervisor, invigilator, attendant or otherwise howsoever who, before or during the period of an examination knowingly or recklessly and without being lawfully authorised so to do, discloses the contents of any such live question paper or instructions, or of any draft or copy thereof to any person (whether a candidate for that examination or not) shall be guilty of an offence and shall be liable on conviction to a fine of ₦2,000 or imprisonment for five years or to both such fine and imprisonment.

(2) Any person (whether a candidate at an examination or not) who knowingly makes use of the contents of any live question paper or instructions or of any draft or copy thereof in any manner howsoever, and without being lawfully authorised so to do, shall be guilty of an offence and shall be liable on conviction to a fine of ₦2,000 or imprisonment for five years or to both such fine and imprisonment.

(3) Where an offence under subsection (1) or (2) above is committed by a child or young person, then the provisions of any law relating to children and young persons in force in the State in which the offence is committed or tried shall apply in relation to the offence as they apply in relation to offences under that law.

(4) No prosecution for an offence under this section shall be instituted without the consent in writing of the Attorney-General of the Federation.

(5) For the avoidance of doubt, it is hereby declared that a prosecution for an offence under this section may be brought against a person notwithstanding that any of the penalties contained in section 19 above has been imposed on that person in accordance with the provisions of that section or in pursuance of section 22 (3) of this Decree.

(6) For the purposes of this section—

“child” means a person under the age of fourteen years; and

“young person” means a person who has attained the age of fourteen years but is under the age of seventeen years.

21. Any person who, for the purpose of an examination conducted pursuant to this Decree—

(a) falsely represents himself to be some other person; or

Leakage of examination papers, etc.

Impersonation, etc. at examinations.

(b) utters any document which has been issued by the Council or by any other lawful authority to another person, and whereby that other person is certified to be a person possessed of any qualification recognised for any purpose or to be entitled to any right or privilege, and falsely represents himself to be the person named in the document,

shall be guilty of an offence and shall be liable on conviction to a fine of ₦200 or imprisonment for six months or to both such fine and imprisonment.

22.—(1) Whether or not a prosecution is brought under section 20 or 21 above, the Council may, within 60 days after the conclusion of an examination, in any case where information reaches the Council subsequent to that examination that a candidate at that examination had access to or used live questions or question papers, without lawful authority so to do, constitute a committee to investigate the matter.

Post-examination investigating committee: constitution of, etc.

(2) Every committee set up in pursuance of subsection (1) above shall consist of—

(a) a chairman who shall be a legal practitioner of not less than seven years standing, and

(b) two other persons, each being a person with wide experience in educational matters.

(3) The committee shall at the conclusion of its investigation make a report to the Awarding Committee of the Council containing such recommendations as to which of the penalties set out in section 19 above are to be imposed by the Council or otherwise and, subject to the approval of the Council, the Awarding Committee shall take such action thereon (including the cancellation of examination results in respect of, or of any certificate which might have been issued by the Council to, any candidate to whom subsection (1) above applies) as it thinks appropriate in the circumstances.

PART III—MISCELLANEOUS AND SUPPLEMENTARY

23.—(1) The Council may make regulations generally for its purposes under this Decree; and without prejudice to the generality of the foregoing, regulations may provide for—

Regulations.

(a) the persons or categories of persons who may enter for examinations held or conducted by the Council;

(b) the conduct of entrants during such examinations.

(2) Where regulations are made pursuant to subsection (1) above, it shall not be necessary for their validity to cause them to be published in the *Gazette* but the Council shall bring them to the notice of such interested persons (including the officers and servants of the Council) in such manner as the Council may, from time to time, determine.

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

“the Council” means the West African Examinations Council as continued in existence by section 1 of this Decree;

“examination” means any examination held or conducted by or on behalf of the Council or on behalf of any other body by the Council pursuant to this Decree;

“West Africa” means the Gambia, Ghana, Nigeria and Sierra Leone and any other country in West Africa which may accede for the purposes of paragraph (b) of section 14 (1) of this Decree.

Interpretation.

Repeals and
saving.
Cap. 217.

1960 No. 5.

1964 No. 1.

Citation.

25.—(1) The West African Examinations Council (Nigerian Status) Act is hereby repealed.

(2) The West African Examinations Council (Nigerian Status) (Amendment) Act 1960 is consequentially repealed.

(3) Without prejudice to section 4 (1) (c) of the Interpretation Act 1964, it is hereby declared that any subsidiary instrument in force by virtue of any of the repealed enactments shall, in so far as it is not inconsistent with the provisions of this Decree and until such instrument is revoked, altered or otherwise modified pursuant to this Decree, continue in force as if such instrument had been made under this Decree.

26. This Decree may be cited as the West African Examinations Council Decree 1973.

SCHEDULE

Section 1 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Membership

1.—(1) The Council shall consist of the following members, that is—

(a) two persons appointed by the Government of the Gambia,

(b) four persons appointed by the Government of Ghana,

(c) four persons appointed by the Government of the Federation of Nigeria,

(d) three persons appointed by the Government of Sierra Leone,

(e) one person appointed by the Senate or equivalent academic body of each university or university college in the countries served by the Council,

(f) two persons appointed by the Chancellors of the Universities of Cambridge and London, each Chancellor nominating one person,

(g) not more than seventeen persons to be elected by the National Committees in accordance with the provisions of this Decree, the exact number from each National Committee to be determined by the Council :

Provided that not more than nine members of the Council shall be appointed by any one National Committee.

(2) Where a country is admitted to the membership of the Council after the commencement of this Decree that country shall be represented on the Council by not less than two nor more than five members, the exact number of such members to be determined by the Council.

(3) The Chairman of the Council shall be elected by the Council from among its members or otherwise as the Council may determine.

(4) The Council may appoint from among its members a Vice-Chairman to act as Chairman during a long absence from West Africa or during the temporary incapacity from illness or other sufficient cause of the Chairman and at other times to exercise such powers as the Chairman may delegate to him.

Terms of Service

2.—(1) The Chairman of the Council shall hold office for a period not exceeding four years from the date of his election.

(2) A member elected by a National Committee shall retain his membership of the Council for a period not exceeding four years from the date of his election.

(3) A member appointed pursuant to paragraph 1 (1) (a) to (f) above shall retain his membership of the Council during the pleasure of the appointing authority, and the termination of such membership shall take effect as soon as notice of such termination is received by the Council from the appointing authority.

(4) The Chairman or any other member of the Council shall, on the termination of his membership, be eligible for re-appointment :

Provided that where a member of the Council is elected to the Council by virtue of some office or his representation of a particular interest, he shall cease to be a member of the Council upon his ceasing to hold the said office or to represent the said interest.

3.—(1) Any member of the Council appointed as the person for the time being holding a particular office shall be entitled to nominate from amongst his immediate subordinates in office, by written notice to the Council, an alternate member to attend any particular meeting or meetings of the Council in his place and every such alternate member shall have all the powers and authority of the member whom he has replaced until such member notifies the Council that he proposes to resume his attendance at meetings of the Council or until the term of office of such member shall have terminated, whichever is earlier.

(2) If a member of the Council appointed otherwise than in accordance with sub-paragraph (1) above is incapacitated by illness, long absence from West Africa or other sufficient cause from performing the duties of his office, a temporary member may be appointed in the same manner as, and in accordance with the same procedure under which, the incapacitated member was appointed, to fill that office until the member's incapacity shall have ended or until the term of office of the member shall have terminated, whichever is earlier; and every such temporary member shall have during his tenure of office all the powers and authority of the incapacitated member.

Proceedings of the Council

4. Subject to this Decree, the Council may make standing order regulating the proceedings of the Council or any committee thereof.

5. The Chairman or in his absence the Vice-Chairman shall preside at every meeting of the Council and in the absence of both the members present at the meeting shall elect one of their number to preside.

6. Subject to the provisions of this Decree and any standing orders made thereunder, the quorum of any body of persons established by or in pursuance of this Decree (including the Council) shall be as may be determined by that body.

7.—(1) Where any body of persons aforesaid desires to obtain the advice of any person on any particular matter, it may co-opt that person as a member for a meeting whether or not expressly convened for the purpose of considering that matter.

(2) A person co-opted shall not be entitled to vote nor shall he count towards a quorum.

Committees

8.—(1) Subject to its standing orders, the Council may appoint such other committees, in addition to those established by this Decree, to consider and report upon any matter with which the Council is concerned.

(2) Every committee appointed under the foregoing provision shall be presided over by such person as the Council may appoint and shall be made up of such number of persons, all of whom need not be members of the Council, as the Council may determine in each case.

Miscellaneous

9.—(1) The fixing of the seal of the Council shall be made in such manner as may be prescribed by regulations made for that purpose by the Council.

(2) The Council may by those regulations delegate the powers to use the seal to such members and officers of the Council as it may see fit.

10. 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 Council by any person specially or generally authorised to act for that purpose by the Council.

11. Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

12. The validity of the proceedings of the Council or of its committees shall not be affected—

(a) by any vacancy in the membership of the Council or any such committee, or

(b) by any defect in the appointment of any such member.

13. Any member of the Council or any committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or any committee thereof shall forthwith disclose his interest to the Council or the committee and shall not vote on any question relating to the contract or arrangement.

MADE at Lagos this 22nd day of June 1973.

GENERAL Y. GOWON,
*Head of the Federal Military Government,
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 purpose)

The Decree replaces former legislation on the establishment of the West African Examinations Council in Nigeria and gives effect to changes resulting from the reconstitution of the Council. There are now comprehensive provisions relating to the Council's membership (to be drawn from specified West African Countries), its constitution and its functions. There is also provision for associate membership of the Council by other countries in West Africa not already full members of the Council.

In addition, the Decree introduces various penalties in connection with examination leakages and impersonation at examinations. It provides for the imposition of fines and imprisonment in some cases and for the cancellation of examination results or certificates where appropriate. The Council is given power to set up an investigating committee in every case where specific allegations of examination leakages are made. These latter provisions, as set out in Part II of the Decree, are peculiar to Nigeria only and arose out of the Alexander Tribunal of Inquiry into leakages of examination questions.