

**UNIVERSITY OF BENIN (TRANSITIONAL PROVISIONS)  
DECREE 1975**



**Decree No. 20**

[19th August 1975]

Commence-  
ment.

**THE FEDERAL MILITARY GOVERNMENT** hereby decrees as follows:—

1. The Council of the University of Benin and the Finance and General Purposes Committee of that Council as constituted pursuant to section 10 (3) of the University of Benin Edict, 1975 (hereinafter in this Decree referred to as "the Edict") and as composed in the Second Schedule to that Edict are hereby dissolved.

Dissolution  
of Council  
of the  
University  
of Benin.  
Edict No. 3  
of 1975 of  
Mid-Western  
State of  
Nigeria.

2.—(1) There is hereby established as an interim governing body of the University a Provisional Council which shall, subject to this Decree, be the supreme governing body of the University and which shall, subject to the general direction of the Head of the Federal Military Government, control the policies and finances of the University and manage its affairs.

Establish-  
ment of  
Provisional  
Council for  
the  
University.

(2) The Provisional Council shall consist of such persons as may be prescribed by an Order made by the Head of the Federal Military Government and the members of the Council shall hold office for such period and on such terms and conditions as may be specified in the Order.

3.—(1) Subject to subsection (2) of this section, the Provisional Council shall exercise such functions, apart from those specified in section 2 above, as are expressly conferred on the Council by the Edict.

Powers of  
the Pro-  
visional  
Council.

(2) The powers conferred upon the University and the Senate—

(a) in the case of the University, under section 5 (1) (g) of the Edict and in so far as it provides for the taking over of the rights, properties and liabilities of other institutions and, under paragraph 4 (2) of the Third Schedule to the Edict, which provides for the establishment of colleges, schools, faculties, institutes, and other teaching or research units; or

(b) in the case of the Senate, by section 9 (2) (a) of the Edict, in so far as it relates to the establishment of faculties, colleges, schools, institutes and other teaching and research units of the University,

shall no longer be exercisable by those bodies but by the Provisional Council and with the prior approval of the Head of the Federal Military Government.

(3) Except with the prior approval of the Head of the Federal Military Government, the Provisional Council shall not, in pursuance of section 22 (1) of the Edict, delegate its functions to any committee which may be established by it.

Dissolution of Board of Governors of the Teaching Hospitals.

4.—(1) The Board of Governors of the University of Benin Teaching Hospitals established under section 31 of the Edict as a body corporate is hereby dissolved.

(2) Accordingly, all property, rights, liabilities and obligations which immediately before the commencement of this Decree were property, rights, liabilities and obligations held by the said Board or held or purported to be held by any person or body in respect of the Hospital shall vest in the Federal Military Government.

Management of the affairs of the Hospitals.

5.—(1) Until other provisions are made in that behalf by the Federal Military Government, the affairs of the Hospital shall be managed by the Provisional Council and that Council shall, subject to the general control and direction of the Head of the Federal Military Government, exercise, in respect of the Hospital, the same powers as are exercisable by the Provisional Council in respect of the University as a whole.

(2) Without prejudice to subsection (1) of this section, the Provisional Council shall establish a Management Board which shall, subject to the overall control and direction of that Council, be charged with the running of the day to day affairs of the Hospital.

(3) The Management Board shall consist of such persons as may be designated by the Provisional Council with the prior approval of the Head of the Federal Military Government.

(4) The members of the Management Board of the Hospital appointed pursuant to this section shall hold office for such periods and on such terms and conditions as the Provisional Council, with the prior approval of the Head of the Federal Military Government, may determine.

(5) The Provisional Council shall not authorise the construction or establishment of any new University Teaching Hospital as provided for pursuant to section 30 (1) (c) or in section 35 (2) (a) of the Edict except with the prior approval of the Head of the Federal Military Government.

6. The Head of the Federal Military Government may by Order published in the *Gazette* amend any provision of the Edict.

7. Sections 8 (2) and 32 and paragraphs 1 and 2 of the Second Schedule to the Edict are hereby repealed.

Power to amend Edict.

Repeals.

Interpretation.

Edict No. 3 of 1975 of Mid-Western State of Nigeria

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

“the Edict” means the University of Benin Edict, 1975 of the Mid-Western State of Nigeria ;

“functions” includes powers and duties ;

“the Hospital” means the University of Benin Teaching Hospital, Warri, established under section 31 of the Edict ;

“the Management Board” means the Management Board referred to in section 5 of this Decree ;

"the Provisional Council" means the Provisional Council of the University of Benin established by section 2 of this Decree ;

"the University" means the University of Benin.

9. This Decree may be cited as the University of Benin (Transitional Provisions) Decree 1975. Citation.

MADE at Lagos this 19th day of August 1975.

BRIGADIER M. R. MUHAMMED,  
*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 dissolves both the existing Council of the University of Benin and the existing Management Board of the Teaching Hospitals of that University and establishes a Provisional Council as the over-all governing body for the University and the University Teaching Hospital, Warri, as a follow-up to their recent take-over by the Federal Government.

## TRAFFIC WARDEN SERVICE DECREE 1975



## Decree No. 21

[Section 13 (2)]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :

1.—(1) There is hereby established a Traffic Warden Service (hereafter in this Decree referred to as "the warden service").

Establish-  
ment of the  
Traffic  
Warden  
Service.

(2) The warden service shall consist of traffic wardens appointed from time to time under this Decree.

(3) The warden service shall be a part of the Nigerian Police Force, and accordingly references in the Police Act to the police force established under the Police Act shall, subject to the provisions of this Decree, include references to the warden service.

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(4) Notwithstanding subsection (3) of this section, in so far as any enactment (whether passed or made before or after the commencement of this Decree) requires police officers to perform military duties, or confers any power on any person (whether expressly or in general terms) to require police officers to perform such duties, that enactment shall not, in the absence of express provision to the contrary, extend to traffic wardens.

(5) Traffic wardens shall be employed to discharge functions normally undertaken by the police in connection with the control and regulation of, or the enforcement of the law relating to, road traffic and shall in that connection act under the direction of the police.

(6) Without prejudice to the generality of the foregoing subsection, a traffic warden shall be required to deal (inter alia) with the following, that is to say—

- (a) general control and direction of motor traffic on the highway ;
- (b) assisting pedestrians to cross the road ; and
- (c) controlling vehicles stopping or parking in unauthorised places.

2.—(1) Notwithstanding anything to the contrary in any enactment, the Inspector-General is hereby vested with the power to appoint, confirm such appointment, promote, transfer, dismiss or exercise any disciplinary control over any traffic warden.

Appointment  
of traffic  
wardens.

(2) Subject to the provisions of this Decree, a person may be appointed a traffic warden if he—

- (a) is not less than 19 nor more than 21 years of age ;

(b) is in possession of a minimum educational qualification of primary six ;

(c) is not less than 5' 6" and 5' 4" tall respectively for men and women ;

(d) in the case of men, has not less than 34" chest measurement when fully expanded ;

(e) is of good character and is physically fit ; and

(f) has signified his willingness to serve as a traffic warden.

(3) The Head of the Federal Military Government shall from time to time by notice published in the *Gazette* fix the maximum number of persons who may at any one time hold appointments under this Decree ; and a person shall not be appointed as a traffic warden if his appointment would cause the number for the time being so fixed to be exceeded.

(4) Before fixing any number under subsection (3) of this section the Head of the Federal Military Government shall obtain from the Nigeria Police Council recommendation with respect thereto.

(5) The Inspector-General may from time to time—

(a) with the approval of the Head of the Federal Military Government fix the maximum number of traffic wardens who may at any one time hold appointments in any State ;

(b) at his own discretion fix the maximum number of traffic wardens who may at any one time hold any particular rank in the warden service in any State ; and

(c) in either case fix different numbers with respect to different States.

(6) In relation to traffic wardens appointed under this Decree—

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(a) section 12 of the Police Act (which relates to the making of a declaration for enlistment or re-engagement) shall have effect as if for the reference to enlistment or re-engagement there were substituted respectively a reference to appointment or re-appointment ; and

1963 No. 23.

(b) the form of the police declaration prescribed by the Oaths Act 1963 shall be adapted by the substitution—

(i) for the words "police officer" where they occur in the fifth line, of the words "a traffic warden" ; and

(ii) for the words from "for the preservation of peace" to the end of the declaration, of the words "to discharge all the duties of my office according to law".

Period of service.

3.—(1) Every traffic warden appointed under this Decree shall be appointed to serve as a traffic warden for a period of one year ; and only in the police province, district or division in which he resides.

(2) Such a traffic warden may, subject to satisfactory conduct and service, be re-appointed for further periods of three years each until the expiration of the tenth year of his appointment in the warden service when he may elect to determine his appointment or elect that his service be allowed to continue until he is fifty-five years of age.

4. A traffic warden appointed under this Decree shall, when on duty, in uniform and within the police province, district or division in which he is appointed to serve, but not elsewhere, have the powers, privileges and immunities of a police officer under any law relating to the regulation of road traffic.

Powers, etc. of a traffic warden.

5. Every traffic warden shall, on first appointment be issued with a certificate of appointment in a form approved by the Inspector-General and on the determination of that or any subsequent appointment (whether by effluxion of time or under section 7 of this Decree) shall in like manner be issued with a certificate of discharge.

Certificates of appointment and of discharge.

6. A traffic warden shall have such rank as may be assigned to him by the Inspector-General within the following grades, that is—

Ranks of traffic wardens.

- (a) Traffic Warden Grade III
- (b) Traffic Warden Grade II
- (c) Traffic Warden Grade I
- (d) Senior Traffic Warden.

7.—(1) A traffic warden appointed under this Decree may at any time give to any superior police officer under whom he is serving, notice in writing of his intention to resign his appointment on a date mentioned in the notice (not being less than 28 days later than the date on which the notice is given).

Resignation.

(2) On receipt by the superior police officer of the notice referred to in subsection (1) of this section, the superior police officer shall immediately thereafter refer such notice to the Commissioner having control over him and the traffic warden, and if the Commissioner consents to the notice having effect, the appointment of the traffic warden shall determine accordingly.

8.—(1) In so far as the context so admits but subject to the provisions of this Decree, a traffic warden shall be subject to the provisions of the Police Regulations 1968 for purposes of discipline.

Discipline.

(2) In the application to traffic wardens of Schedule 2 to the Police Regulations 1968, references to Constables, Corporals, Sergeants and Inspectors shall include respectively references to Traffic Wardens Grade III, Traffic Wardens Grade II, Traffic Wardens Grade I and Senior Traffic Wardens.

L.N. 53 of 1968.

9.—(1) The Inspector-General may provide for use by the traffic wardens such equipments as he considers necessary for the proper carrying out of the duties of traffic wardens under this Decree.

Provision of equipment.

(2) Any expenses incurred by the Inspector-General under this section shall be defrayed out of moneys provided by the Federal Military Government.

10. The Inspector-General may delegate any of his powers under this Decree to the Commissioner of a State or the Commandant of a police college (except this power of delegation) so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified or defined in the instrument of delegation.

Delegation of power by Inspector-General.

11.—(1) Every person appointed into the warden service shall be required to undergo a course of training at the traffic training school of a police college for a period of twelve weeks or such other or further period as the Inspector-General may determine.

Instruction of traffic wardens, etc.

(2) A traffic warden appointed under this Decree shall have allocated to him a service number with the letters "TW", and the service numbers of all traffic wardens employed in the Federation shall appear on the register kept for that purpose by the Inspector-General.

(3) It shall be the duty of every traffic warden to whom a service number has been allocated under subsection (2) of this section whenever on duty to wear such service number on the shoulder flaps of his uniform.

**Interpreta-  
tion.**

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**Citation and  
commence-  
ment**

12. In this Decree, unless the context otherwise admits, all words and expressions have the same meaning as in the Police Act.

13.—(1) This Decree may be cited as the Traffic Warden Service Decree 1975.

(2) This Decree shall be deemed to have come into force on 20th March 1974.

MADE at Lagos this 19th day of August 1975.

BRIGADIER M. R. MUHAMMED,  
*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 Traffic Warden Service as part of the Nigeria Police Force under the operational control of the Inspector-General to assist in the work of the traffic division of the Nigeria Police Force.