

CHAPTER 342

PARTICIPATION IN POLITICS AND ELECTIONS
(PROHIBITION) ACT

1987 No. 25. **An Act to prohibit certain persons and office holders from contesting for and holding public offices and to empower the National Electoral Commission to disqualify persons as having been affected by the provisions of the Act.**

Commence-
ment.

[23rd September, 1987]

Ban and dis-
qualification
of certain
persons and
office
holders.

1. (1) Notwithstanding the provisions of any other enactment regarding the disqualification of persons from contesting, holding or being appointed to any elective office or post, either in the government or in a political party, the persons and office holders specified in the First Schedule to this Act are hereby banned for life from holding any elective office or post, public office, political party office, whether elective or otherwise either in the government or in any political party.

(2) The persons and office holders specified in the Second Schedule to this Act are hereby disqualified from contesting or seeking any public office or post whether elective or otherwise in any government or political party in Nigeria during the transition period; so however that nothing in this Act shall be construed to affect any present holder of any of the offices stipulated in the Second Schedule to this Act except he is retired, dismissed or otherwise removed from that office or he resigns or retires from that office.

(3) Nothing in this Act shall be construed to prevent any holder of any of the offices stipulated in Part II of the Second Schedule to this Act from holding or continuing in that office until such a time as he is replaced in that office by a duly elected or appointed successor, as the case may be, in accordance with the provisions of the Transition to Civil Rule (Political Programme) Act.

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Participation in Politics and Elections (Prohibition) Act

(4) Any person banned or disqualified under this Act shall not sponsor, canvass or campaign for or on behalf of himself or others or sponsor or fund any political party or any sponsored candidate for any election during the transition period. 1989 No. 9.

(5) Any person who contravenes the provisions of subsection (4) of this section, shall be guilty of an offence under this Act and upon conviction by the special tribunal constituted under the Transition to Civil Rule (Political Programme) Act shall be liable to a fine not exceeding two hundred and fifty thousand naira or to imprisonment not exceeding five years or to both such fine and imprisonment. Cap. 443.

2. (1) The Commission may upon the objection of any person or on its own motion at any time declare that any person— Declaration by the National Electoral Commission.

- (a) nominated to contest any office or post either in the government or in any political party; or
- (b) elected to any office or post, either in the government or in any political party; or
- (c) nominated or appointed to any public office or post in any political party,

is a person affected by this Act.

(2) A declaration made under subsection (1) of this section, shall have the effect of nullifying such nomination, election or appointment.

3. (1) Any member of the public who has knowledge that a person nominated to contest any election or appointed or elected to an office in a political party or government or public office is a person banned or disqualified under the provisions of this Act may file an objection to nullify such nomination, election or appointment. Objections by members of the public.

(2) Any objection filed pursuant to subsection (1) of this section, shall be made in writing to the Commission.

(3) Any objection raised under this section shall contain facts upon which the objection is made.

(4) The Commission shall on receipt of an objection filed under subsection (1) of this section, notify the person whose nomination, election or appointment, as the case may be, is being objected to, of such objection.

(5) The notice referred to in subsection (4) of this section, shall require the person whose nomination, election or appointment is challenged to file a reply to the objection within twenty-one days of the receipt of the notice of objection.

(6) The Commission shall pronounce on an objection within thirty days of the receipt of a reply, if any.

(7) In default of any reply from such person within the stipulated period, the Commission shall proceed to pronounce its decision within thirty days from the date of the receipt of the notice of objection.

(8) Where the Commission sustains an objection and declares that the person whose nomination, election or appointment is objected to is a person affected by this Act, it shall declare the person banned or disqualified as the case may be and shall take all necessary steps to enforce the declaration.

(9) For the avoidance of doubt, no nomination shall be avoided until an objection is sustained by the Commission pursuant to this section.

(10) Where a person has been elected before an objection is sustained by the Commission pursuant to this section, the Commission shall declare the election null and void and shall take necessary steps to conduct a new election.

4. (1) Any person may apply to the Commission for a determination as to whether he is a person affected by this Act.

(2) An application made pursuant to subsection (1) of this section, shall indicate the purpose for the application, the offices or posts held in the past by the applicant and any other information that may assist the Commission to come to a decision.

Application
for determi-
nation.

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(3) The Commission shall on receipt of an application made under this section, conduct an investigation to determine whether the applicant is a person affected by this Act.

(4) A determination under this section shall be made by the Commission within thirty days of the submission to it of the application.

5. (1) Any person dissatisfied with any declaration made by the Commission under this Act may within thirty days of such declaration apply to the Tribunal for a review of the declaration. Review.

(2) The Tribunal shall commence to hear an application within fourteen days of the receipt of the application.

(3) The Tribunal shall deliver its decision not later than thirty days from the date the application is heard.

6. In any matter referred to the Tribunal under this Act, the decision of the Tribunal shall be final and binding and no other court of law or tribunal shall have jurisdiction to entertain any action by way of declaration or review or the issue of prerogative orders or the equitable remedy of injunction or specific performance or by way of appeal or otherwise in respect of any matter arising out of and pertaining to the provisions of this Act. Finality of decision of Tribunal.

7. (1) No suit or legal proceedings shall be instituted in respect of any ban, disqualification or any other matter covered by this Act in any court or tribunal except as provided under this Act. Jurisdiction on all matters arising from this Act.

(2) No suit or other legal action shall lie against any person for anything done or purported to be done in pursuance of this Act.

(3) Notwithstanding the provisions of the Constitution of the Federal Republic of Nigeria or any other law, any claim, right, declaration or question as to whether any provision of this Act has been or is being or would be contravened by anything done or purported to be done in pursuance of this Act shall not be inquired into in any court of law or tribunal other than as provided for in this Act. Cap. 62.

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(4) The jurisdiction conferred on the Tribunal by this Act shall be exercised by it to the exclusion of all other courts of law or tribunals in Nigeria.

Interpretations.

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

“affected person” means any person disqualified or banned pursuant to this Act;

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“Commission” means the National Electoral Commission established by the National Electoral Commission Act;

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“office in government” includes any office designated in Part II of the Fifth Schedule to the Constitution of the Federal Republic of Nigeria;

“Public Office” means any office as designated in Part II of the Fifth Schedule to the Constitution of the Federal Republic of Nigeria;

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“transition period” means the period specified in the Transition to Civil Rule (Political Programme) Act;

“Tribunal” means the Transition to Civil Rule Tribunal constituted under the Transition to Civil Rule (Political Programme) Act.

Short title.

9. This Act may be cited as the Participation in Politics and Elections (Prohibition) Act.

FIRST SCHEDULE

Section 1(1)

PERSONS BANNED FROM PARTICIPATION IN POLITICS, ELECTIONS, OR HOLDING ANY PUBLIC OR POLITICAL PARTY OFFICE, ETC.

1. All persons including politicians who held political offices from 1st October, 1960 to 15th January, 1966, and from 1st October, 1979 to 30th December, 1983 and who were subsequently indicted and found guilty of offences or misdeeds by any Tribunal, Special Investigation Panel, Judicial Commission or Administrative Enquiry;

2. All persons who have served—

(a) as Secretaries to Federal or State Governments; or

(b) as Permanent Secretaries or, as the case may be, Directors-General; or

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- (c) as Judges; or
 - (d) as Chairmen or members of Federal or States Boards of Statutory Corporations or State-owned Companies or the Governing Boards of various institutions; or
 - (e) in other public offices,
- who have been found guilty of misdeeds by any Panel, Tribunal, Judicial Commission or Administrative Enquiry from 1st October, 1960 to the end of the transition period;

3. All Military and Police personnel who held public offices during the period 15th January, 1966 to the end of this transitional period and who were or might be found guilty, and removed from office or dismissed from the Services, or who were or are hereafter found guilty of corruption or other misdeeds or indicted by various Courts Martial, Tribunals, Special Investigation Panel, Judicial Commission and Administrative Enquiries at both Federal and State levels;

4. All persons in both the public and private sectors who have been or will be dismissed from office or any employment during the period 1st October, 1960 to the end of the transitional period;

5. All persons who may not have held any public office but who have been indicted and punished by various panels, Tribunals and Commissions of Enquiry for corrupting public office holders; and

6. All Legislators or persons including those elected into the Senate, House of Representatives, Houses of Assembly of Regions or States from January 1960 to the end of transition period who either collectively or individually have been liable for or indicted and found guilty of acts of unjust enrichment, corruption, fraud, embezzlement of public funds, election malpractices or contributed in one way or the other to the economic adversity of the nation or such persons who exercised corrupt influence on public office holders.

SECOND SCHEDULE

Section 1(2)

PERSONS DISQUALIFIED FROM PARTICIPATION IN POLITICS AND ELECTIONS
OR SEEKING OR CONTESTING ANY PUBLIC OR POLITICAL PARTY OFFICE
DURING THE TRANSITION PERIOD

PART I.—OFFICE HOLDERS (CIVILIAN)

The holders of the following offices during the periods 1st October, 1960 to 15th January, 1966 and 1st October, 1979 to 30th December, 1983—

1. President
2. Prime Minister
3. Vice-President
4. Regional Premier
5. State Governor
6. State Administrator
7. Deputy State Governor
8. Minister, Presidential Adviser/Assistant
9. Commissioner
10. Parliamentary Secretary
11. Presidential Liaison Officer
12. National Assembly Liaison Officer
13. President of the Senate
14. Deputy President of the Senate
15. Speaker of the House of Representatives
16. Deputy Speaker of the House of Representatives
17. Speaker of the Regional House of Assembly
18. Speaker of the State House of Assembly
19. Deputy Speaker of the Regional/State House of Assembly
20. Chairmen of Committees or Selected Committees of the Senate, House of Representatives and Regional and State Houses of Assembly
21. Members of the National Executive Committees of all Political Parties
22. Members of Regional Working Parties/Committees or State Executive Committees of all Political Parties.

PART II.—OFFICE HOLDERS (MILITARY AND POLICE)

All Military and Police personnel who held or are currently holding the underlisted public offices from 15th January, 1966 to the end of the transition period will not be allowed to contest any election into any elective office or hold any position in any political party in Nigeria during the transition period; the offices covered in this group include those of—

1. President
2. Head of State
3. Chief of Staff (Supreme Headquarters)
4. Deputy Chief of Staff (Supreme Headquarters)
5. Chief of General Staff

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6. Chairman, Joint Chiefs of Staff
7. Chief of Defence Staff
8. Deputy Chief of Defence Staff
9. Chief of Staff (Army Headquarters)
10. Head of Navy
11. Head of the Air Force
12. Chief of Army Staff
13. Chief of Naval Staff
14. Chief of Air Staff
15. Inspector-General of Police
16. Military Governors/Administrators
17. Members of the Supreme Military Council and the Armed Forces Ruling Council between 31st December, 1983 and end of the transitional period.

PART III.—OFFICE HOLDERS (CERTAIN BODIES)

The holders of the following offices from 31st December, 1983 to the 1989 No. 9. end of the transition period.

Chairmen and members of the following bodies, that is—

- (a) the Directorate for Social Mobilisation (Federal or State);
 - (b) the National Electoral Commission;
 - (c) the National Population Commission;
 - (d) the Code of Conduct Bureau;
 - (e) the National Revenue Mobilisation Commission;
 - (f) the Directorate of Food, Roads and Rural Infrastructure (Federal or State).
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CHAPTER 342

SUBSIDIARY LEGISLATION

No Subsidiary Legislation