

CHAPTER 273

NATIONAL PROVIDENT FUND ACT

An Act to establish a National Provident Fund and to provide for contributions thereto and for payment thereout of sundry benefits and for other matters connected therewith.

1961 No. 20.

[See L.N. 115 of 1961]

Commencement.

1. (1) This Act may be cited as the National Provident Fund Act.

Short title, etc.

(2) This Act shall come into force on such day or days as the Minister may by Order in the Federal *Gazette* appoint, and different days may be appointed for different provisions of this Act or for the application thereof to any person or class of persons.

2. (1) In this Act, unless the context otherwise requires—  
“Advisory Council” means the National Provident Fund Advisory Council under this Act;

Interpretation.

“appointed day” means the day on which this Act comes into force, or where the Order of the Minister relates to certain provisions only of this Act, means the day on which those provisions come into force or are applied to any particular person or class of persons, as the case may be;

“benefit” means any benefit payable under this Act;

“Board” means the Management Board established under section 1 of the National Provident Fund (Management Board etc.) Act.

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“casual worker” means any worker engaged on a daily contract of service who has not been employed by one employer for a continuous period of three months, the continuity of which shall not be construed as interrupted if broken by not more than fourteen days during the period of three months;

“child” means any person under the apparent age of sixteen years or any person between the apparent ages of sixteen and eighteen years who is receiving full-time education or training and is not paid wages; and includes a step-

child, an illegitimate child and any child adopted in a manner recognised as lawful in Nigeria;

“contract of service” includes service as a tributer, which for the purposes of this Act has the same meaning as in the Minerals Act;

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“contribution period” means where wages are paid to a worker—

- (a) at intervals of more than a fortnight, the month during which the wages are paid; or
- (b) at intervals of more than a week but not more than a fortnight, the fortnight ending with the last day of the week in which the wages are paid; or
- (c) at intervals of a week or less, the week in which the wages are paid;

“contributions” means the contributions of the employer or of the worker, as the case may be, payable under this Act;

“court” or “the court” means any court of competent jurisdiction;

“Director” means the Director of the National Provident Fund under this Act;

“employer” in respect of any worker employed or engaged as a member of the crew of any ship means the owner or owners of the ship, or the agents in Nigeria of the ship as the case may be, and in any other case means the person with whom the worker entered into a contract of service or apprenticeship, and who is responsible for the payment of the wages of the worker;

“the Fund” means the National Provident Fund established under this Act;

“incapable of work” and cognate expressions mean in relation to any person an incapacity for work by reason of some specific disease or bodily or mental disablement, and include any person under this Act deemed to be so incapable;

“member of the Fund” means any person to whose credit there is an amount standing in the Fund;

“Minister” means the Minister charged with responsibility for the Fund;

“paid” means paid in money or money’s worth, and where it has reference to a date of payment means the date on which the payment was made in cash, or as the case may be, the bill of exchange or promissory note was met;

“the Reserve Fund” means the National Provident Reserve Fund under this Act;

“survivor” means any person who, on the death of a member of the Fund, may be entitled to a survivor’s benefit under this Act;

“wages” means remuneration in money paid to a worker under his contract of service or apprenticeship as the case may be, and whether agreed to be paid as fixed or determinable intervals of time—

(a) in respect of normal periods of work to be performed by the worker; or

(b) where payment is calculated in relation to set tasks, in respect of the number of tasks completed by the worker; or

(c) where payment is calculated in relation to the volume of work done, in respect of the volume completed by the worker,

and includes any allowance payable by the employer to the worker either directly or by implication in respect of the cost of living;

“work” includes piece work;

“worker” means any person who not being a child—

(a) is employed in Nigeria under any contract express or implied of service or apprenticeship with an employer whether by way of manual labour, clerical work or otherwise and howsoever paid, such contract not being one of employment as a member of the crew of any ship; or

(b) is a permanent resident in Nigeria and is employed under a contract of service or other agreement entered into in Nigeria as a member of the crew of any ship, the owners of which have a place of business, or have agents, in Nigeria; or

(c) is a permanent resident of Nigeria and is employed outside Nigeria under a contract of service with an employer in Nigeria by whom he is paid.

(2) In this Act, a person shall be deemed to be over or under any age therein mentioned if he has or has not attained that age, and shall be deemed to be between two ages therein mentioned if he has attained the first mentioned age but has not attained the second mentioned age.

#### PART I.—NATIONAL PROVIDENT FUND

Establishment of the National Provident Fund.

3. (1) There is hereby established a Fund to be called the National Provident Fund into which shall be paid all contributions and other moneys required or prescribed by this Act.

(2) There may from time to time be paid out of the Fund such benefits and other payments as are directed to be paid under this Act.

(3) Every payment approved by the Minister of Finance and Economic Development in that behalf made before the first appointed day shall, where it relates to expenditure otherwise than upon assets for the purposes of this Act and is otherwise valid, be deemed to have been lawfully made out of the Consolidated Revenue Fund, and shall not be recoverable under this Act.

Director of the National Provident Fund.

4. There shall from time to time, be appointed a fit person to be called the Director of the National Provident Fund, who shall be the administrative head of the Fund; and subject to the direction of the Board, the Director shall be responsible—

- (a) for the assessment of contributions under this Act and for the collection and payment of moneys into the Fund;
- (b) for the payment out of the Fund of the benefits and claims authorised under this Act;
- (c) for the investment, where not inconsistent with this Act or any other Act, of surplus funds from time to time; and
- (d) for accounting for all moneys collected, paid or invested under this Act.

5. (1) There may from time to time be appointed a fit person to be deputy of the Director of the National Provident Fund.

Deputy Director of the Fund.

(2) On the occurrence from any cause of a vacancy in the office of the Director (whether by reason of death, resignation or otherwise) and in the case of the illness, absence, or temporary incapacity of the Director (from whatever cause arising), and so long as such vacancy, illness, absence or temporary incapacity continues, the deputy shall have and may exercise all the powers, duties, and functions of the Director.

(3) The fact that the deputy exercises any power, duty, or function as aforesaid shall be sufficient evidence of his authority so to do, and no person shall be concerned to inquire whether the occasion has arisen requiring or authorising him so to do.

6. (1) There may from time to time be appointed inspectors for the purposes of this Act.

Appointment and powers of inspectors.

(2) Any inspector appointed under this Act shall, for the purposes of the execution of this Act, have power to do the following things, that is to say—

(a) to enter, inspect and examine by day or by night any premises or place, when he has reasonable cause to believe that workers are employed therein;

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(b) to take with him a police officer if he has reasonable cause to apprehend any serious obstruction in the execution of his duty;

(c) to require the production of registers, certificates, notices and documents kept in pursuance of this Act and to inspect, examine and copy any of them;

(d) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with; and

(e) to examine any person either alone or in the presence of any other person as he thinks fit, with respect to matters under this Act, and to require every such person to sign a declaration of the truth of the matters respecting which he is so examined; so, however, that no one shall be required under this provision to answer any question or to give any evidence tending to incriminate himself.

(3) Every occupier of such premises or place, his agents and servants shall, where necessary, furnish the means required by the inspector for the purposes of such entry, inspection, examination or inquiry, or otherwise for the due exercise of his powers under this Act.

(4) If any person wilfully delays an inspector in the exercise of any power under this section, or fails to comply with the requisition of an inspector in pursuance of this section or to produce any register, certificate, notice or document which he is required by or in pursuance of this Act to produce, or wilfully withholds any information as to who is the occupier of any premises or place, or conceals or prevents, or attempts to conceal or prevent, a person from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under the provisions of this Act.

(5) Where an inspector is obstructed in the execution of his powers or duties under the provisions of this Act, the person obstructing him shall be guilty of an offence, and liable to a fine not exceeding twenty naira or to imprisonment for a term not exceeding one month, or to both such fine and such imprisonment; and where the inspector is obstructed in any premises or place, the occupier of the premises or place shall be guilty of an offence.

(6) For the purposes of this section—

“document” has the meaning assigned by section 463 of the Criminal Code;

“premises” means any building or other erection used for the purpose of business, but does not include a dwelling used exclusively for residential purposes.

7. There may from time to time be appointed as officers or employees such number of persons as may be necessary for the administration of this Act, who shall be subject to the general control of the Director, and who shall perform such duties as the Director may authorise.

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Appointment,  
etc. of other  
officers.

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8. (1) There shall be for the purposes of this Act an Advisory Council to be called the National Provident Fund Advisory Council and the provisions of the First Schedule to this Act shall have effect as respects the constitution of the Advisory Council and its proceedings.

National  
Provident  
Fund  
Advisory  
Council.

(2) The Secretary to the Advisory Council shall be a member of the staff of the Fund appointed by the Minister.

(3) The members of the Advisory Council shall be paid out of the Fund such expenses and allowances as the Minister of Finance and Economic Development may from time to time, approve.

(4) The Advisory Council shall consider all matters from time to time referred to it, by the Minister, but the Minister shall not be bound to follow the advice given by the Advisory Council; and for the purposes of this subsection the Minister shall furnish to the Advisory Council such information as in the opinion of the Minister is reasonably necessary from time to time to assist the Advisory Council in its deliberations.

9. (1) If, before or after the passing of this Act, further States are created and the like representation on the Advisory Council constituted under section 8 of this Act as is accorded to other States is desired by any such State, the Minister may by order in the *Federal Gazette* amend the constitution of that Council to the extent necessary to give effect to such desire and the First Schedule to this Act shall have effect accordingly, so however that the total membership of the Advisory Council shall not at any one time exceed twenty-five; and if the membership is increased under this subsection the Minister may, by the same or any other order, fix a quorum for any meeting.

Additional  
representa-  
tion on the  
Advisory  
Council from  
new States.

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(2) Where the First Schedule to this Act is amended under subsection (1) of this section and persons are appointed to membership, they shall have all the powers of members of the Advisory Council and the provisions of this Act as to payment of expenses and allowances of members shall be so construed and have effect.

## PART II.—COVERAGES

Liability to  
contribute to  
the Fund.

**10.** (1) Subject to the provisions of this Act, an employer shall, from the appointed day, be liable to contribute to the Fund in respect of any worker employed by him.

(2) Nothing in this section shall be construed so as to impose liability on any employer for payments in respect of any worker in the categories mentioned in the Second Schedule to this Act, and the exemption shall ensure so long as the worker continues to be employed in any such category.

(3) The President may, from time to time, by order published in the Federal *Gazette* add to, amend, or vary the Second Schedule to this Act.

Liability in  
special  
cases.

**11.** (1) Subject to the provisions of this section, where any class of workers by reference to the number of workers in the service of an employer becomes subject to this Act, workers in that class shall not cease to be subject to this Act while in the service of that employer, by reason only of the fact that the number of workers in the service of the employer at any time is less than the number prescribed.

(2) An employer who continuously for a period of not less than two consecutive years has employed less workers than the number prescribed, may apply on behalf of himself and the workers in his service to cease to be subject to this Act; and the application when granted shall have effect from such date, not later than three months from the date of application, as the Director thinks fit.

(3) Where a person enters into a contract whereby some other person is to provide workers for any lawful purpose of the person entering into the contract; and the failure to comply with the requirements of this subsection by any party to the contract shall be an offence under this Act.

Voluntary  
coverage.

**12.** (1) Where an employer has in his service less workers than the number for the time being prescribed (whether the workers have previously been subject to this Act or not) he may, if a majority of the workers who are not exempted signify their desire in writing to become subject to this Act, at any time apply to the Director in writing to bring the workers under



the provisions of this Act; and the application if approved shall have effect from such date as the Director may determine and the employer and the workers shall have and be subject to the same rights and obligations under this Act as if the employer had in his service not less than the number of workers prescribed.

(2) Where a majority of the workers to whom this section applies desire in writing to cease to be subject to this Act, the employer may apply to the Director for exemption and the workers shall cease to be subject to this Act from such date not being later than three months from the date of the application as may be reasonable. If an employer obtains the consent in writing of his workers or any of them under this subsection by duress or undue influence, he shall be guilty of an offence under this Act.

(3) Any member of the Fund who for any reason ceases to be affected by this Act, may apply to the Director for approval to continue to be subject to this Act; and if approved, the member of the Fund shall make consecutive monthly payments of an amount not less than the worker's contribution nor more than the joint contributions of the employer and the worker for each period, computed at the rate for a completed month immediately before the date when the member of the Fund ceased to be subject to this Act.

(4) Any missionary society desirous of becoming subject to this Act in respect of any missionary may at any time apply to the Director in writing together with a copy of the resolution passed by it and duly certified as required by the rules of the missionary society; and if the Director is satisfied he shall notify the missionary society accordingly, and the missionary society shall on receipt of the notice be deemed to be an employer of its missionaries for the purposes of this Act.

(5) For the purposes of this section—  
“missionary society” includes any clerk in holy orders, minister of religion or person acting as a missionary;  
“missionary society” includes any church or religious body by whom a missionary is paid.

Casual  
workers.

13. Until the Minister prescribes the date for the application of this Act to casual workers, either generally or in relation to any particular class, nothing in this Part of this Act shall apply to any casual worker whose employer is subject to this Act in respect of any other workers in his employment.

### PART III.—CONTRIBUTIONS

Contributions  
to the Fund.

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14. (1) Every employer shall as from the appointed day unless otherwise exempted under this Act, pay into the Fund the contributions for the relevant contribution period prescribed for workers and employers in the Third Schedule to this Act; and moneys when deducted shall be held by the employer and be paid to the Fund at the end of the month in which the deduction was made, or within one month thereafter, and the employer shall pay into the Fund at the same time his own contribution as an employer of the worker concerned.

(2) The employer may deduct the worker's contributions at the time when the wages are paid to the worker; and where for any reason other than negligence, the employer fails to deduct the worker's contribution when required by this Act, he may within six months thereafter make any deduction necessary in one amount or by instalments as the worker may agree.

(3) Where a worker dies during a contribution period, no contribution shall be due from his wages for that contribution period; and any contribution if deducted and paid to the Fund may be retained in the Fund, and be dealt with under this Act.

(4) Where an employer deducts contributions from the wages of workers under this section, the contributions shall be deemed to be held by the employer in trust for the purposes of this Act, and the failure by the employer to pay the contributions to the Fund shall be an offence under this Act.

(5) Nothing in this section shall be construed to authorise an employer to deduct the amount of the employer's contribution from the wages of a worker, and any attempt by an employer to make such deduction shall be an offence under this Act.

15. Where the Director is satisfied that any contribution to the Fund has been deducted from the wages of a worker, but the employer has failed to pay the moneys to the Fund, the Director may credit the amount of the worker's contribution out of the general revenues of the Fund and recover the amount from the employer as a debt owing to the Federal Government.

Credit of unpaid worker's contributions.

16. (1) If any contribution is not paid within the time prescribed or approved under this Part of this Act, a sum equal to five *per centum* of the amount unpaid shall be added for each month or part of a month after the date when payment should have been made; and any amount added shall be recoverable as a debt owing by the employer to the Federal Government.

Penalty for non-payment.

(2) Notwithstanding the provisions of subsection (1) of this section, the Director may if he thinks fit, remit in whole or in part any penalty imposed under this section.

17. Where a worker is employed successively or concurrently in a contribution period or part of a contribution period by more than one employer, the employers shall, in addition to any other liability under this Act and unless the Director otherwise approves, be severally liable to pay to the Fund the amount prescribed for each employer for the whole of the contribution period.

Employment by several employers.

18. The Director shall establish and maintain for each member of the Fund an account into which shall be paid all contributions made, and against which shall be charged all benefits from time to time, in respect of the member.

Accounts of members of the Fund.

19. Nothing in this Act shall relieve an employer from liability to continue to contribute to the Fund in respect of any worker who is in receipt of or becomes entitled to any benefit other than a subsidiary benefit under this Act.

Contributions where benefit drawn.

20. (1) Subject to provisions of this section, contributions to the Fund shall be inalienable except under this Act, and shall not be assets for the benefit of creditors in the event of the bankruptcy or insolvency of a member of the Fund,

Contributions, etc., to be inalienable.

or be liable to attachment for debt under any process of law; and any security, pledge or assignment given before or after the coming into force of this Act in respect to contributions by a member of the Fund shall be void.

(2) Payment of contributions to the Fund shall continue to be made notwithstanding the bankruptcy or insolvency of a worker and any moneys paid during the bankruptcy or insolvency shall not be deemed to be after acquired property while held in the Fund.

(3) Where a worker while a member of the Fund is convicted of an offence involving dishonesty and the court convicting the offender is satisfied that the employer has suffered financial loss as a result of the commission of the offence, the court may order payment to be made to the employer out of the Fund; and the amount ordered to be paid under this subsection shall not exceed the employer's contributions in the Fund in respect of the worker as a member of the Fund, together with accrued interest.

#### PART IV.—BENEFITS

Classes of  
benefits.

21. (1) Subject to this Part of this Act, there shall be payable the following classes of benefits—

- (a) main benefits in respect of age, survivorship and invalidity;
- (b) subsidiary benefits in respect of sickness; and
- (c) withdrawal benefits in respect of emigration and withdrawal from the Fund.

(2) The Minister may by notice in the *Federal Gazette*—

- (a) defer payment of any benefit other than a subsidiary benefit for a period of not more than twelve months after the coming into operation of this Act; and
- (b) in the case of a subsidiary benefit, direct that no payment shall be made until he is satisfied that an adequate system of medical certification is in operation.

(3) Any benefit under this Act may be paid in one amount or with the approval of the Director may be converted and paid as an annuity.

22. An age benefit to the extent prescribed in the Fourth Schedule to this Act shall be payable to any person who being a member of the Fund attains the age of fifty-five years, and satisfies the Director that he has retired from regular employment. Age benefit.

23. (1) Subject to the provisions of this section, a survivor's benefit in favour of the widow or widower or next of kin as the case may be shall, on the death of a member of the Fund, be payable to the extent prescribed in the Fourth Schedule to this Act; but no survivors benefit shall be payable in excess of moneys already held for credit of the member of the Fund at the time of his death. Survivors benefit.

(2) Where a survivor's benefit is payable and the deceased immediately before his death was not subject to customary law or Islamic personal law, the Director may—

(a) on such evidence as he may require and if the moneys in the Fund do not exceed the sum of forty naira, pay the moneys direct to the widow or widower or the next of kin of the deceased as the case may be; or

(b) if there are more claimants than one as widow or widower, or as the case may be the moneys in the Fund exceed the sum of forty naira, pay the moneys to the executor or administrator of the deceased; or

(c) in any other case, pay the moneys to the Administrator-General who shall hold the moneys in trust for the persons found to be entitled under this section.

(3) Where a survivors benefit is payable and the deceased was immediately before his death subject to customary law or Islamic personal law, the Director on the application in writing of any person interested as claimant shall, and in any other case may, pay the survivors benefit to the Administrator-General.

(4) Where moneys are paid to the Administrator-General under the authority of subsection (2) or (3) of this section, the Administrator-General shall give public notice of the payment by such means as he may think fit having regard to the amount of payment; and claims made after the time limited by the notice may be ignored under the authority of this sub-

section, and the amount may be paid accordingly to the persons who have given notice of their claims to the Administrator-General within the prescribed time:

Provided that where customary law or Islamic personal law applies, the Administrator-General may refuse payment to claimants except under the authority of an order of a court of competent jurisdiction.

(5) Moneys paid under the authority of this section to the Administrator-General shall, if unclaimed for a period of five years from the date of payment, be paid into the National Provident Reserve Fund under this Act.

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(6) Notwithstanding the provisions of this section or any other enactment which requires payment of a survivor's benefit in certain cases through the office of the Administrator-General, a survivor's benefit shall be paid direct to the next of kin of the deceased.

Invalidity  
benefit.

**24.** An invalidity benefit to the extent prescribed in the Fourth Schedule to this Act shall be payable to any person who is a member of the Fund and is subject to such physical or mental disability as to be unemployable save in work approved by the Minister.

Sickness  
benefit.

**25.** (1) Subject to this Part of this Act, where any person has been a member of the Fund for not less than one year, he shall if the period of his incapacity for work is more than one month, be entitled to a sickness benefit at the rate prescribed in the Fourth Schedule to this Act.

(2) Nothing in this section shall authorise the payment of any sickness benefit in excess of the amount of the worker's contribution to the Fund.

Limitation  
on applica-  
tion of  
sickness  
benefit.

**26.** (1) No sickness benefit under this Act shall be payable—

(a) in the case of a female member of the Fund where the employer pays for maternity leave an amount not less than the sickness benefit; or

(b) to any member of the Fund where the employer pays for sick leave an amount not less than the sickness benefit; or

(c) to any member of the Fund who receives or is entitled to a lump sum payment or periodical payments under the Workmen's Compensation Act in respect of the same contingency or injury, until after the expiry of the number of months for which earnings are reckoned in calculating the lump sum payable, or during the periods of incapacity from work as the case may be. Cap. 470.

(2) Where a person in receipt of sickness benefit appears to be entitled to a payment under the Workmen's Compensation Act, the Director shall give notice of the fact to the employer and the employer shall, before making payment of compensation deduct therefrom the amount of sickness benefit paid to that person in excess of the amount of the benefit that would have been paid if he had received compensation from the date from which he was entitled; and the employer shall, subject to the directions (if any) of the court, pay the sum so deducted to the Director for the credit of that person's account in the Fund.

(3) If an employer continues to pay wages to a worker in respect of any day on which the worker is entitled to sickness benefit, the sum paid shall be deducted from the sickness benefit to the extent that with the sickness benefit it exceeds the daily wages of the worker.

27. An emigration grant of the amount prescribed for withdrawal benefits in the Fourth Schedule to this Act shall be paid to a member of the Fund if he satisfies the Director that he is emigrating or has emigrated from and has no present intention of returning to Nigeria. Emigration grant.

28. (1) Subject to the provisions of this section, a withdrawal grant of the amount prescribed in the Fourth Schedule to this Act shall be paid to a member of the Fund if he satisfies the Director— Withdrawal grant.

(a) that for at least one year immediately preceding the application the member of the Fund has not been employed as a worker; and

(b) that the member of the Fund has attained the age of fifty-five years.

(2) Where the Director is not satisfied that a member of the Fund has attained the age of fifty-five years he may, if he thinks fit, pay to the member by instalments or otherwise from the Fund such sum as, with the cumulative total of subsidiary benefits, does not exceed the worker's contribution to the Fund.

Restriction  
on double  
grant or  
benefit.

**29.** (1) No member of the Fund shall be entitled at any time to an emigration grant and a withdrawal grant, or to a main benefit and a withdrawal benefit; and if a main benefit or a withdrawal benefit is paid to a member of the Fund, no further payment shall be made to him out of the Fund until he again becomes a contributor under this Act.

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(2) If a member receives a benefit under this Act and at any time thereafter qualifies for a further benefit he shall, to the extent to which he still has moneys in the Fund and notwithstanding anything to the contrary in subsection (1) of this section (which imposes restrictions on double grant or benefit), be entitled to such further benefit although he may not have again become a contributor.

#### PART V.—FINANCE AND LEGAL

National  
Provident  
Reserve  
Fund.

**30.** (1) There shall be a reserve fund of the National Provident Fund to be known as the National Provident Reserve Fund into which shall be paid—

- (a) all fines and penalties under this Act;
- (b) contributions by employers or workers which for any reason may not be allocated to individual accounts in the Fund; and
- (c) any other moneys authorised to be so paid under this Act.

(2) If the net rate of interest added to the accounts of contributors for the previous financial year is not less than three *per centum*, there may be appropriated to the Reserve Fund any part of the general income of the Fund for the next ensuing financial year not allocated to individual accounts.



31. Accounts shall be kept of moneys in the Fund and in the Reserve Fund in such form as the Minister may approve; and subject to the provisions of this Act, the accounts shall form part of the public accounts of the Federation, and notwithstanding the requirements of any other Act, Part II of the First Schedule to the Finance (Control and Management) Act, shall be deemed to be amended by the addition of the title to the Fund and to the Reserve Fund and the specific purposes for which those Funds are allocated.

Accounts  
and audit.

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32. (1) Subject to the provisions of this section, the Board may after consultation if it thinks fit with the Advisory Council, from time to time fix the rate of interest to be allowed on accounts of members of the Fund at the end of each financial year.

Interest on  
accounts.

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(2) In determining the rate of interest, the Board shall have regard to the nett income of the Fund for the previous financial year, and the rate shall be fixed so that the amount of interest allocated shall not exceed the nett income of the Fund for the previous financial year.

33. Moneys paid to the Fund in excess of the amount for which an employer is liable in respect of a worker may be refunded to the employer in such manner as the Director may approve.

Refund of  
excess  
contribu-  
tions.

34. (1) Any person who—

(a) for the purpose of evading payment of any contribution by him or some other person knowingly makes any false statement or representation, or produces or furnishes or causes to be produced or furnished any document or information which he knows to be false in a material particular; or

Criminal  
proceedings,  
etc.

(b) for the purpose of obtaining any benefit for himself or some other person, knowingly makes any false statement or representation, or produces or furnishes or causes to be produced or furnished any document or information which he knows to be false in a material particular; or

(c) misrepresents or fails to disclose any material fact; or

- (d) fails to pay to the Fund within such period as may be prescribed any amount which he is liable to pay under this Act; or
- (e) obstructs or assaults any inspector, officer or servant of the Fund in the discharge of his duties as such; or
- (f) fails to comply with any regulations made under this Act as a result of which there is a loss to the Fund; or
- (g) commits any other offence under this Act—

shall be liable, on summary conviction, to a fine not exceeding two hundred naira or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

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(2) Any employer or other person required to produce to the Fund records of the contributions of a member, who fails without reasonable excuse (the proof whereof shall lie upon him) to produce a quarterly record within three months after the end of the quarter, commits an offence under this Act.

(3) The court before which any person is convicted of an offence under this Act may, without prejudice to any civil remedy, order such person to pay to the Fund the amount of any contributions, together with any interest or penalty thereon, certified to be due from such person to the Fund at the date of conviction; and such amount may be recovered in the same manner as a fine and shall be paid into the Fund for the credit, where applicable, of the accounts of the workers or members of the Fund concerned.

(4) Proceedings in respect of any offence under this Act may be commenced at any time within the period of three months from the date on which evidence in the opinion of the Director to justify a prosecution for the offence comes to his knowledge, or within the period of twelve months after the commission of the offence, whichever is the later.

(5) For the purposes of this section and notwithstanding any other Act, an employer may be charged with more than one offence under paragraph (d) of subsection (1) of this section, and where the offences charged do not exceed thirty-six in number they shall be deemed to form part of the same transaction or series of offences of the same or similar character.

35. (1) Notwithstanding any other provisions of this Act, a contribution to the Fund may be recoverable by action as a debt owing to the Federal Government, at any time within six years from the date when the contribution became due.

Civil proceedings.

(2) Any action for the recovery of contributions under this section may be instituted by any inspector or officer of the Fund on behalf of the Director or by any other person approved by the Minister, and where the action is instituted in a magistrate's court, any person authorised by this subsection may appear and conduct the case.

(3) For the purposes of this section, "contribution" includes any interest or penalty payable or imposed for non-payment, or for late payment as the case may be.

36. (1) Where—

(a) any attachment is issued against the property of an employer in execution of a decree against him and any such property is seized or sold or otherwise realised in pursuance of such execution; or

(b) on the application of a secured creditor the property of an employer is sold,

the proceeds of the sale or other realisation of such property shall not be distributed to any person entitled thereto until the court ordering the sale or other realisation has made provision for the payment of any amounts due in respect of contributions payable by the employer under this Act during the twelve months before the date of such order.

Protection of contributors in certain cases.

(2) For the purposes of this section, "employer" includes any company in liquidation under the Companies and Allied Matters Act or any Act repealed thereby.

Cap. 59.

37. Where an offence under this Act is committed by an association of persons whether corporate or unincorporate, is found to have been committed with the consent or connivance of, or is attributable to any act or default on the part of any person or persons in apparent control of the association of persons, the person or persons in apparent control and the association of persons shall be deemed to have committed the offence.

Liability for acts of association of persons.

Certificates  
as evidence.

38. A copy of an entry in the accounts of the Fund or other extract from the records of the Fund shall, when certified by the Director or as the case may be, by the deputy of the Director, be received in all courts as *prima facie* evidence of the truth of the contents thereof and, as the case may be, of the debt due to the Fund by any person.

PART VI.—MISCELLANEOUS

Powers of  
prosecution  
in criminal  
proceedings.  
Cap. 62.

1967 No. 40.

39. (1) Subject to the provisions of this Constitution of the Federal Republic of Nigeria (which relates to the power of the Attorney-General of the Federation to institute, continue or discontinue criminal proceedings against any person in any court of law), an authorised officer may before any magistrates' court prosecute, conduct or defend any complaint or other proceeding arising under this Act or in the discharge of his duty as such officer.

(2) It shall not be an objection to the competency of an authorised officer to give evidence as a witness in any prosecution for an offence against this Act that the action is prosecuted, conducted or defended by him.

(3) In this section, "an authorised officer" means an inspector, or any person, authorised by the Director to act in the manner prescribed in subsection (1) of this section.

Saving for  
certain  
persons as  
committee  
members.

40. (1) Notwithstanding the provisions of any Act or rule of law, the seat of a member of the Senate or of the House of Representatives or of the House of Assembly of any State shall not become vacant, nor shall any person be incapable of election or appointment, as the case may be, to the Senate or the House of Representatives or the House of Assembly of any State by reason of his appointment to any committee under this Act:

Provided that no person being a member of the Senate or of the House of Representatives or of the House of Assembly of any State shall be entitled to receive payment in respect of his services as a member of any committee other than such travelling allowances and expenses as may be prescribed or allowed under this Act.

(2) For the purposes of this section, "committee" includes the Advisory Council.

41. No stamp duty shall be payable on any receipt, contract, instrument or other document given or executed by the Director on behalf of the Fund or by any person in respect of benefits or refund of contributions under this Act; but nothing in this section shall be construed to exempt any person from liability to pay stamp duty on any power of attorney or on any document otherwise liable under the Stamp Duties Act.

Exemption from stamp duty.

Cap. 411.

42. (1) If any question of fact arises as to the liability of an employer or any other person to pay contributions under this Act, the question shall be determined by the Director whose decision shall be final.

Power of Director to determine questions in special cases.

(2) Where the right of a person to a benefit is in dispute or doubt or any question arises as to the total amount of the benefit payable and the amount involved does not exceed twenty naira the matter shall be determined by the Director:

1974 No. 39.

Provided that such a person shall have a right of appeal to the Minister on proof of facts only, with a further right of appeal to a court of law on points of law.

43. (1) The employer of any worker, who is a member of or is entitled to participate in an existing pension scheme or provident fund of his employer providing benefits for old age, shall not thereby be exempt from contributing to the Fund except to the extent that he has in his service workers who are within the classes of exempt persons under this Act.

Existing schemes.

(2) Any employer who on the appointed day is, by himself or in association with other employers, operating a scheme to provide benefits comparable with any under this Act for his workers or any of them may, under the authority of this subsection and whether or not the rules of the scheme allow, amend the scheme; and any amendment may take into account contributions made to the Fund, and provide for a reduction of the contributions to the scheme where the scheme is contributory or, as the case may be, for an adjustment of the benefits under the scheme where it operates on a non-contributory basis.

(3) Nothing in this section shall be construed so as—

(a) to authorise the amendment of a scheme whereby the benefits to a worker under that scheme and this Act

are reduced below those to which he would have been entitled if this Act had not been passed; or

- (b) to require an employer to contribute to both the scheme and the Fund an amount in excess of that paid by the employer to the scheme for any comparable period before the appointed day.

Regulations.

**44.** The Minister may, from time to time, make all regulations necessary or desirable to give effect to the provisions of this Act, and without limiting the general power it is hereby declared that regulations may be made for all or any of the following purposes—

- (a) prescribing conditions for registration and exemption under this Act;
- (b) providing for contributions in anticipation of the application of this Act to any particular class of worker;
- (c) prescribing conditions under which payment of contributions by employers may be made for the purposes of this Act;
- (d) providing that any provisions of this Act shall not apply or shall apply with such modification (if any) as may be specified in the regulations to any person or class of persons;
- (e) prescribing the mode of collecting contributions, the payment of claims and the computation of annuities;
- (f) prescribing any forms for the purposes of this Act;
- (g) prescribing the type of any medical examination for the purposes of this Act;
- (h) prescribing the procedure for dealing with unclaimed moneys in the Fund.

**45.** (1) Where regulations are to be made under this Act, the Minister may, if he thinks fit, prepare a draft of the regulations for consideration by the Advisory Council.

(2) If a draft is submitted to the Advisory Council the Advisory Council shall publish, in such manner as it thinks best adapted for notifying the persons affected, notice of the fact and of the place where copies of the draft may be obtained and of the time, not less than fourteen days nor more than

Advisory  
Council to  
consider  
certain  
regulations.

twenty-eight days, within which objection may be lodged with the Advisory Council.

(3) Objections shall be in writing and shall state the portions of the draft which are objectionable together with the grounds of objection and any amendment proposed by the objector.

(4) Objections received within the prescribed time shall be considered by the Advisory Council at its next meeting and after hearing if it thinks fit any objector, the Advisory Council shall report its findings in writing to the Minister.

(5) Regulations when made shall be laid before both Houses of the National Assembly as soon as may be after they are made together with the report (if any) made by the Advisory Council on the draft and a statement showing amendments made since the report of the Advisory Council and the effect given to any recommendation of the Advisory Council, or the reasons for not adopting a recommendation of the Advisory Council.

(6) If either House of the National Assembly passes a resolution within seven sitting days after the laying, disallowing the regulations, the regulations shall be void but without prejudice to the validity of anything previously done thereunder.

46. (1) The President may enter into a reciprocal agreement with the Government of any other territory in which a fund or scheme similar to the Fund has been established in that other territory and there may be included in the agreement provision—

Reciprocal  
agreements.

(a) that any period of membership of such a fund or scheme in the territory of that Government may be treated as a period of membership of the Fund and vice versa; and

(b) that subject to such conditions as may be agreed, any amount standing to the credit of a member of the Fund who works for any employer in the territory of that Government may be transferred to his credit in such fund or scheme, and any amount standing to the credit in such fund or scheme of any person who becomes a member of the Fund may be transferred to his credit in the Fund.

(2) Any reciprocal agreement made under this section may modify, adapt or amend the provisions of this Act to give effect to the agreement and when made shall be laid before both Houses of the National Assembly within three sitting days after the commencement of the next ensuing session and; if either House of the National Assembly passes a resolution within seven sitting days after the laying, disallowing the agreement, the agreement shall be void, but without prejudice to the validity of anything previously done thereunder.

(3) If a reciprocal agreement made under this section is not disallowed, it shall be published in the Federal *Gazette* and come into force on the date of such publication or on such later date as may be provided in the agreement.

#### FIRST SCHEDULE

Section 8(1)

#### CONSTITUTION, ETC., OF THE NATIONAL PROVIDENT FUND ADVISORY COUNCIL

1. The National Provident Fund Advisory Council shall consist of twenty-five members appointed by the Minister of whom—
  - (a) three shall represent the Federal Government;
  - (b) twelve shall represent the State Governments as employers;
  - (c) two shall represent all other employers; and
  - (d) eight shall represent workers in Nigeria.
- 1974 No. 39. 2. The two members representing employers other than State Governments shall be appointed after consultation with associations of employers or persons or bodies likely to produce representation for employers generally throughout Nigeria.
3. The eight members representing workers shall be appointed by the Minister after consultation with the Nigerian Labour Congress or individual Trades Unions as appear to him to be representative of workers generally throughout Nigeria.
4. The Minister shall appoint the Chairman and Vice-Chairman of the Advisory Council from amongst the members, and shall convene the first meeting of the Advisory Council.
5. The Chairman and other members shall hold office for a period which, in the case of each of the members first appointed and of any member appointed to fill a casual vacancy shall be of such duration not exceeding three years as may be determined by the Minister, and in any other case



members shall be appointed for a term of three years; and any member of the Advisory Council shall be eligible for re-appointment.

6. A member of the Advisory Council may at any time by notice in writing addressed to the Minister resign his office; and if a member becomes, in the opinion of the Minister, unfit to continue in office or incapable of performing his duties, the Minister shall in such manner as he thinks fit declare the office of the member to be vacant.

7. The quorum for any meeting of the Advisory Council shall be twelve of whom not less than one from each group shall be present; but the Advisory Council may act notwithstanding any vacancy in the membership of the Advisory Council.

8. The Advisory Council may with the approval of the Minister make standing orders for the purposes of regulating the procedure at its meetings.

9. A substitute member may be appointed in like manner for any one meeting a member is unable to attend.

SECOND SCHEDULE

Section 10(2)

EXEMPT PERSONS

1. Workers employed in any public department or authority who are entitled to the benefit of any scheme of pensions on terms substantially similar to those prescribed by the Pensions Act.

L.N.  
24 of 1969.  
Cap. 346.

2. Workers in any University or College who are subject to the Nigerian Universities Joint Superannuation Schemes or any other similar scheme for any University or College.

3. All workers employed as teachers covered by any scheme for superannuation of non-Government certificated teachers.

4. Persons who in their official capacity are accorded diplomatic status or equivalent status.

5. Workers whether citizens of Nigeria or not, whose written terms of service or engagement wherever executed provide that they are subject to service for any period of not less than one year outside Nigeria.

6. Any worker not being a citizen of Nigeria who is to be employed in Nigeria for periods not exceeding six years at a time.

7. In any case to which paragraphs 5 or 6 of this Schedule apply, the employer shall satisfy the Director that the worker is liable to contribute to, or is prospectively entitled to benefits from, the social security scheme

of any country other than Nigeria or any benefit scheme of his employer or under his employment, on terms that would provide the worker with benefits substantially not less favourable than the like benefits to which he would have been entitled under this Act.

## THIRD SCHEDULE

Section 14(1)

## CONTRIBUTIONS

1972 No. 35.	Contribution period	Worker's contribution deductible from wages by employer	Employer's contribution for each worker
	One month	3 kobo for every complete 50 kobo of wages with maximum of 4 naira	3 kobo for every complete 50 kobo of wages with maximum of 4 naira.
	One fortnight	3 kobo for every complete 50 kobo of wages with maximum of 2 naira.	3 kobo for every complete 50 kobo of wages with maximum of 2 naira.
	One week	3 kobo for every complete 50 kobo of wages with maximum of 1 naira	3 kobo for every complete 50 kobo of wages with maximum of 1 naira.

## FOURTH SCHEDULE

Sections 22, 23  
and 24

## BENEFITS

(a) *Main benefits*  
(being age, survivors, or invalidity benefits)

The amount of the benefit payable shall be the balance of the member's account in the Fund at the date of payment with accrued interest after taking into account any sickness benefit drawn; and in the case of a survivors benefit estate duty (if any) shall be deducted before payment.

(b) *Sickness benefits*

Section 25

The amount payable to a member of the Fund for the period of his sickness (Sundays excepted) shall not exceed the rate of thirty-six kobo a day.

(c) *Withdrawal benefits*  
(being emigration and withdrawal grants)

Sections 27 and 28

The amount of the benefit shall be the balance of the member's account in the Fund at the date of payment with accrued interest after taking into account any sickness benefit drawn.

**NATIONAL PROVIDENT FUND ACT**

**CHAPTER 273**

**SUBSIDIARY LEGISLATION**

*List of Subsidiary Legislation*

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1. National Provident Fund (Appointed Day) Order .. ..	10977
2. National Provident Fund (General) Regulations .. ..	10979
3. National Provident Fund (General Regulations) Appointed Day) Order .. ..	11020
4. National Provident Fund (Exempt Persons) Order .. ..	11021
5. National Provident Fund (Seamen) Regulations .. ..	11023

NATIONAL PROVIDENT FUND  
(APPOINTED DAY) ORDER

L.N.  
115 of 1961.

ARRANGEMENT OF ORDER

ORDER

1. Short title.
2. Interpretation.
3. Commencement and application to workers.
4. Voluntary coverage.
5. Casual workers.
6. Limitation on application of Act.

NATIONAL PROVIDENT FUND  
(APPOINTED DAY) ORDER

L.N.  
115 of 1961.

under section 1(2)

Commencement: 14th February, 1963

1. This Order may be cited as the National Provident Fund  
(Appointed Day) Order.

Short title.

2. In this Order, unless the context otherwise requires—  
“the Act” means the National Provident Fund Act;

Interpreta-  
tion.

“public corporation” includes any body corporate created in  
Nigeria otherwise than under the Companies and Allied  
Matters Act or any Act repealed thereby but excludes  
public bodies set up for purposes connected with religion,  
education, research, welfare, sports, local government,  
co-operative effort and banking

Cap. 59.

L.N.  
164 of 1961.

3. Subject to the provisions of this Order, the National  
Provident Fund Act, shall come into operation—

Commence-  
ment and  
application  
to workers.

(a) on the 1st October, 1961, in respect of workers  
employed by the Federal Government, a State Govern-  
ment or any public corporation of the Federation;

(b) on the 1st January, 1962, where an employer not being  
a Local Government, non-Government educational  
organisation, institution or public corporation of a State,  
employs four hundred or more workers;

L.N.  
164 of 1961.

- (c) on the 1st April, 1962, where workers are employed by a local government authority, non-government educational organisation, institution or public corporation of a State;
- (d) on the 1st April, 1962, in any other case where the number of workers employed by an employer is not less than ten.

Voluntary coverage.

4. Section 12 of the Act (which relates to voluntary coverage) shall, for all persons thereby affected or to be affected, come into operation on the 1st April, 1962.

Casual workers.

5. (1) Section 13 of the Act (which relates to the application of the Act to casual workers) shall apply to casual workers employed in any category of paragraph 3 of this Order on the respective dates therein provided for the application of the Act—

Contribution by seamen.

L.N. 21 of 1963.

(2) Notwithstanding any other provision of this Order, the appointed day for contributions for and in respect of a seaman sailing under Articles shall be the first day of Articles signed on or after the 1st July, 1963.

Limitation on application of Act.

L.N. 47 of 1963.

6. (1) Nothing in this Order shall be construed—
- (a) to bring into operation sections 25 and 26 of the Act (which relate to sickness benefits) in respect of any worker employed as classified in this Order or voluntarily covered; or
- (b) to apply to any contract worker or tributer in any mine or mine-field, or to the following classes of workers under Local Government Councils in the Northern States—
- (i) all District Council employees,
  - (ii) all persons employed on Village Administration,
  - (iii) all unestablished staff.

(2) Except as otherwise set out herein, nothing in this Order shall apply to casual workers.

NATIONAL PROVIDENT FUND (GENERAL) REGULATIONS

L.N. 142 of 1961.

ARRANGEMENT OF SECTIONS

SECTION

PRELIMINARY

- 1. Short title, etc.
- 2. Interpretation.

PART I.—COVERAGE

- 3. Borderline establishments.
- 4. Voluntary coverage; applications, etc.
- 5. Voluntary coverage; amendment and modification of Act.

PART II.—REGISTRATION

- 6. Registration of employers.
- 7. Employer's registration number.
- 8. Registration of workers and voluntary contributors.
- 9. Worker's registration certificate.
- 10. Replacement of lost certificate.
- 11. Information about worker leaving service of employer.
- 12. Worker to complete forms and produce certificate of membership.

PART III.—CONTRIBUTIONS

- 13. Casual workers.
- 14. Employer to prepare contribution card.
- 15. Manner of payment of contributions.
- 16. Payment to be accompanied by forms duly completed.
- 17. Receipt.
- 18. Earlier payment of contributions in certain cases.
- 19. Refund of contributions made in error.
- 20. Payment of contributions omitted to be paid owing to error.
- 21. Worker successively or concurrently having two or more employers.

PART IV.—BENEFITS

- 22. Applications for benefit.
- 23. Evidence in support of applications for benefit.
- 24. Medical boards or referees.
- 25. Payment of benefit or refund of contributions.
- 26. Presentation of instrument of payment.
- 27. Posting letter containing instrument of payment to be equivalent to delivery.
- 28. Persons of unsound mind or other disability.

## SECTION

## PART V.—MISCELLANEOUS

29. Signing of documents.
30. Worker to furnish information to employer.
31. Incomplete or inaccurate documents.
32. Unclaimed moneys.
33. Variation of forms, etc.

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 SCHEDULE
 

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## FORM

1. Application by an employer for Act to cease to apply to him and his workers.
  2. Grant of application by an employer for Act to cease to apply to him and his workers.
  3. Application by an employer for his workers to become subject to this Act.
  4. Grant of an application by an employer for his workers to become subject to the Act.
  5. Application by an employer with less workers than the number prescribed for his workers to cease to be voluntarily subject to the Act.
  6. Grant of application by employer for his workers to cease to be voluntarily subject to the Act.
  7. Application to become a voluntary contributor.
  8. Grant of application to become a voluntary contributor.
  9. Application by missionary society, church or other religious body, to apply the Act to missionary, Minister of religion or other person acting in a similar capacity.
  10. Grant of application for Act to apply to missionary, minister of religion.
  11. Return by an employer of persons in his employment.
  12. Notification to employer of registration number.
  13. Contributor's record.
  14. Certificate of membership.
  15. Contribution card.
  16. Certificate of contributions due.
  17. Application for payment of old age or invalidity benefit.
  18. Application for payment of survivor's benefit.
  19. Application for withdrawal benefit.
  20. Application for sickness benefit.
  21. Warrant (General).
  22. Warrant—Refund of contributions—Member.
  23. Warrant—Refund of contributions—Employer.
  24. Authority to receive the amount payable on a Warrant.
  25. Application for refund of contributions made in error.
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NATIONAL PROVIDENT FUND (GENERAL)  
REGULATIONS

L.N. 142  
of 1961.

under section 44

Commencement: see L.N. 143 of 1961

PRELIMINARY

1. These Regulations may be cited as the National Provident Fund (General) Regulations and shall come into force on such day or days as the Minister may by Order in the Federal *Gazette* appoint.

Short title,  
etc.

2. (1) In these Regulations, unless the context otherwise requires—

Interpreta-  
tion.

“registered medical practitioner” means any person registered as a medical practitioner in Nigeria or registered as such outside Nigeria who would be entitled to registration in Nigeria under the Medical and Dental Practitioners Act;

Cap. 221.

“the Act” means the National Provident Fund Act.

(2) References to any prescribed form by number shall be construed as references to the appropriate form prescribed in the Schedule to these Regulations.

PART I.—COVERAGE

3. An application by an employer in accordance with subsection (2) of section 11 of the Act, for the workers in his service to cease to be subject to the Act shall be in prescribed form N.P.F. 1 and the grant of such an application, shall be in prescribed form N.P.F. 2.

Borderline  
establish-  
ments.

4. (1) An application by an employer, who has in his service less workers than the number for the time being prescribed, for himself and his workers to become subject to the Act shall be in prescribed form N.P.F. 3 and the grant of such an application shall be in prescribed form N.P.F. 4.

Voluntary  
coverage;  
applications,  
etc.



(2) An application by an employer for his workers to cease to be voluntarily subject to the Act shall be in prescribed form N.P.F. 5 and the grant of such an application shall be in prescribed form N.P.F. 6.

(3) An application from a person to be allowed to become a voluntary contributor shall be in prescribed form N.P.F. 7 and the grant of such an application shall be in prescribed form N.P.F. 8.

(4) An application by a missionary society for a missionary to become subject to the Act shall be in prescribed form N.P.F. 9 and the grant of such an application shall be in prescribed form N.P.F. 10.

Voluntary  
coverage;  
amendment  
and  
modification  
of Act.

5. (1) In their application to a voluntary contributor under subsection (3) of section 12 of the Act, the provisions of the Act shall have effect subject to the following amendments and modifications—

(a) sections 14, 15, 16, 17, 19 and the provisions of paragraph (d) of subsection (1) of section 34 shall not apply; and

(b) subsection (2) of section 26 shall apply as if the total contributions paid over the whole period of his membership of the Fund had been contributed equally by him as a worker and by his employers whether the contributions paid by him as a voluntary contributor have been at a rate equal to or less than the last joint worker and employer contribution computed for a completed month immediately before the date when he became a voluntary contributor.

(2) Nothing in this regulation shall affect any other voluntary contributor.

## PART II.—REGISTRATION

Registration  
of  
employers.

6. (1) Every person, being an employer to whom these regulations apply at the date of the coming into force of these

regulations, shall forthwith thereafter obtain, complete and forward prescribed form N.P.F. 11, to the Director at his office.

(2) Every person becoming or again becoming an employer after the date of the coming into force of these regulations shall complete and forward prescribed form N.P.F. 11 to the Director at his office within one month of the date on which he becomes or again becomes an employer.

(3) Every person who has completed and forwarded prescribed form N.P.F. 11 to the Director and who subsequently ceased to be an employer shall inform the director accordingly within one month of ceasing to be an employer.

(4) Every employer who has completed and forwarded prescribed form N.P.F. 11 to the Director shall inform the Director forthwith of any change of his business address.

7. The Director shall allot an employer's registration number to every employer who has completed and forwarded prescribed form N.P.F. 11 to him and shall notify the employer accordingly in the prescribed form N.P.F. 12.

Employer's  
registration  
number.

8. (1) Every employer immediately after his registration, or as soon as any person works for him, shall forthwith complete or have completed and forwarded to the Director prescribed form N.P.F. 13 in respect of each of his workers unless the worker produces evidence that he is already a member of the Fund.

Registration  
of workers  
and volun-  
tary  
contributors.

(2) Every voluntary contributor who is not already a member of the Fund shall complete such forms as the Director may require in order to effect his registration.

9. The Director shall forward to every employer of a worker and every voluntary contributor on that worker's or contributor's first registration a certificate of membership of the Fund in prescribed form N.P.F. 14 and every employer to whom such certificate is sent shall forthwith hand it or cause it to be handed to the worker concerned or, if that worker is no longer in his employment he shall return it to the Director.

Worker's  
registration  
certificate.

Replacement  
of lost  
certificate.

**10.** If the certificate of membership of any member of the Fund is lost or destroyed, the member concerned may apply to the Director for the issue to him of a duplicate certificate in place thereof and the Director may, if he sees fit, issue such duplicate after obtaining from the member or his employer such information as may be required for the completion of the duplicate and may make a charge of twenty-six kobo therefor; and every duplicate certificate shall, before issue, have written upon it "duplicate" and the date of issue thereof.

Information  
about worker  
leaving  
service of  
employer.

**11.** Where an employer ceases to employ any worker or his worker ceases to work for him the employer shall furnish to the Director such information as may be in his possession in order to trace his next employer.

Worker to  
complete  
forms and  
produce cer-  
tificate of  
membership.

**12.** (1) A worker, when required to do so by his employer on behalf of the Fund, shall complete the appropriate parts of prescribed form N.P.F. 13 and every employer shall so require each worker when directed to do so by the Director.

(2) A worker, who is registered with the Fund shall on commencing work for a new employer produce his certificate of registration to his employer.

### PART III.—CONTRIBUTIONS

Casual  
workers.

**13.** Every employer whose workers generally are subject to the Act but whose casual workers are for the time being excluded from the operation of the Act, shall make a contribution each month to the Fund of five kobo for every complete fifty kobo of the total wages of all his casual workers for that month in lieu of employer contributions in respect of those individual casual workers and for this purpose, he shall make returns as required of the number of his casual workers and of the total amounts paid to them.

Employer to  
prepare  
contribution  
card

**14.** (1) Every employer shall enter monthly on a contribution card in prescribed form N.P.F. 15 the wages paid during and the total worker and employer contributions for, the month

in respect of the worker and shall at the end of each quarter total the wages and contributions for the quarter and shall deliver or send all the quarter's cards for his workers to the Director within one month of the end of the quarter.

(2) An employer shall not make deductions from the wages of a worker until he receives evidence from the worker or from the Fund of the worker's membership number and in the case of a new member of the Fund or of a casual worker who for the purposes of the Act ceases to be regarded as a casual worker the employer shall not make deductions until the first day of the month following the receipt of the membership number or the date of ceasing to be regarded as a casual worker as the case may be.

(3) Where an employer has not received a contribution card in respect of any worker employed by him but has evidence of the worker's membership number he shall make the necessary deductions from the worker's wages and give details of the individual workers on a list recording the membership number and name of each worker and the total wages and contributions for the quarter and shall send such list to the Director at the same time as he sends his contribution cards.

(4) The employer shall at the end of each month of every quarter send in to the Fund a certificate certifying the amount of contributions due from him and his workers for that month and shall pay the amount thereof on account to the Fund at the same time.

(5) Where the Director permits an employer or a class or classes of employers to make payments or to submit the contribution cards of workers otherwise than in accordance with the foregoing provisions of this regulation he may agree with the employer on such terms and conditions as will compensate the Fund for loss of interest on deferred payments or will enable the Fund to discharge its duties to beneficiaries; and any terms and conditions agreed upon shall be binding on the employer to the same extent as if they had been embodied in these Regulations.

Manner of  
payment of  
contribu-  
tions.

**15.** All contributions to the Fund shall be paid to the Fund either—

- (a) in cash at the head office of the Fund and to an officer authorised by the Director in that behalf; or
- (b) by money order, postal order, or cheque drawn on any bank in Nigeria, delivered or sent by post to such office or offices of the Fund as may be designated for the purpose; or
- (c) in such other manner as the Director may, from time to time, authorise in any particular case or class of cases.

Payment to  
be accom-  
panied by  
forms duly  
completed.

**16.** All payments of contributions to the Fund shall be accompanied by prescribed form N.P.F. 16 for the purpose duly completed or by such other forms as the Director may in any particular case or class of cases permit.

Receipt.

**17.** No receipt other than a receipt machine printed at the front or end of form N.P.F. 16 shall be given by the Director for any payment to the Fund; and any receipt so made and endorsed shall be accepted as sufficient for all purposes.

Earlier pay-  
ment of  
contributions  
in certain  
cases.

**18.** The Director may require any employer to pay the contributions in respect of a worker earlier than the date prescribed and other than in the manner prescribed, where it is necessary in order that the Fund may make payment expeditiously to a member of the Fund of a main or withdrawal benefit, notice of claim for which has been received by the Director

Refund of  
contributions  
made in  
error.

**19.** (1) Subject to the provisions of this regulation, where the Director is satisfied that any amount has been paid to the Fund by error, in excess of the amount that was due to be paid, he may subject to the provisions of paragraph (2) of this regulation refund the amount so paid in excess to the person by whom it was made:

Provided that—

- (a) if the excess payment was in the opinion of the Director made by error due to gross negligence on the part of the person by whom it was made or if the refund of such excess payment is not claimed within three years of the date on which it was made, or if the member

Manner of  
payment of  
contribu-  
tions.

**15.** All contributions to the Fund shall be paid to the Fund either—

- (a) in cash at the head office of the Fund and to an officer authorised by the Director in that behalf; or
- (b) by money order, postal order, or cheque drawn on any bank in Nigeria, delivered or sent by post to such office or offices of the Fund as may be designated for the purpose; or
- (c) in such other manner as the Director may, from time to time, authorise in any particular case or class of cases.

Payment to  
be accom-  
panied by  
forms duly  
completed.

**16.** All payments of contributions to the Fund shall be accompanied by prescribed form N.P.F. 16 for the purpose duly completed or by such other forms as the Director may in any particular case or class of cases permit.

Receipt.

**17.** No receipt other than a receipt machine printed at the front or end of form N.P.F. 16 shall be given by the Director for any payment to the Fund; and any receipt so made and endorsed shall be accepted as sufficient for all purposes.

Earlier pay-  
ment of  
contributions  
in certain  
cases.

**18.** The Director may require any employer to pay the contributions in respect of a worker earlier than the date prescribed and other than in the manner prescribed, where it is necessary in order that the Fund may make payment expeditiously to a member of the Fund of a main or withdrawal benefit, notice of claim for which has been received by the Director

Refund of  
contributions  
made in  
error.

**19.** (1) Subject to the provisions of this regulation, where the Director is satisfied that any amount has been paid to the Fund by error, in excess of the amount that was due to be paid, he may subject to the provisions of paragraph (2) of this regulation refund the amount so paid in excess to the person by whom it was made:

Provided that—

- (a) if the excess payment was in the opinion of the Director made by error due to gross negligence on the part of the person by whom it was made or if the refund of such excess payment is not claimed within three years of the date on which it was made, or if the member

of the Fund in respect of whom it was made has withdrawn it as benefit, such excess payment shall not be refunded but shall be deemed to have been properly made and shall unless already credited be credited to the account of the person or persons in respect of whom it was made; and

(b) if any amount is due to the Fund from the person to whom refund of the amount paid in excess would otherwise be made, the Director may retain the whole or any part of such excess payment and set it off against such amount as is due.

(2) No refund shall be made and no amount shall be offset under this regulation except with the consent of the Director who may require the person by whom the excess payment was made to make a written application for refund and to furnish such information as he may require to determine the amount of the excess payment and the circumstances in which it occurred.

(3) If any contribution or part of a contribution paid in excess in error is refunded to any person after it has been in the Fund throughout the whole of a financial year the Director may, at his discretion, increase the amount repaid by adding thereto interest at the rate fixed by the Minister for accounts of members in respect of any such financial year.

20. Where any contribution or part of a contribution due to be paid under the Act is owing to error omitted to be paid by an employer within the prescribed time for payment, the employer shall inform the Director in writing as soon as the error comes to his notice and shall remit the amount omitted to be paid with a special list of those contributions in such form as the Director may authorise.

Payment of contributions omitted to be paid owing to error.

21. (1) Where a worker is successively employed by two or more employers in the same contribution period, the Director may on application by the worker refund to him such part of the contribution deducted from his wages for that period and paid to the Fund as may exceed the contribution that would have been paid for that period if he had been employed by only one employer and received from him the total wages paid

Worker successively or concurrently having two or more employers.

by all his employers in that period; but no amount less than fifty kobo shall be refunded.

(2) Where a worker is concurrently employed by two or more employers in the same contribution period, the Director may, on application from the worker direct that the contributions payable for him and recoverable from his wages by all or any of the employers be reduced so that in the aggregate they do not exceed the amount which would have been deducted had he been employed by only one employer and received from him the total wages paid by all his employers in that period; and the amounts payable by the employers in respect of him shall be reduced accordingly.

#### PART IV.—BENEFITS

Applications  
for benefit.

22. (1) Applications for a benefit mentioned in the first column hereunder shall be made on prescribed forms the numbers of which are set out in the second column thereto—

COLUMN 1	COLUMN 2
<i>Benefit</i>	<i>Form Number</i>
Old age or invalidity benefit. . . . .	N.P.F. 17
Survivors' benefit . . . . .	N.P.F. 18
Withdrawal benefit . . . . .	N.P.F. 19
Sickness benefit . . . . .	N.P.F. 20

(2) The applicant shall complete and deliver the appropriate form to the office of the Fund, together with the certificate of membership of the Fund for the member concerned.

(3) For the purposes of this regulation, the Director may in cases applying for sickness benefit, and in any other case where he is satisfied that it is reasonable in the circumstances to do so, dispense with the production of the certificate of membership.

Evidence in  
support of  
applications  
for benefit.

23. (1) Where application is made for old age pension, the date of birth of the member of the Fund entered in the records shall be presumed to be correct but the Director may, if he has reason to believe that such a date was not correctly stated,



require to be furnished with such further evidence of age as may be obtainable; and the Director may also require production of such evidence as he may deem necessary in support of the applicant's statement that he has retired, or is about to retire, from employment as a worker.

(2) Where application is made for survivors' benefit, the applicant shall produce with his application, a certificate or other evidence of the death of the member of the Fund concerned and such evidence of his own identity and relationship to the deceased member and such information about other relatives of the deceased as the Director may require.

(3) Where application is made for invalidity or sickness benefit, the member of the Fund shall supply with his application and at his own cost a certificate of his physical condition and of his incapacity for work signed by a registered medical practitioner:

Provided that the Director may refer the member of the Fund for examination of his physical condition and his capacity or incapacity for work by a medical board or referee and may use the report of such medical board or referee as evidence in deciding the member of the Fund's claim to benefit.

(4) Where application is made for withdrawal benefit, the applicant shall supply such documentary or other evidence in support of his application as the Director may require.

(5) The Director may require any person who has made an application for benefit to make a statutory declaration as to the truth of any statement of fact made by him in his application or in any evidence submitted by him.

(6) The Director may authorise any officer of the Fund to make enquiry about any application for benefit and the Director-General of the Ministry responsible for the control of the Act shall, on reasonable request in writing by the Director, authorise any of his officers to make any such enquiry and prepare a report and the Director may use the report of any such officer as evidence for the purposes of this regulation.

Medical boards or referees.

24. The Minister, on the application of the Director may, constitute medical boards or referees consisting of one or more registered medical practitioners to which a member of the Fund may be referred under regulation 23 of these Regulations.

Payment of benefit or refund of contributions.

25. Where benefit or a refund of contributions has been authorised in favour of any person, the Director shall pay the amount in cash or issue to that person or to any other person duly authorised in the manner required by paragraph (2) of regulation 26 of these Regulations a warrant or other instrument similar in form to that set out in prescribed forms N.P.F. 21, 22 and 23:

Provided that if payment of any benefit or refund of contributions is to be made to a person outside Nigeria, the amount due may be paid by money order or by such other method as the Director thinks fit to use in any particular case.

Presentation of instrument of payment.

26. (1) Where payment is made in accordance with regulation 25 of these Regulations, a receipt for the amount paid, or for the amount specified in the instrument of payment, shall be given in the form of receipt shown on prescribed forms N.P.F. 21, 22 and 23 by the payee or by a person authorised in the manner prescribed in paragraph (2) of this regulation to receive the amount and such receipt shall be a full and sufficient discharge to the Fund for the sum specified therein.

(2) Authority may be given by a power of attorney in prescribed form N.P.F. 24 duly executed by the person entitled to receive the benefit for any other person to receive the benefit and forthwith to pay it to the person entitled thereto.

Posting letter containing instrument of payment to be equivalent to delivery.

27. The posting of a letter containing an instrument of payment sent in pursuance of these Regulations addressed to the person concerned at the address furnished on the application form shall as regards the liability of the Fund be equivalent to the delivery of the instrument of payment to the person to whom the letter was addressed:

Provided that where the Director is satisfied that such an instrument of payment has been lost or destroyed, he may on receipt of a duly executed indemnity to the Fund issue a duplicate instrument of payment.

28. (1) Where a member of the Fund entitled to a benefit or refund under the Act is of unsound mind anything required to be done by him may be done on his behalf by any person appointed by order of the High Court under the Lunacy Act of the Federal Capital Territory, Abuja, or under any similar law in a State; and any amount payable to that member of the Fund may be paid to the person appointed to administer his affairs in accordance with the Order of the Court.

Persons of  
unsound  
mind or  
other  
disability.

(2) Where the Director is satisfied on reasonable grounds that a member of the Fund is of unsound mind or for any other reason is unfit to manage his own affairs and no person has been appointed by order of the Court or otherwise howsoever to act on his behalf, the Director may, if he thinks fit and the money in the Fund due or payable to the member does not exceed the sum of ₦40, approve payment of the amount or any part thereof to any other person who satisfies the Director that he is a proper person to receive the amount on the member's behalf and will apply the amount for the maintenance and benefit of the member of the Fund under disability and his dependants; and any receipt given under this paragraph shall be a good and sufficient discharge to the Fund for the amount so paid.

PART V.—MISCELLANEOUS

29. Any document used in connection with the Fund which requires a signature of the member of the Fund may be signed with his written signature but shall in any event be authenticated by his furnishing a clear impression of his right thumb; and the thumb impression and signature (if any), shall in the case of the worker's part of prescribed form N.P.F. 13, be witnessed and countersigned by the employer, or as the case may be, by a representative of the employer or by an officer or servant of the Fund:

Signing of  
documents.

Provided that—

- (a) where for any reason it is not possible to furnish an impression of the right thumb of the member of the Fund he may, furnish a clear impression of his left thumb and this regulation shall be read and construed accordingly; and

(b) where for any reason it is not possible for the member of the Fund to furnish any thumb print, the Director may accept such other mark of identification as he thinks fit.

Worker to furnish information to employer.

30. Every worker shall furnish to his employer all information and produce any documents necessary for the completion of returns prescribed by these Regulations and required to be made by his employer.

Incomplete or inaccurate documents.

31. If in the opinion of the Director any document required to be completed under these Regulations is incomplete, or inaccurate, or is insufficiently clear, to identify the person concerned, he may return the document to the sender; and the sender shall comply with all lawful directions given to him and shall within one week of the receipt by him of the document complete and deliver a fresh document in place thereof, or return the original document duly corrected as the case may require.

Unclaimed moneys.

32. (1) Any amount standing to the credit of a member of the Fund in respect of whom no contributions have been received for five years after he appears from the records to have attained the age of fifty-five years and in respect of which no claim to main or withdrawal benefit has been received before the end of that period shall be regarded as an unclaimed balance and shall be transferred to the Reserve Fund.

(2) Where any amount has been authorised to be paid out of the fund to any person and such person has not obtained payment within one year after the date of authorisation such amount shall be regarded as an unclaimed benefit and shall be transferred to the Reserve Fund.

(3) Any amount which has been transferred to the Reserve Fund shall be paid to any person who can show a legal title thereto within a period of five years from the time of its transfer to the Reserve Fund provided he gives such indemnity to the Fund as the Director may require.

(4) No interest shall be added to any amount in respect of the period during which it is in the Reserve Fund.

(5) The income on moneys in the Reserve Fund shall form part of the Fund and the interest from the investment thereof shall be transferred to and form part of the general revenues of the Fund.

(6) Any unclaimed amounts transferred to the Reserve Fund which are not claimed within the time prescribed in this regulation shall be dealt with as the Minister of Finance and Economic Development may direct.

33. (1) Any form or document used in connection with the Fund shall not be or be deemed invalid by reason only of the inclusion therein of additional matter or of any variation in its wording; and any form prescribed by these Regulations may be altered or amended to suit any particular case, and shall be valid for all purposes accordingly.

Variation of forms etc.

(2) Any form set out in the Schedule to these Regulations and not specifically referred to elsewhere in these Regulations, or any form substantially to the like effect, may where necessary be used for the purposes for which the form is designed.

SCHEDULE

Regulation 3

FORM N.P.F. 1

National Provident Fund Act (Cap. 273)

**Application by employer for Act to cease to apply to him and his workers**

To The Director,  
National Provident Fund,

..... Lagos.

I apply for the National Provident Fund Act, to cease to have effect as far as my workers are concerned.

The grounds on which I do so are that continuously for a period of not less than two years I have employed less workers than the number prescribed.

The number of workers I have employed in each month for the last two years is as under—

NATIONAL PROVIDENT FUND (SEAMEN)  
REGULATIONS

L.N.  
158 of 1962.

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title.
2. Interpretation.
3. Registration of seamen by their employers.
4. Seamen engaged on articles not to be regarded as casual worker.
5. Payment of contributions.
6. Contribution period.

NATIONAL PROVIDENT FUND (SEAMEN)  
REGULATIONS

L.N.  
158 of 1962.

*under section 45*

*Commencement: 22nd November, 1962*

1. These Regulations may be cited as the National Provident Fund (Seamen) Regulations. Short title.

2. In these Regulations, unless the context otherwise requires— Interpreta-  
tion.

“the Act” means the National Provident Fund Act;

“articles” mean the written agreement under which a seaman has agreed to serve a ship or ships;

“seaman” means a permanent resident in Nigeria employed as a member of the crew of any ship the owners of which have a place of business, or have agents, in Nigeria.

3. A seaman may be registered as a member of the Fund either by his employer or by any association or body formed for the purpose or by any person supplying seamen to masters of ships; and in the event of his being registered by any such association or body or person, the seaman shall, solely for the purpose of registration under the Act, be deemed to be in the employ of such association, body or person as the case may be. Registration  
of seamen  
by their  
employers.

L.N.  
143 of 1961.NATIONAL PROVIDENT FUND  
(GENERAL REGULATIONS) (APPOINTED DAY) ORDER

## ARRANGEMENT OF SECTIONS

## SECTION

1. Short title.
2. Interpretation.
3. Commencement of regulations
4. Employer's contribution for casual workers.

L.N. 143 of  
1961.NATIONAL PROVIDENT FUND  
(GENERAL REGULATIONS) (APPOINTED DAY) ORDER

*under regulation 1 of the  
National Provident Fund (General) Regulations*

*Commencement: 1st October, 1961*

Short title.

1. This Order may be cited as the National Provident Fund (General Regulations Appointed Day) Order.

Interpreta-  
tion.

2. In this Order—  
“the Act” means the National Provident Fund Act;  
“the Regulations” means the National Provident Fund (General) Regulations.

Commence-  
ment of  
regulations.

3. The Regulations shall, to the extent necessary to implement the operation of the Act on 1st October, 1961, be deemed to have come into force on that date; and subject to the provisions of this Order or any Order whereby the Act is extended to other employers and workers, the Regulations in their application to such other employers and workers, shall have effect and likewise come into operation without further authority than this Order on the date or dates provided for the further extension of the Act.

Employer's  
contribution  
for casual  
workers.

4. Notwithstanding the provisions of paragraph 3 of this Order, the provisions of regulation 13 of the Regulations (which relates to an employer's contributions in respect of casual workers before the casual workers themselves are brought within the scope of the Act) shall come into force on the appointed day for the Act in respect of the ordinary workers of that employer.

NATIONAL PROVIDENT FUND (EXEMPT PERSONS) ORDER L.N.  
79 of 1962.

ARRANGEMENT OF SECTIONS

- SECTION
1. Short title.
  2. Persons exempted.

SCHEDULE  
EXEMPT PERSONS

NATIONAL PROVIDENT FUND (EXEMPT PERSONS) ORDER L.N.  
79 of 1962.

section 10(3)

*Commencement: 5th July, 1962*

1. This Order may be cited as the National Provident Fund (Exempt Persons) Order. Short title.

2. (1) Subject to the following subsection, paragraph 1 of the Second Schedule to the National Provident Fund Act, (which exempts workers in any public department or authority entitled to the benefit of any scheme of pensions on terms substantially similar to those prescribed by the Pensions Act) shall apply to workers specified in the Schedule hereunder and such other persons in the service of the Government of the Federation or of a State entitled to gratuities, annual allowances or pensions under the provisions of any law whether or not the benefits to which the persons are entitled are on terms substantially similar to those specified in the Pensions Act. Persons exempted.  
Cap. 346.

(2) The application of the foregoing subsection shall be limited, however, to a worker whose period of service is taken as training period and who is entitled to be confirmed in or promoted to a pensionable office within the meaning of section 24 of the Pensions Act after a specified period of service or training.



SCHEDULE  
EXEMPT PERSONS

1. Constables within the meaning of section 2 of the Police Act (Cap. 359).
2. Warders within the meaning of regulation 92 of the Prisons Regulations (Cap. 366).
3. Preventative officers within the meaning of regulation 45 of Customs (Preventive Service) Regulations, (Cap. 84).
4. Fire Service officers of the rank of firemen.

NATIONAL PROVIDENT FUND (SEAMEN)  
REGULATIONS

L.N.  
158 of 1962.

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title.
2. Interpretation.
3. Registration of seamen by their employers.
4. Seamen engaged on articles not to be regarded as casual worker.
5. Payment of contributions.
6. Contribution period.

NATIONAL PROVIDENT FUND (SEAMEN)  
REGULATIONS

L.N.  
158 of 1962.

*under section 45*

*Commencement: 22nd November, 1962*

1. These Regulations may be cited as the National Provident Fund (Seamen) Regulations. Short title.

2. In these Regulations, unless the context otherwise requires— Interpreta-  
tion.

“the Act” means the National Provident Fund Act;

“articles” mean the written agreement under which a seaman has agreed to serve a ship or ships;

“seaman” means a permanent resident in Nigeria employed as a member of the crew of any ship the owners of which have a place of business, or have agents, in Nigeria.

3. A seaman may be registered as a member of the Fund either by his employer or by any association or body formed for the purpose or by any person supplying seamen to masters of ships; and in the event of his being registered by any such association or body or person, the seaman shall, solely for the purpose of registration under the Act, be deemed to be in the employ of such association, body or person as the case may be. Registration  
of seamen  
by their  
employers.

Seaman engaged on articles not to be regarded as a casual worker.

4. Irrespective of the length of engagement any seaman under articles on a ship shall not be regarded as a casual worker for the purpose of the Act.

Payment of contributions.

5. (1) Subject to the provisions of these Regulations the master of the ship on which a seaman is employed, or alternatively such other person as may be responsible for the payment of wages of the seaman, shall immediately on completion of the articles, or within one month thereafter, complete Form N.P.F. 15 in respect of such seaman and shall at the same time complete and send to the Fund the Form N.P.F. 16 together with a remittance for the total amount of contributions due from such seaman and from such employers.

(2) Where a seaman has deserted his ship whilst in a foreign port and there is no balance of wages due to him or the balance has been used in repatriating him to Nigeria, the Director shall have power to waive payment of contributions if it seems reasonable in the circumstances of the case.

(3) Except for payments in respect of sickness, all advances on account of wages made to any seaman during the currency of his articles shall be considered as payment of wages and shall be liable to assessment for contributions.

(4) The Director may enter into arrangements with any person, association or body of persons supplying seamen to masters of ships whereby such person, association or body of persons as the case may be, shall, on behalf of the master or such other person responsible for the payment of wages, submit to the Fund the documents and remittances required to be rendered under these Regulations, and any such documents and remittances shall be deemed to be held by such person, association or body of persons as agent of the Fund for delivery of the same to the Fund within the time prescribed.

Contribution period.

6. (1) For the purpose of determining the maximum contribution payable for, and in respect of, a seaman, the contribution shall be deemed payable monthly, notwithstanding the definition of contribution period in the Act.

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(2) The contribution payable in respect of a seaman in respect of the period during which he is serving under articles shall be calculated according to the number of calendar months in such period starting from the first day of the engagement.

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**CHAPTER 274**

**NATIONAL PROVIDENT FUND  
(MANAGEMENT BOARD, ETC.) ACT**

**ARRANGEMENT OF SECTIONS**

- SECTION**
1. Establishment of the National Provident Fund Management Board.
  2. Functions of the Board.
  3. Administration of the Fund.
  4. Staff.
  5. Land, buildings and equipment, etc.
  6. Financial provisions.
  7. Annual report.
  8. Payments out of the Fund.
  9. Transitional provisions.
  10. Exemption from personal liability.
  11. Interpretation.
  12. Short title.

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**FIRST SCHEDULE**

**PART I.—NATIONAL PROVIDENT FUND MANAGEMENT BOARD**

**PART II.—SUPPLEMENTARY PROVISIONS: STAFF MATTERS**

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**SECOND SCHEDULE**

**TRANSITIONAL PROVISIONS AS TO PROPERTY, ETC.**

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## CHAPTER 274

NATIONAL PROVIDENT FUND  
(MANAGEMENT BOARD, ETC.) ACT

An Act to establish the National Provident Fund Management Board as an autonomous corporate body with powers to administer the National Provident Fund in accordance with the provisions therein, and other previous legislations on the subject.

[1st April, 1975]

L.N.  
1974 No.  
39.

Commence-  
ment.  
L.N.  
19 of 1975.

Establish-  
ment of the  
National  
Provident  
Fund  
Management  
Board.

1. (1) There shall be established a Board to be known as the National Provident Fund Management Board, which shall be a body corporate with perpetual succession and a common seal.

(2) The Board shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities, including, without prejudice to the generality of the foregoing, the right to sue and be sued in its corporate name, hold and manage movable and immovable property, and enter into contracts.

(3) Part I of the First Schedule to this Act shall have effect in relation to the Board.

Functions of  
the Board.

2. (1) The Board shall be solely responsible as an autonomous body for the administration and management of the Fund and the Reserve Fund, subject to and in accordance with this Act, and the relevant Acts.

(2) The Minister may give the Board directions of a general character or relating generally to particular matters with regard to the exercise by the Board of its functions, and it shall be the duty of the Board to comply with the directions.

Administra-  
tion of the  
Fund.

3. Subject to section 4 of this Act, the Fund and the Reserve Fund shall continue to be administered by the Director, Deputy Director, inspectors, officers and servants appointed from time

to time under sections 4 to 7 of the National Provident Fund Act, who shall continue to be members of the civil service of the Federation but shall, in the exercise of their functions under this Act and the relevant Act, be subject to the direction and control of the Board. Cap. 273.

4. (1) The Board shall have power to employ such persons specially qualified for the purposes of the Fund as members of its staff as it considers necessary and on such terms and conditions as may be agreed upon between the parties. Staff.

(2) Without prejudice to subsection (1) of this section, the scale of salary, allowances and benefits applicable, under the Statutory Corporations (Salaries and Allowances, etc.) Act, shall apply in respect of members of the staff of the Board as they apply in respect of members of the staff of statutory corporations affected by that Act; and subject thereto, the Board shall have power to pay remuneration (including pensions and other expenses) to any member, officer or servant of the Board or to any other person in accordance with scales approved by the Minister: Cap. 420.

Provided that no pension scheme shall be put into operation without the prior approval in writing of the Minister charged with responsibility for pensions.

(3) The executive control (including promotion and discipline) of members of the staff of the Fund shall vest in the Board, but a member of the staff shall have a right of appeal to the Minister in the first instance on any decision of the Board as to terms and conditions of service and other matters under the control of the Board, and ultimately to the President.

(4) Subject to the provisions of this Act, the supplementary provisions in Part II of the First Schedule to this Act on staff matters shall apply.

5. (1) The Board may acquire and hold land, buildings and equipment for the purposes of the Fund. Land, buildings and equipment, etc.

(2) It shall be lawful for moneys in the Fund to be expended—

(a) on the acquisition of land, buildings and equipment under subsection (1) of this section; and

(b) on the maintenance of any land, buildings and equipment used for the purposes of the Fund.

(3) The Board shall not, without the approval of the National Council of Ministers, embark on any capital project involving expenditure of not less than ₦200,000.

Financial provisions.

6. (1) The Board shall not later than 31st October in each financial year submit to the Minister for approval the estimates of its income and expenditure during the next succeeding financial year.

Cap. 273.

(2) Subject to section 31 of the National Provident Fund Act, the Board shall keep proper accounts in respect of each financial year (and proper records in relation to those accounts) and shall cause its accounts to be audited as soon as may be after the end of each financial year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

(3) The Minister, if he thinks fit, may modify the requirements of subsections (1) and (2) of this section in their application to the financial year during which the Board is established.

Annual report.

7. (1) The Board shall prepare and submit to the Minister, not later than 30th September in each financial year, a report in such form as the Minister may direct on the activities of the Board during the immediately preceding financial year, and shall include in the report a copy of the audited accounts of the Board for the previous year and of the auditor's report on the accounts.

(2) The Minister shall cause a copy of each report made to him under this section to be laid before the National Council of Ministers.

(3) The Minister, if he thinks fit, may modify the requirements of subsections (1) and (2) of this section, in respect of the financial year during which the Board is established and the immediately preceding financial year.

Payments out of the Fund.

8. (1) The Board on its own responsibility and without further authority shall cause payment of benefits, grants or



refunds authorised under the relevant Acts to be made out of the Fund in what appears to the Board to be the most convenient and speedy manner.

(2) Notwithstanding anything in this Act, payments out of the Fund for administrative expenses (that is to say, all payments other than those mentioned in subsection (1) of this section), shall be made only in so far as they are authorised by the Minister with the concurrence of the National Council of Ministers—

- (a) as being contained in an estimate of expenditure submitted under section 6(1) of this Act; or
- (b) on a special reference by the Board.

9. (1) Without prejudice to section 5 of this section, any property of the Fund, the ownership of which immediately before the appointed day vests in the Federal Government shall as from the appointed day and without further assurance vest in the Board.

Transitional provisions.

(2) The transitional provisions set out in the Second Schedule to this Act relating to the rights, liabilities and obligations arising out of any contract or other arrangement and other matters therein mentioned shall apply, accordingly.

10. No member, officer, servant or agent of the Board and no member of the staff of the Fund shall incur personal liability for any act or default done or made in good faith while engaged on the business of the Board or the Fund.

Exemption from personal liability.

11. (1) In this Act, unless the context otherwise requires—  
“appointed day” means the day appointed for the coming into operation of this Act;

Interpretation.

“Board” means the National Provident Fund Management Board established under section 1 of this Act;

“functions” includes powers and duties;

“Minister” means the Minister charged with responsibility for matters relating to labour;

“relevant Acts” means the National Provident Fund Act.

Cap. 273.

(2) Words and expressions defined in the National Provident Fund Act have the same meanings under this Act.

(3) Nothing in this Act shall be construed as prejudicing the continued existence or activity of the National Provident Fund Advisory Council established by the National Provident Fund Act and the continued operation of that Act subject to this Act or any enactment relevant thereto by this Act or any other enactment.

Short title.

12. This Act may be cited as the National Provident Fund (Management Board, Etc.) Act.

## FIRST SCHEDULE

section 1(3)

### PART I

#### NATIONAL PROVIDENT FUND MANAGEMENT BOARD

#### *Membership*

1. The Board shall consist of—

- (a) the Director-General, Federal Ministry of Employment, Labour and Productivity, who shall be Chairman;
- (b) the Director-General, Federal Ministry of Finance and Economic Development, or his deputy;
- (c) the Director-General, Establishments Department, Federal Civil Service Commission, or his representative;
- (d) the Director of the National Provident Fund;
- (e) the Legal Adviser of the National Provident Fund;
- (f) one person appointed by the Governor to represent the Central Bank of Nigeria;
- (g) two persons appointed by the Minister to represent employers;
- (h) four persons appointed by the Minister to represent workers; and
- (i) seven persons as nominated one each by the Governor of the State concerned and appointed by the Minister to represent the States in rotation for two years at a time so however that no two of them shall come from the same State.

2. In paragraph 1(b) and (c) of this Schedule, “deputy” means, in relation to a Ministry and its Director-General, a public officer serving in the Ministry (not being an officer below the rank of Administrative Officer, Grade I or its equivalent) appointed in writing by the Director-General to be his deputy for the purposes of this Act.

3. Where a member of the Board is appointed under paragraph 1(g) or (h) of this Schedule—

- (a) the member may resign his appointment at any time by notice in writing served on the Minister;
- (b) the Minister may terminate the appointment at any time without giving reasons;
- (c) the member shall be eligible for re-appointment, and
- (d) the member shall be paid out of the Fund such expenses and allowances as the Minister for Finance and Economic Development may, from time to time, approve.

*Secretary*

4. The Secretary to the Board shall be a member of the staff of the Fund appointed by the Minister.

*Procedure*

5. Every meeting of the Board shall be presided over by the Chairman or, if the Chairman is unable to attend any particular meeting, by another member appointed in writing by the Minister.

6. The quorum at a meeting of the Board shall be the Chairman (or, in an appropriate case, the person appointed to act as Chairman under paragraph 5 of this Schedule) and three other members.

7. At a meeting of the Board—

- (a) every question shall be decided by a majority of those present and voting; and
- (b) the Chairman, or the person acting as Chairman, shall have a second or casting vote.

8. Subject to this Act, the Board may regulate its own proceedings.

*Miscellaneous*

9. The fixing of the seal of the Board shall be authenticated by the signature of the Chairman.

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

11. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Board shall be received in evidence and, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

12. The validity of any proceedings of the Board shall not be affected—  
 (a) by any vacancy in the membership, or  
 (b) by any defect in the appointment of a member.

13. In this Schedule "the Chairman" means the Chairman of the Board.

## PART II

section 4(4)

## SUPPLEMENTARY PROVISIONS : STAFF MATTERS

1. If the Minister thinks it expedient that any vacancy in the staff of the Board should be filled by any person holding office in any of the civil services in the Federation, he shall inform the Federal Civil Service Commission accordingly, and thereafter the Federal Civil Service Commission may fill the vacancy by way of transfer.

2. As from the appointed day, all professional officers specifically recruited for the administration, that is to say, all professional officers in the inspectorate grades beginning with assistant compliance inspector to the grade of chief compliance officer of the Fund shall transfer or be deemed to have transferred to the service of the Board.

3. Officers posted to the Fund on a temporary basis who are in the administrative and executive classes shall as from the appointed day have an option of either transferring to the Board permanently or reverting to their respective civil services in the Federation.

4. Other members of the staff of the Fund who occupy general cadre posts in the service of the Fund shall have no option to revert, unless they have been posted to the service of the Fund from any Ministry other than the Federal Ministry of Employment, Labour and Productivity in the first instance before the appointed day, and they indicate a preference to return to that Ministry.

5. In other cases of members of the staff of the Fund recruited before the appointed day from any of the public services; they shall transfer to the service of the Board without an option or be deemed to have so transferred.

6. The officers who were, however, seconded from any other Ministry (including the Federal Ministry of Employment, Labour and Productivity) to the service of the Fund shall have an option to transfer to the service of the Board or revert to their Ministry.

7. Where a person who is a member of any of the public services is transferred to the service of the Board, then, if the Minister responsible for pensions so directs—

(a) that person's former service in that service shall be taken into account in applying the provisions of the Pensions Act, and

(b) that Act shall have effect as if that person's subsequent service with the Board were service in that civil service:

Provided that such direction shall not deprive any member of the staff of the Board of any right to pension to which he may be entitled or accruing to him by reason of his former service in that civil service.

SECOND SCHEDULE

section 9(2)

TRANSITIONAL PROVISIONS AS TO PROPERTY, ETC.

1. Every agreement which had been entered into by the Fund immediately before the appointed day, whether in writing or not and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned, shall, unless its terms or subject-matter makes it impossible that it should have effect as modified in the manner provided hereunder, have effect as from the appointed day, so far as it relates to property vested by this Act in the Board, as if—

- (a) the Board had been a party to the agreement;
- (b) for any reference (however worded and whether express or implied) to the Minister of Finance and Economic Development or the Government of the Federation there were substituted, as respects anything falling to be done on or after the appointed day, a reference to the Board; and
- (c) for any reference (however worded and whether express or implied) to an officer in the civil service of the Federation or a member of the National Council of Ministers there were substituted, as respects anything falling to be done on or after the appointed day, a reference to a member or an officer of the Board appointed on or after the said day who corresponds as nearly as may be to the officer or member of the Fund in question.

2. Other documents shall be construed in accordance with paragraph 1 of this Schedule so far as applicable.

3. Any legal proceedings or application to any authority pending on the appointed day by or against the Minister of Finance and Economic Development or other Minister in the Government of the Federation or officer in the civil service of the Federation in his capacity as such Minister or officer may be continued on or after that day by or against the Board.

4. Any other matter or thing given or done or purported to be given or done by or on behalf of the Fund shall be deemed as from the appointed day to have been given or done or purported to have been given or done by or on behalf of the Board.

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**NATIONAL PROVIDENT FUND  
(MANAGEMENT BOARD, ETC.) ACT**

**CHAPTER 274**

**SUBSIDIARY LEGISLATION**

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*No Subsidiary Legislation*