

NIGERIAN LEGION ACT

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Constitution, etc., of Councils

NIGERIAN LEGION ACT

An Act to establish the Nigerian Legion to cater for the welfare of ex-servicemen and persons who have distinguished themselves in the wars in which Nigeria has participated.

[1988 No. 37.]

[30th September, 1988]

[Commencement.]

PART I

Establishment and functions of the Nigerian Legion

1. Establishment of the Nigerian Legion

(1) There shall be established an association to be known as the Nigerian Legion, (hereinafter in this Act referred to as "the Legion").

[1964 No. 18. 1977 No. 25.]

(2) The Legion shall be the successor of the Nigerian Legion established under the Nigerian Legion Act as affected by the Nigerian Legion Interim Management Act.

(3) The Legion shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(4) Every ex-serviceman shall be entitled to be a member of the Legion.

1. Functions of the Legion

(1) The Legion shall be charged with the general functions of promoting the welfare of ex-servicemen and of fostering comradeship amongst ex-servicemen.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the Legion shall-

(a) establish and maintain hostels for ex-servicemen appearing to the Legion to be incapacitated by old age or illness;

(b) acquire, establish and run agro-based industries, agricultural farms, and estates in any part of the Federation;

(c) establish and operate large, medium and small scale industries in any part of the Federation;

(d) establish and operate intra and inter-state commercial transport services;

(e) operate and carry on commercial ventures including the setting up of super-markets, cold stores, cafes, lodging houses and refreshment bars;

(f) incorporate and operate limited liability companies with a view to carrying out profit-making ventures.

(3) The provisions of the Schedule to this Act shall have effect with respect to the matters therein mentioned.

[Schedule.]

1. Powers of the Legion

In order to carry out the functions conferred upon it by section 2 of this Act, the Legion shall have such powers, and take such steps as it considers to be appropriate with a view to acquiring the necessary resources, including power to –

(a) borrow money either from government institutions, commercial banks or any other financial institution;

(b) buy shares in companies;

(c) canvass for and collect donations on any occasion, especially during the Armed Forces Remembrance Day Celebrations;

(d) conduct bazaars and auction sales;

(e) subject to the Land Use Act, acquire interest in, take on lease or otherwise acquire offices, houses or other buildings, lands and hereditaments which may,

from time to time, be required for the purposes of the Legion or for effectuating any of its functions under this Act;

[Cap. L5.]

(f) construct and alter any offices, houses or other buildings or works which may, from time to time, be required for the purposes of the Legion or for effectuating any of its functions under this Act;

(g) invest monies belonging to the Legion not for the time being required for any of its objectives in any investments allowed by law for the investment of trust funds;

(h) manage, sell, lease, mortgage, dispose of or otherwise deal with all or any property of the Legion, subject to the Land Use Act, in respect of land vested in the Legion;

[Cap. L5.]

(i) enter into any arrangement with any Government in Nigeria with reference to the conduct of the business or operation of the Legion and to apply to any Government in Nigeria to accept any rights, privileges and other assistance which may be conducive to the functions and objectives of the Legion under this Act;

(j) employ any person whose services will be of benefit to the Legion; and

(k) grant pensions or gratuities to employees of the Legion.

PART II

Management and control of other bodies

1. Management and control of other bodies

(1) The National Council of the Legion shall have powers to establish, dissolve, manage, control and regulate the conduct and affairs of the Corps of Commissionaires,

and for this purpose, the Legion shall also have the power to appoint, promote and discipline any erring member or members of the Corps of Commissionaires.(2) The Legion shall have powers to establish, dissolve, manage, control and regulate the conduct and affairs of Women Auxiliary and for this purpose, the Legion shall also have the power to appoint, promote and discipline any member of the Women Auxiliary.(3) The Legion may establish any other organisation to serve as an auxiliary arm of the Legion and shall manage, control and regulate the affairs of such organisation when established.

5. Minister's directives

The Minister may, from time to time, give to the Legion directives (of general nature) in writing with respect to the performance of its functions and objectives and it shall be the duty of the Legion to comply with such directives.

Objectives of the LegionThe objectives of the Legion shall be to-

- (a) constitute in a democratic and non-sectarian manner, an association of persons who have served in the Nigerian Army, Nigerian Navy, Nigerian Air Force or any auxiliary force and ensure that the association shall not be affiliated to or connected directly or indirectly with any political party or other political organisation;
- (b) bring about the unity of all those who have served in the Nigerian Army, Nigerian Navy, Nigerian Air Force or any auxiliary force;
- (c) further the spirit of comradeship, mutual help, close and friendly ties among members of the Legion;
- (d) assist, whether financially or in any other form as may be deemed necessary, in the burial of deceased members;
- (e) assist, as much as possible, in the maintenance of the family and dependants of deceased members;
- (g) engage in suitable undertakings for the training, employment and settlement of ex-servicemen and the education of their children;
- (h) ensure that the Federal Government, State Government, local government councils and other employers of labour give preference to ex-servicemen in employment matters;
- (i) maintain membership of International World War Veteran Organisations striving for world peace, disarmament and detente and other non-
- (j) Governmental organisations with similar aims and objects;

perpetuate the memory and deeds of the fallen members of the armed forces and of those who may die in the service of Nigeria in future; promote and care for memorials to the valour and sacrifice of the fallen, by providing suitable burial, keeping annual memorial day, preserving the records

PART III

Objectives of the Legion

and memories of their services and seeing to it that such services are not forgotten by the nation;

(k) ensure that proper attention shall be paid to the welfare of all persons who have served the nation and the welfare of their dependants and see to the maintenance and comfort of those who require special treatment, particularly the disabled, sick, aged and needy, and to promote the welfare of their dependants;

(l) assist ex-servicemen to secure employment on recognised standard wages;

(m) liaise with the chairman, joint chiefs of staff with a view to securing discharge benefits of its members; and

(n) provide, in convenient centres in the States and Area Councils of Legion, facilities for social intercourse, recreation and recreational education and for that purpose acquire, where not in existence, permanent halls, club premises or meeting rooms for the use of members.

PART IV

Establishment of National Council, etc.

1. Establishment of the National Council of the Legion, etc.

(1) There shall be established, for the purposes of the Legion, a National Council in respect of the Federation, a State Council in respect of each State of the Federation, and an Area Council as respects each local government area in a State and the provisions of the Schedule to this Act shall have effect with respect to the constitution of those Councils and the other matters mentioned therein.

[Schedule.]

(2) Subject to the provisions of subsections (3) and (4) of this section, the affairs of the Legion shall be managed by the National Council, and reference to the Legion in this Act shall be construed accordingly and without prejudice to the generality of the foregoing provisions of this subsection-

(a) anything falling to be done by or to the Legion shall be done by or through the National Council on behalf of the Legion or by or through such other person acting as the representative of the National Council as that Council may, from time to time, determine; and

(b) in particular, 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 Legion by any person generally or specifically authorised to act in that behalf by the National Council.

(3) Subject to any directives given by the Minister in pursuance of this Act, the National Council may charge a State Council established by or pursuant to this Act with the performance, in accordance with such conditions as the National Council may specify, of any of the functions of the National Council falling to be performed within the State in question.

(4) Subject to any directives given by the Minister, a State Council may charge any Area Council into which the relevant State is divided in pursuance of the Schedule to this Act with the performance, in accordance with such conditions as the State Council may specify, of any of the functions of the State Council falling to be performed within the area in question.

[Schedule.]

(5) If it appears to the Minister that the Council established by this Act has failed to carry out its functions in a proper manner, he may by order provide that all the functions of that Council, or such of the functions as may be specified by the order, shall be exercisable by the Minister or by such other person as may be specified by the order, to the exclusion of that Council, during such period as may be so specified in the order.

(6) Any order under subsection (5) of this section may require the making of payment to the Minister or the other person aforesaid, out of the fund established in pursuance of this Act, of such amounts specified by the order as the Minister considers appropriate for the purpose of the function to which the order relates.

(7) The President shall be the Grand-Patron of the Legion and may, from time to time, give directives through the Minister to the National Council on matters relating to the Legion.

(8) The Governors of the States of the Federation shall be the Patrons of the Legion in their respective States, and may, from time to time, give directives to the Ministers on matters relating to the Legion in their States.

PART V

Membership of the Legion

1. Membership of the Legion

(1) A person shall be a member of the Legion if-

(a) he applies to the Legion in the prescribed manner to be enrolled as a member of the Legion; and

(b) he satisfies the Legion that he is an ex-serviceman.

(2) It shall be the duty of the Legion to-

(a) establish and maintain a register of the persons who are, for the time being, members of the Legion; and

(b) make arrangements for the issue to each member of the Legion a membership card in the prescribed form.

1. Annual fee

A member of the Legion shall pay an annual fee as may be prescribed, from time to time, by the National Council of the Legion.

10. Classes of membership of the Legion

(1) Membership of the Legion shall consist of five classes, that is-

(a) ordinary member;

(b) life member;

(c) honorary (service personnel) member;

(d) associate member; and

(e) women's auxiliary member.

(2) Ordinary membership shall comprise-

(a) ex-servicemen who have served in the Armed Forces in accordance with the terms and conditions of service of the Nigerian Army, Nigerian Navy or the Nigerian Air Force; and

(b) men who during their service on reserve, were conscripted members or were members of Auxiliary Forces and had completed at least one term of engagement during which they had received not less than seven days pay.

(3) Life membership shall comprise-

(a) such persons being ordinary members of the Legion admitted to life membership by the National Council, State Council or Area Council; and

(b) such persons being ordinary members of the Legion as the National Council shall admit to life membership in recognition of meritorious services to the Legion.

(4) Honorary membership shall comprise-

(a) all men, having attained the age of eighteen years other than those eligible for ordinary, life or associate membership or admitted to women's auxiliary membership, who accept and support the policy, aims and objects of the Legion and who apply and are admitted to honorary membership;

(b) men of the Mercantile Marine, who have served afloat during hostilities; and

(c) persons, being citizens of Nigeria by naturalisation, who have served during hostilities with the Forces of an allied nation.

(5) Associate membership shall comprise-

(a) all men having attained the age of eighteen years, who are serving members of the Nigerian Army, Nigerian Navy, Nigerian Air Force and Reserve or Auxiliary Forces, who accept and support the policy, aims and objects of the Legion and who shall apply for and are admitted to associate membership of the Legion;

(b) men who, not being ex-servicemen nor serving members of the Armed Forces, accept and support the policy, aims and objects of the Legion and who shall apply for and are admitted to associate membership of the Legion.

(6) Women's auxiliary membership shall comprise all those women eligible for and are admitted to membership in accordance with the bye-laws of the Legion's Women's Section.

(7) No application for membership of the Legion shall be considered if the applicant was dishonourably removed from the Armed Forces.

PART VI

Financial provisions

11. Financial provisions

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

(2) There shall be paid or credited to the fund-

(a) such sums of money as may be provided by Federal Government from time to time;

(b) the assets inherited by the Legion from the Nigerian Legion established by the Nigerian Legion Act;

(c) all other assets or monies from time to time accruing to the Legion from any other source.

(3) The fund shall be managed in accordance with rules made by the Minister and the Minister charged with responsibility for finance acting jointly.

(4) Without prejudice to the generality of the power to make rules conferred by subsection (3) of this section the rules shall in particular include provisions-

(a) specifying the manner in which the assets of the fund are to be held and regulating the making of payments to and from the fund;

(b) requiring the keeping of proper accounts and records for the purposes of the fund in such form as may be specified by the rules;

(c) requiring copies of the accounts and of the auditor's report on them to be furnished to the Minister within four months after the end of the year to which the accounts relate; and

(d) requiring the Minister to submit to the Federal Government copies of all accounts and reports received by him in pursuance of paragraph (c) of this subsection.

12. Remuneration of the National chairman, State chairmen and Area Council chairmen

(1) The National chairman, the State chairmen and the Area Council chairmen shall be entitled to draw salaries in accordance with their ability to generate revenue in their respective area of jurisdiction.

(2) The magnitude of such salaries shall, however, be determined by the National Council, State Council or Area Council, as the case may be, from time to time, in their bye-laws.

PART VII

Miscellaneous

13. Annual report

(1) It shall be the duty of the Legion to furnish to the Minister not later than the first week of September each year, a report of the activities of the Legion during that year and the Minister shall submit to the Federal Government a copy of each report received by him in pursuance of this section.

(2) The calendar year of the Legion shall commence from 1st of October of the year and shall end on the 30th of September of the following year.

14. Interpretation

In this Act, unless the context otherwise requires-

“Area Council” means an assembly of an elected chairman and ex-servicemen who are registered and resident in a local government area;

“comradeship” includes promotion of social and cultural heritage of Nigeria;

“dependants” means the blood off-springs of a deceased member;

“ex-serviceman” means a Nigerian who has served and retired or been discharged or demobilised from the services of the Nigerian Army, Nigerian Navy or Nigerian Air force either as a commissioned officer or as a soldier, rating or air man;

“honorary membership” has the meaning assigned thereto in section 10(4) of this Act, but shall not have the right to vote and cannot be voted for;

“member” means a person who has been duly admitted to any of the classes of membership provided for in this Act;

“Minister” means the Minister of Defence;

“National Council” means an assembly of the National chairman, the National vice-chairman, the Secretary-General of the Legion and the chairmen of the State Councils;

“prescribed” means prescribed by regulations;

“regulations” means regulations made by the Minister or the National Council;

“revenue” includes money derived from subventions, donations, grants, monetary gifts and any other money accruing to the Legion from any commercial activities;

“State Council” means elected chairmen of Area Councils assembled in a meeting at a time and place specified by the Council;

“welfare” includes the Legion being responsible for hospitalisation, transportation of corpses and ceremonial burial of any of its members whenever the need arises.

15. Short title

This Act may be cited as the Nigerian Legion Act.

SCHEDULE

[Sections 2 (3), 7 (I).]

Constitution, etc., of Councils

Area Councils

1. Subject to paragraph 2 of this Schedule, the Minister may by order make provision for dividing each State into areas for the purposes of this Act.

2. (1) There shall be established in respect of each local government area at least one Council consisting of a chairman and such number of other members as the Minister may by order specify for that area which, subject to the provisions of this Schedule, shall be elected by ex-servicemen resident in the area from among their own members.

(2) Each Area Council shall elect a chairman and a vice-chairman of the Council, a treasurer among members of the Council and appoint a secretary and such other staff needed for the smooth running of the Council.

States' Council

3. (1) There shall be established in respect of each State a Council consisting of the chairmen of the Area Councils of the areas into which the State is divided.

(2) Each Council established by this paragraph shall elect a chairman, a vice-chairman of the Council, a treasurer from among members of the Council and appoint a secretary and such other staff needed for the smooth running of the Council.

The National Council

4. (1) There shall be established in respect of the Federation a Council to be known as the National Council of the Legion, which shall consist of the following members, that is to say-

(a) two ex-servicemen appointed by the Minister;

(b) the chairmen of the State Councils.

(2) The Minister shall designate one of the two members appointed by him as the chairman, and the other as the vice-chairman of the Council.

(3) For the purposes of fostering unity amongst the ex-servicemen as reflected in the Legion's objects, the Minister may have regard to the meritorious services or the two ex-servicemen to be appointed and subsequently made chairman and vice-chairman of the National Council; and in making these appointments, the Federal character of the nation should be put into consideration.

Elections

5. (1) Provision may be made by regulations for the elections of those members of Councils who are required to be elected by ex-servicemen and without prejudice to the generality of the powers conferred by the foregoing provisions of this paragraph, the regulations may provide-

(a) for the preparation of the lists of ex-servicemen qualified in accordance with the regulations to vote at elections;

(b) for the nomination of candidate and for ensuring that no person is candidate for election as a member of more than one Council;

(c) for the delimitation of electoral wards;

(d) for the conduct of polls;

(e) for declaring an election void in respect of a Council or an individual candidate; and

(f) for the determination of questions arising in connection with an election.

(2) Regulations made in pursuance of this paragraph shall contain provision for ensuring that election of members of Councils are held at such time (not being earlier than the beginning of the period of three months ending with the time when existing members vacate office by the effluxion of time in pursuance of sub-paragraph (2) of paragraph 6 of this Schedule) as to ensure that the results of the elections are, so far as practicable, declared before existing members vacate office as aforesaid.

Tenure of office

6. (1) The chairman or any other member of any Council referred to in this Schedule (not being a public officer) shall hold office for a term of four years and shall be eligible for re-appointment for one further term of four years:

Provided that nothing in this sub-paragraph shall be construed as entitling any person who has held office as chairman for a term and who is being re-appointed under this sub-paragraph to be appointed at the expiration of his second term again as chairman.

(2) A member of a Council (other than a person who is such a member by virtue of his being the chairman of another Council) may at any time resign his office by notice in writing addressed to the Council; and where a person is a member of a Council by virtue of his being the chairman of another Council, he shall cease to be a member of the higher Council upon his ceasing to hold office of chairman of the lower Council either by resignation from the said office or upon removal therefrom pursuant to sub-paragraph (3) of this paragraph.

(3) If it appears to the Minister, after an enquiry as he thinks fit, that a member of a Council is incapable by reason of illness of performing the duties of his office or has conducted himself in such a manner as to be unfit to continue as a member of the Council, he may declare the office of that member to be vacant.

(4) In the event of any position of a Council member becoming vacant either in the National Council, State Council or Area Council of the Legion during the tenure of office of that Council, then the normal process of electing members into that particular Council shall be carried out with a view to electing a new member to fill that position that has become vacant.

(5) The National chairman, State chairmen and Area Council chairmen who have served for two consecutive terms of office shall be made life members of the National Council, the State Council or the Area Council in advisory capacity and shall be paid hardship allowances.

(6) Members made life members pursuant to the provisions of sub-paragraph (5) of this paragraph shall also have the privilege to attend the meetings of the National Council, State Council or Area Council, as the case may be, and may participate in International Conferences at the expense of the Legion.

Proceedings

7. (1) Subject to the provisions of section 27 of the Interpretation Act, the National Council and each State Council respectively, shall make standing orders with respect to its proceedings.

[Cap. 123.]

(2) In exercising the power to make standing orders conferred by sub-paragraph (1) of this paragraph, the National Council or State Council, as the case may be, shall comply with any general directives given to it in that behalf by the Minister, but nothing in this sub-paragraph shall be construed as derogating from the generality of section 5 of this Act.

(3) Each State Council shall make standing orders with respect to the proceedings of the Councils of the areas into which the relevant State is divided in pursuance of this Schedule.

(4) A Council may, subject to the provisions of the standing orders having effect as respects the Council, regulate its own procedure.

8. The quorum of the National Council shall be fourteen, and the quorum of any other Council shall be equal to one third of the members of the Council (any vacancy being treated as filled and any fraction being disregarded).

9. (1) Subject to the provisions of any standing orders of the Council, a Council shall meet whenever it is summoned by its chairman; and if the chairman is required so to do by notice given to him by a number of members of the Council who constitute a quorum, he shall

summon a meeting of the Council to be held within twenty days from the date in which the notice is given.

(2) At any meeting of a Council its chairman shall preside if he is present, but if he is absent, the members of the Council present at the meeting shall select one of their members to preside at that meeting during his absence, so however that the vice- chairman of the National Council, State Council or Area Council shall, if he is present at a meeting of the Council when its chairman is absent, preside at that meeting.

(3) Notwithstanding anything in the last two foregoing paragraphs or the foregoing provisions of this paragraph, the first meeting of each Council shall be summoned in accordance with such directives as may be issued by the Minister.

10. (1) At every meeting of a Council there shall be recorded in the prescribed form minutes of the proceedings at the meeting.

(2) Copies of the minutes of a meeting of the National Council or a State Council shall, before the expiration of the period of fifteen days beginning with the date of the meeting, be furnished by the Council in question to the Minister and additionally in the case of a meeting of a State Council, to the Governor of the State in question and to the National Council.

Miscellaneous

11. The validity of any proceedings of a Council shall not be affected by any vacancy in the membership of the Council, or by any defect in the appointment of a member of the Council or by reason that a person not entitled to do so took part in the proceedings.

12. Any member of a Council who has a personal interest in any matter proposed to be considered by the Council shall disclose his interest to the Council and, in so far as the standing

orders of the Council so provides, shall not vote on any question relating to that matter.

13. In this Schedule, except so far as the context otherwise requires, "**Council**" means any Council established by this Act.

NIGERIAN LEGION ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation