

CHAPTER 376

PUBLIC ARCHIVES ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 376

PUBLIC ARCHIVES ACT

An Act to establish the National Archives of Nigeria, to provide for the preservation of the public archives of Nigeria, and for purposes connected therewith. 43 of 1957.

[14th November, 1957] Commencement.

1. This Act may be cited as the Public Archives Act. Short title.
2. In this Act, unless the context otherwise requires— Interpretation.
“archives” means all public records, documents and other historical matter of every kind, nature and description which are in the custody of any public office or which may after the commencement of this Act be transferred

to or acquired by the National Archives of Nigeria, other than—

- (a) the public records of the former Governments of the Northern Region, the Western Region and the Eastern Region established by the Nigeria (Constitution) Order in Council, 1951, relating to the period between the 23rd day of January, 1952, and the 30th day of September, 1954; and
- (b) the public records of the Governments of any State of the Federation relating to the period subsequent to the 30th day of September, 1954;

“Director” means the Director of Federal Archives appointed under the provisions of section 3;

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

“public office” has the meaning assigned to it in the Constitution of the Federal Republic of Nigeria.

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Establishment of National Archives of Nigeria.

3. (1) There shall be established an archives office with so many branches as may be deemed necessary or convenient, to be called the National Archives of Nigeria, wherein shall be stored for better preservation such of the archives, which have sufficient historical or other value to warrant their continued preservation by the Federal Government, as are transferred thereto or acquired by the Director under this Act.

(2) There shall be a Director of Federal Archives who shall be appointed in accordance with the provisions of the law for the time being in force relating to the appointment of officers to the civil service of the Federation and who, under the direction of the Minister, shall make provision for the custody, preservation, arrangement, repair and rehabilitation, and for such duplication and reproduction, description and exhibition of archives transferred to him as may be necessary or appropriate, including the preparation and publication of inventories, indexes, catalogues and other finding aids or guides facilitating their use.

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(3) The staff of the office shall consist of such other officers, clerks and employees as may be appointed in accordance with the provisions of the law for the time being in force relating to the appointment of officers to the public service of the Federation.

4. (1) The Director and any officer of the Department of Federal Archives authorised by him shall have power to examine any archives which are in the custody of any public office, and shall advise such office as to the care, custody and control thereof:

Examination of Government records and transfer to the National Archives of Nigeria.

Provided that this subsection shall not empower the Director, or an officer authorised by him, to examine any archives relating to matters which, by statute or otherwise, are forbidden to be communicated to him.

(2) The archives which are in the custody of any public office shall be transferred periodically to the National Archives in accordance with regulations made under the provisions of this Act.

5. The Director, with the approval of the Minister, may by contract, testamentary bequest or in other similar manner acquire all such original records, documents and other historical material or copies or replicas thereof as he may deem necessary or desirable to secure for the national Archives, and he may pay for them or for the transcribing, binding and repairing thereof out of such funds as are voted by the National Assembly for that purpose.

Acquisition of other records.

6. (1) The Director shall, with the approval of the Minister, and subject to any regulations made under this Act, make such provision and maintain such facilities as he deems necessary or desirable for the purposes set out in subsection (2) of this section in relation to records and other materials in the National Archives that are not exempt from examination by statutory provisions or other restrictions.

Archives to be open to public inspection.

(2) The purposes referred to in subsection (1) of this section shall be to make available for use, to the Government of the Federation or of a State or the public,

information in records and other materials in the National Archives by furnishing such records or other materials or copies thereof, authenticated by the Director's official seal or otherwise, or information from such records or materials.

(3) Nothing in this section contained shall affect the power of any competent court to order the production of any document in any proceedings instituted before such court.

Authentica-
tion of copies
and use in
evidence of
such copies.

7. The Director shall have an official seal which shall be judicially noticed. When any copy or reproduction of a document in the custody of the Director is certified to be a true copy by the Director or by any officer of the Department of Federal Archives authorised by him in that behalf and is authenticated by such official seal, such copy or reproduction shall be admitted in evidence as proof of the contents of the original document as if it were the original document.

Functions of
Director in
relation to
Regional
public
records.

8. The Director may exercise such functions in relation to any public records of the classes set out in paragraphs (a) and (b) of the definition of archives in section 2 of this Act as may, with the consent of the President, be conferred upon him by the Government to which such records belong.

Appointment
of National
Archives
Committee.

9. (1) For the purpose of the permanent preservation of important archives and to provide an orderly method for the disposition of such archives, there shall be established a permanent committee on National Archives, to be called the National Archives Committee, which shall consist of—

(a) the Chief Justice of Nigeria, who shall be Chairman;

(b) the Director; and

(c) such other persons, not exceeding twenty-one in number, as may be appointed by the Minister, of whom—

(i) one shall have been nominated for appointment by the Governor of each State,

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(ii) one shall have been nominated for appointment by the Senate of each of the Universities of Lagos, Ibadan, Obafemi Awolowo, Ahmadu Bello and Nigeria (Nsukka),

(iii) one shall represent commercial interests,

(iv) one shall represent missionary bodies, and

(v) two shall be persons versed in Arabic studies who shall have been recommended for appointment by the Director.

(2) The persons appointed under paragraph (c) of subsection (1) of this section shall hold office for such period as may be determined at the time of their respective appointments.

10. (1) It shall be the duty of the National Archives Committee—

(a) to advise the Minister on all matters of Archives;

(b) to examine the requests of public offices for the destruction or other disposition of Archives;

(c) to make recommendations for the approval of the Minister on all applications for licences for the export of original records, documents or literary manuscripts;

(d) to supervise the publication of any records or lists or calendars of archives authorised by the Minister to be published.

(2) The National Archives Committee may discharge its functions through sub-committees.

Functions of
National
Archives
Committee.

11. (1) The exportation from Nigeria of documents which are archives or which relate to Nigeria and which have been certified by the Director to be of historical value is prohibited except in accordance with the terms of a licence to export issued by the Minister.

Restriction
on exportation
of
historical
documents.

(2) A licence issued under the provisions of subsection (1) of this section shall specify each document to which the licence relates and may contain such conditions as the Minister may think fit.

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(3) Any person who contravenes the provision of subsection (1) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two hundred naira.

Power of
Minister
to make
regulations.

12. The Minister may make regulations providing for—
- (a) the admission of the public to offices of the Director and the inspection by the public of the archives;
 - (b) the transfer of any archives from the custody of any public office having control thereof to the National Archives;
 - (c) the examination, disposal or destruction of any archives which are not of sufficient value to justify their preservation in the archives office or elsewhere;
 - (d) the fees to be paid in respect of services provided by the Director; and
 - (e) generally the better carrying out of the objects and purposes of this Act.

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CHAPTER 376

SUBSIDIARY LEGISLATION

No Subsidiary Legislation

CHAPTER 377

PUBLIC COMPLAINTS COMMISSION ACT

Act to establish the Public Complaints Commission with the power to receive and investigate complaints by members of the public concerning the administrative action of any public authority and companies or their officers, and their powers and duties thereon.

Enacted by the National Assembly, 1973

(1) There shall be established a Commission to be known as the Public Complaints Commission (hereinafter referred to as "the Commission") which shall have the following powers and duties, to-wit: (a) to receive and investigate complaints by members of the public concerning the administrative action of any public authority and companies or their officers, and their powers and duties thereon.