

CHAPTER 381

PUBLIC OFFICERS (SPECIAL PROVISIONS) ACT

ARRANGEMENT OF SECTIONS

SECTION

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CHAPTER 381

PUBLIC OFFICERS (SPECIAL PROVISIONS) ACT

An Act to provide for the dismissal, removal or compulsory retirement of certain public officers for diverse reasons; and to prevent any civil proceedings being instituted against such action. 1984 No. 17.

[31st December, 1983] Commencement.

- 1. (1) Notwithstanding anything to the contrary in any law, the appropriate authority if satisfied that—
 - (a) it is necessary to do so in order to facilitate improvements in the organisation of the department or service to which a public officer belongs; or
 - (b) by reason of age or ill health or due to any other cause a public officer has been inefficient in the performance of his duties; or
 - (c) the public officer has been engaged in corrupt practices or has in any way corruptly enriched himself or any other person; or

Dismissal, removal or compulsory retirement of certain public officers.

(d) the general conduct of a public officer in relation to the performance of his duties has been such that his further or continued employment in the relevant service would not be in the public interest, the appropriate authority may at any time after 31st December 1983—

- (i) dismiss or remove the public officer summarily from his office, or
- (ii) retire or require the public officer to compulsorily retire from the relevant public service.

(2) For the avoidance of doubt, it is hereby declared that any act or thing done at any time between 31st December 1983 and the making of this Act by the appropriate authority in respect of—

- (a) the dismissal, removal from office or compulsory retirement of any public officer; or
 - (b) the conduct of any inquiry into any aspect of the exercise by a public officer of his duties;
- shall be deemed to have been done pursuant to this Act.

Grant or forfeiture of retirement benefits.

2. (1) Where any public officer is dismissed, removed or retired compulsorily from his office pursuant to section 1 of this Act, the appropriate authority shall direct—

- (a) whether appropriate retirement benefits are to be paid; or
- (b) whether those benefits shall be forfeited.

(2) In this section, the reference to appropriate retirement benefits is a reference to any benefits payable under any enactment or law of the Federation or of a State.

Exclusion of certain enactments. Cap. 62.

3. (1) For the purposes of this Act, the operation of the provisions of sections 159 and 190 of the Constitution of the Federal Republic of Nigeria, which protect the pension rights of persons in the public service of the Federation or of a State respectively, are hereby excluded.

(2) The provisions of any enactment, law or instrument (including the Constitution of the Federal Republic of Nigeria) relating to the matters to which this Act applies

or relating to the appointment, benefits, dismissal and disciplinary control of a public officer shall have effect subject to this Act.

(3) No civil proceedings shall lie or be instituted in any court for or on account of or in respect of any act, matter or thing done or purported to be done by any person under this Act and if any such proceedings have been or are instituted before, on or after the making of this Act, the proceedings shall abate, be discharged and made void.

(4) Chapter IV of the Constitution of the Federal Republic of Nigeria is hereby suspended for the purposes of this Act and the question whether any provision thereof has been, is being or would be contravened by anything done or purported or proposed to be done in pursuance of this Act shall not be inquired into in any court of law. Cap. 62.

4. (1) In this Act, "public officer" means any person who holds or has held any office on or after 31st December 1983 in— Interpretation.

- (a) the public service of the Federation or of a State within the meaning assigned thereto by section 277(1) of the Constitution of the Federal Republic of Nigeria; Cap. 62.
- (b) the service of a body whether corporate or unincorporate established under a Federal or State law;
- (c) a company in which any of the Governments in the Federation has a controlling interest.

(2) In the operation of this Act, the appropriate authority—

- (a) in respect of any office which was held for the purposes of any State, shall be the Military Governor of that State or any person authorised by him; and
- (b) in any other case, shall be the President or any person authorised by him or the Armed Forces Ruling Council.

(3) In this Act, any reference to the Constitution of the Federal Republic of Nigeria is a reference to that Consti-

Cap. 64.

tution as affected by the Constitution (Suspension and Modification) Act.

Short title.

5. This Act may be cited as the Public Officers (Special Provisions) Act.
