

MINISTERS' STATUTORY POWERS AND DUTIES (MISCELLANEOUS PROVISIONS) ACT

ARRANGEMENT OF SECTIONS

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MINISTERS' STATUTORY POWERS AND DUTIES (MISCELLANEOUS PROVISIONS) ACT

An Act to provide for the transfer of statutory powers and duties to Ministers, and to make miscellaneous provisions for the manner of exercise and signification of such functions.

[1958 No.2.]

[17 th April, 1958]

[Commencement.]

1. Short title

This Act may be cited as the Ministers' Statutory Power and Duties (Miscellaneous Provisions) Act.

2. Power to make orders for the transfer of statutory functions to Ministers

(1) Subject to the provisions of this section, the President may, in any law enacted by the National Assembly or having effect as if it had been so enacted, by order make such modifications, whether by means of addition, substitution or deletion, as he may think fit for the purpose of-

[L.N.1120fI964.]

(a) transferring to a Minister any of the powers and duties which are by such law directly or indirectly conferred or imposed on the President, or any public officer or which are conferred upon any other Minister; and

(b) making provisions consequential or incidental to any such transfer.

(2) An order made under this section may include directions (either general or in relation to any particular matter) for the carrying on and completion by the Minister to

whom a power or duty is transferred, of anything commenced by the authority from whom it is transferred.

(3) Nothing in this Act shall be deemed to empower an order to be made, the effect of which would be to transfer to a Minister any power or duty-

(a) which relates to any matter for which, under the Constitution of the Federal Republic of Nigeria, 1999, a Minister may not be charged with responsibility; or

[Cap. C23.]

(b) which is conferred by law upon a judge, magistrate, justice of the peace or other officer exercising functions which relate to the administration of justice, or upon the Auditor-General for the Federation.

(4) A law which has been modified in accordance with an order made under this section shall be deemed for all purposes to have been amended in accordance with such modification, and the provisions of section 22 of the Interpretation Act (which relates to the reprinting of Acts and laws which have been amended) shall apply to any modification so effected as they do to additions, omissions, substitutions and amendments effected by an amending Act or law.

[Cap. 123.]

3. Power of delegation

(1) Where by any law enacted by the National Assembly or taking effect as if it had been so enacted, a Minister is empowered to exercise any powers or perform any duties, he may by a delegation notified in the Federal *Gazette* depute any of the following officers by name or office to exercise those powers or perform those duties, subject to such conditions, exceptions and qualifications as the Minister may prescribe-

(a) the Permanent Secretary having supervision over a department of government with which the Minister has been charged with responsibility, or any officer who comes directly under the authority of such Permanent Secretary;

(b) any officer of any such department of government;

(c) any officer of the police with the consent of the Nigerian Police Council or of the Police Service Commission of the Federation, as the case may require;

(d) any other public officer with the consent of the Minister charged with responsibility for the functions exercised by such officer; or

(e) any officer in the public service of a State with the consent of the Governor of the State.

(2) No power to sign warrants, or to make regulations, rules, bye-laws or orders shall be deputed under this section.

(3) Any delegation made under the provisions of this section shall be revocable at will and no delegation shall prevent the exercise of any power by the Minister concerned.

4. Signification of acts of Minister

When any power is given to a Minister to make any declaration or appointment or to give any licence, authorisation, exemption, notice, direction, approval, permission or

consent, it shall be sufficient, unless it be otherwise expressed, for the same to be signified under the hand of the Permanent Secretary having supervision over a department of government with which that Minister has been charged with responsibility; the signification of the exercise of the power shall be sufficient evidence that all necessary consents have been obtained, unless the contrary is proved.

[L.N. 112 of 1964.]

5. Saving of existing delegations

In respect of any power or duty vested in the President prior to the making of any order under section 2 of this Act, any delegation of such power shall remain in full force and effect until revoked or repealed by the Minister to whom the power or duty is transferred, but the continuance of such a delegation shall not prevent the exercise by such Minister of any such power or duty made and in operation immediately before the 20th day of January 1964 (being the date of the

commencement of the Interpretation Act) and notwithstanding the repeal of the authority under which the delegation was made.

[L.N. 112 of 1964.]

MINISTERS' STATUTORY POWERS AND DUTIES

(MISCELLANEOUS PROVISIONS) ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Delegation of Powers.
2. Prohibited Firearms (Delegation of Power to License) Notice.
3. Trade Disputes (Delegation of Certain Statutory Functions) Order.

DELEGATION OF POWERS

[L.N.120 f1960.]

under section 3 (1)

[18th August, 1960]

[Commencement.]

It is notified that in pursuance of section 3 (1) (a) of the Act, the Minister for Agriculture has deputed the Permanent Secretary to the Ministry or, in his absence, his deputy, to exercise the powers and perform the duties under the Acts in the Schedule hereto,

subject to the condition that such powers shall be exercised and such duties performed in accordance with any general or special directions given by the Minister.

This delegation is additional to and not a revocation or replacement of the delegations mentioned in section 5 of the Act.

SCHEDULE

Animal Diseases (Control) Act (Cap. A 17)	section 20
Agriculture (Control of Importation) Act (Cap. A 13)	section 3 and 7 (2)
Veterinary Surgeons Act (Cap. V3)	Section 13

**PROHIBITED FIREARMS (DELEGATION OF POWER
TO LICENSE) NOTICE**

under section 3

[16th November, 1961]

[Commencement.]

Notice is hereby given that under the powers conferred upon him by section 3 of the Act, the President, as the Federal Minister charged with matters relating to the Nigerian Police Force, has delegated the powers conferred by section 3 of the Firearms Act and specified in the first column of the Schedule hereto to the officers designated in the second column thereof subject, however, to the condition that the powers shall be exercised only with the approval of the President given in writing and either generally or specially.

[L.N. 150 of 1961. Cap. F28.]

SCHEDULE

First Column

Second Column

**POWERS DELEGATED
DELEGATED**

TO WHOM

To grant or refuse licenses for
Commissioner of Police, Sapele.

The Assistant

Prohibited firearms

The police officers in charge of of

Ibadan

and

Oyo- Ilesha Province.

**TRADE DISPUTES (DELEGATION OF CERTAIN
STATUTORY FUNCTIONS) ORDER**

[L.N. 68 of 1968.]

under section 3

[20th August, 1984]

[Commencement.]

1. Delegation of certain statutory functions

(1) The functions conferred on the Minister for Employment, Labour and Productivity under the provisions of the Trade Disputes Act, mentioned in Column 1 of the Schedule hereto, are hereby delegated to the Permanent Secretary, Federal Ministry of Employment, Labour and Productivity and the officer in charge of the State office of the Federal Ministry of Employment, Labour and Productivity (such officer not being below the rank of a Chief Labour Officer hereinafter called the State Labour Officer).

[Cap. T8.]

(2) The Permanent Secretary or the State Labour Officer shall exercise the functions herein delegated in respect of disputes between any of the following authorities and workers employed by it-

- (a) the Governor of a State;
- (b) a local authority in a State;
- (c) any corporation, council, board or committee established by or under any law (including a Law of a State);
- (d) the proprietor of any school who receives grant in respect of the school out of the public revenue of the State;
- (e) any establishment or company situated in the State.

(3) The Permanent Secretary of the Federal Ministry of Employment, Labour and Productivity shall in any other case, in addition of the foregoing, exercise the functions herein delegated.

(4) In exercising the functions delegated under this section the Permanent Secretary or the State Labour Officer shall have regard to any directions on matters of policy, which may from time to time be given by the Minister.

(5) Nothing in this order shall prevent the Minister from exercising any of the functions hereby delegated.

2. Short title

This order may be cited as the Trade Disputes (Delegation of Certain Statutory Functions) Order.

SCHEDULE
[Paragraph 1 (1).]

Statutory functions delegated

Section

Functions deLegated

4 To receive report of declaration of a trade dispute.

5 Where a trade dispute is declared in the circumstances prescribed under section 4 of the Act, to issue a notice in writing specifying the steps which must be taken, to satisfy the requirements of sections 3 and 4 of the Act.

6 For the purpose of section *S* of the Act, to appoint a fit person to act as conciliator.