



Decree No. 13

[27th September 1994]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as

in the Constitution (Suspension and Modification) Decree of 1993 is amended by substituting for section 8, the following new section, that is

8.-(1) There shall be for the Federal Republic of Nigeria, a Provisional Ruling Council, a National Council of State and a Federal Executive Council.

(2) The Provisional Ruling Council shall consist of

- (a) the Head of State, Commander-in-Chief of the Armed Forces, who shall be the Chairman of the Provisional Ruling Council;
- (b) the Chief of General Staff;
- (c) the Chief of Defence Staff;
- (c) the Chief of Army Staff;
- (e) the Chief of Naval Staff;
- (f) the Chief of Air Staff;
- (g) the Inspector-General of Police;
- (h) the General Officer Commanding 1 Mechanised Division;
- (i) the General Officer Commanding 2 Mechanised Division;

Amendment of 1993 No. 107.

(j) the General Officer Commanding 3
Armoured Division;

(k) the General Officer Commanding 82
Division;

(l) the Commandant, Lagos Garrison
Command;

(m) the Flag Officer Commanding, Western
Naval Command;

(n) the Flag Officer Commanding, Eastern
Naval Command;

(o) the Air Officer Commanding, Tactical
Air Command;

(p) the Air Officer Commanding, Training
Command;

(q) the Commandant, Nigerian Defence
Academy;

(r) the Commandant, Command and Staff
College;

(s) the Commandant, National War College;

(t) two representatives of the Defence
Headquarters;

(u) two representatives of the Nigerian Army;

(v) one representative of the Nigerian Navy;

(w) one representative of the Nigerian Air
Force;

(x) such other members as the Head of
State, Commander-in-Chief of the Armed
Forces may, from time to time, appoint.

(3) The members specified in paragraphs (i), (u), (v)
and (w) of subsection (2) of this section shall be
appointed by the Head of State, Commander-in-Chief
of the Armed Forces.

(4) The National Council of State shall consist of:

- (a) the Head of State, Commander-in-Chief of the Armed Forces, who shall be the Chairman of the National Council of State;
- (b) the Chief of General Staff, General Staff Headquarters;
- (c) the Minister of Defence;

(d) the Chief of Army Staff;

(e) the Chief of Naval Staff;

(f) the Chief of Air Staff;

(g) the Administrators of the States;

(h) the Minister of the Federal Capital Territory; and

(i) such other members as the Provisional Ruling Council may, from time to time, appoint.

(5) The Federal Executive Council shall consist of:

(a) the Head of State, Commander-in-Chief of the Armed Forces, who shall be the Chairman of the Federal Executive Council; and

(b) such number of men and women of unquestionable and proven integrity as the Provisional Ruling Council may, from time to time, appoint.

(6) Each of the Councils established by this section shall:

(a) be presided over by the Head of State, Commander-in-Chief of the Armed Forces, and

(b) subject to paragraph (a) of this subsection, may regulate its own procedure, and

subject to its rules of procedure, may be
notwithstanding any vacancy in
membership or the absence of any member

2. This Decree may be cited as the Constitution (Suspension and Modification)
Amendment) (No. 2) Decree 1994.

MADE at Abuja this 27th day of September 1994.

GENERAL SANI ABACHA,
Head of State, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria.

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EXPLANATORY NOTE

(This note does not form part of this Decree but
is intended to explain its purpose)

The Decree amends the Constitution (Suspension and Modification)
Decree 1993 to provide, among other things, for the reconstruction of the
membership of the Provisional Ruling Council.



Decree No. 14

[1st October, 1994]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as

1. The State Security (Detention of Persons) Decree 1984, as amended, hereby further amended by inserting immediately after section 2 thereof, the following new section 2A, that is—

Amendment of
1984 No. 2
1994 No. 11.

2A. Notwithstanding anything to the contrary contained in the Constitution of the Federal Republic of Nigeria 1979, as amended, or any other enactment or law, no Writ of Habeas Corpus, Order of Prerogative or other order of any court shall be issued for the production of any person detained under this Decree.

Prohibition
of court to
issue orders,
etc.
Cap. 621FN.

2. This Decree may be cited as the State Security (Detention of Persons) (Amendment) (No. 2) Decree 1994.

Citation.

MADE at Abuja this 1st day of October 1994.

GENERAL SANI ABACHA,
Head of State, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purport)

The Decree amends the State Security (Detention of Persons) Decree 1984, as amended, to prohibit any court from issuing any Writ of Habeas Corpus, Order of Prerogative or any other Order for the production of any person detained under the Decree.

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Decree No. 15

[1st November 1994] Commencement:

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:

1. The State Security (Detention of Persons) (Amendment) Decree 1994 is amended by

(a) inserting immediately after the commencement date the following -

"THE FEDERAL MILITARY GOVERNMENT hereby

decrees as follows: - and

(b) inserting the Citation section as "2".

2. This Decree may be cited as the State Security (Detention of

Citation.

MADE at Abuja this 1st day of November 1994.

LAW LIBRARY

GENERAL SANI ABACHA,
Head of State, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purpose)

The Decree amends the State Security (Detention of Persons) (Amendment) Decree 1994 to provide an Enacting clause for the Decree.

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[18th November 1993]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as

1. The Federal Military Government (Supremacy and Enforcement of Decree 1994 is hereby amended by -

Amendment of 1994 No. 12.

(a) inserting immediately after the recital the following -

NOW THEREFORE THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:-; and

(b) amending the citation section as "3".

2. This Decree may be cited as the Federal Military Government (Supremacy and Enforcement of Powers) (Amendment) (No. 2) Decree 1994.

Citation.

MADOB N. ABUJA this 9th day of November 1994.

GENERAL SANI ABACHA,
Head of State, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria.

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purpose)

The Decree amends the Federal Military Government (Supremacy and Enforcement of Powers) Decree 1994 to provide an enabling clause for the Decree.

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Decree No. 17

[15th February 1994]

Commencement

THE FEDERAL MILITARY GOVERNMENT hereby decrees as

(1) There is hereby established a body to be known as the National Intelligence Committee (in this Decree referred to as "the National Intelligence Committee, etc.")

(2) The Committee -

(a) shall be a body corporate with perpetual succession; and

(b) may sue and be sued in its corporate name.

(3) The Committee shall consist of -

(a) a Chairman;

(b) twelve other members one of whom shall be a woman; and

(c) the Secretary to the Committee.

(4) The Chairman and members of the Committee shall be appointed from the State, Commander-in-Chief of the Armed Forces.

(5) The Chairman and members of the Committee shall hold office for such period as may be specified in their letters of appointment.

(6) A member may at any time be removed from office by the Head of the Armed Forces for inability to discharge the duties of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour but shall not be removed from office except in accordance with the provisions of this subsection.

Tenure of office.

Membership of the Committee.

Establishment of the National Intelligence Committee, etc.

Functions of the Committee.

- (3) A member may resign his membership by notice in writing addressed to the Head of State, Commander-in-Chief of the Armed Forces and that member shall, on the date of the receipt of the notice by the Head of State, Commander-in-Chief of the Armed Forces, cease to be a member.
- (4) There shall be paid to every member of the Committee such *honoraria* and allowances as the Federal Government may, from time to time, direct.

4-(1) Notwithstanding the provisions of subsection (2) of section 1 of this Decree, the Committee shall -

- (a) analyse the annual budget and extract all economic measures requiring enforcement;
- (b) work out details on the method of enforcing implementation of the annual budget;

- (c) analyse the monetary guidelines issued by the Central Bank of Nigeria (in this Decree referred to as "the Bank") and monitor the implementation of all the measures enumerated therein;
- (d) monitor and identify factors inhibiting the realisation of set revenue targets such as tax evasion by individuals or association of individuals and bodies corporate in the private and public sector of the economy;
- (e) enforce the implementation of existing tax legislations;

- (f) assess the report on any project being carried out by the Federal Government and confirm that funds released for Federal Government projects are judiciously utilised;
- (g) monitor and report to the Federal Government, on quarterly basis, the inflationary rate, the consumer price index and such other growth indices on output, liquidity and cost of funds, transportation costs, fuel prices and other related tariffs;
- (h) recommend any increase or decrease of price on manufactured goods;

- (i) monitor the supply and demand of forex, the gap and factors affecting the markets sales and indicated rates, use of forex and operation of the market;
- (j) consider any issue appropriate and relevant to the subject of revenue collection;

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(K) Give a situation report of all its activities on quarterly basis to the Federal Government;

(I) ensure that any defaulter of any of the issues mentioned above or any other matter related thereto is brought before the Special Tribunal established under the Special Tribunal (Miscellaneous Offences) Decree 1984; and

(M) consider such other matters as may be referred to it from time to time by the Head of State, Commander-in-Chief of the Armed Forces.

5. The Committee shall have power to -

(a) invite any person, group of persons or body corporate to appear before it;

(b) call for memoranda from any person association of individuals or bodies corporate, whether public or private;

(c) ask for copies of reports, audited accounts or such other information as may be required for the purposes of the Committee and in whatever manner it deems fit from any person or association of individuals and body corporate whether public or private;

(d) monitor any matter to the extent that it affects the functions of the Committee;

(e) enforce foreign exchange regulations and cause offenders to be proceeded; and

(f) enter and inspect premises, project sites and such other places as may be necessary for the purposes of carrying out its functions under this Decree.

6. (1) The Head of State, Commander-in-Chief of the Armed Forces and the Provisional Ruling Council may give to the Committee such directives as may be just and proper for the effective discharge of the functions of the Committee under this Decree.

(2) It shall be the duty of the Committee to comply with any directives issued pursuant to subsection (1) of this section.

(3) Any decision reached by the Head of State, Commander-in-Chief of the Armed Forces or the Provisional Ruling Council in accordance with this section shall be final and binding and notwithstanding the provisions of the Constitution of the Federal Republic of Nigeria 1979, as amended, no suit or action in any court of law or tribunal shall be filed against any person for

Powers of the Committee.

Directives by the Provisional Ruling Council.

any act done or intended to be done in pursuance of any decision of the Head of State, Commander-in-Chief of the Armed Forces or the Provisional Ruling Council.

7.-(1) The Committee shall meet for the conduct of its business at such times, places and on such days as the Committee may appoint.

(2) The Chairman shall preside at all meetings of the Committee but if he is absent from any meeting of the Committee the members present shall elect one of their number to preside at that meeting.

(3) During the Chairman's absence or if the Chairman is otherwise not available or is unable to perform his functions, the Head of State, Commander-in-Chief of the Armed Forces may appoint any member of the Committee to act as Chairman for any specified period.

(4) The quorum for meetings of the Committee shall be seven.

(5) Questions put before the Committee at a meeting shall be decided by consensus and, where this is not possible, by a majority of the votes of the members present and voting.

(6) The Chairman shall in the case of an equality of votes have a casting vote in addition to his deliberative vote.

(7) Subject to this section, the Committee shall have power to regulate its proceedings and may make standing orders with respect to the holding of meetings, the notice to be given, the procedure thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

(8) The validity of any proceedings of the Committee shall not be affected by any vacancy in its membership or any defect in the appointment of a member or by reason that a person not entitled to do so took part in the proceedings.

8-(1) The Committee may appoint one or more sub-committees to carry out on behalf of the Committee any of the Committee's functions under this Decree.

(2) The sub-committee appointed by the Committee under this section shall consist of such number of persons as may be determined by the Committee.

9-(1) There shall be for the Committee a Secretary who shall -
(a) be a member of the Committee; and

Proceedings, etc. of the Committee.

Sub-committees of the Committee.

Secretary to the Committee.

(b) be appointed by the Head of State, Commander-in-Chief of the Armed Forces.

(2) Subject to the general direction of the Committee, the Secretary shall

(a) be responsible for keeping proper records of the proceedings of the Committee; and

(b) be the head of the Committee's secretariat and be responsible for the administration thereof and the direction and control of all other employees of the Committee with the approval of the Committee.

10. The Committee shall have power to appoint either directly or on recommendation from any public service in the Federation, such number of employees as may, in the opinion of the Committee, be required to assist the Committee in the discharge of any of its functions under this Decree and shall have power to pay persons so employed such remuneration (including allowances) as the Committee may, determine.

11.-(1) It shall be an offence for any person, association of individuals or body corporate (whether public or private) to -

(a) engage in foreign exchange transactions other than through the official foreign exchange market; or

(b) engage in foreign exchange transactions at a rate higher than that approved by the Bank; or

(c) publish or cause to be published exchange and interest rates other than the rates determined by the Bank from time to time; or

(d) charge or pay interest rates higher than those approved from time to time by the Bank; or

(e) refuse or neglect to give any information which the Committee may require in exercise of its functions; or

(f) make any statement in respect of information required by the Committee which he knows to be false in any particular material or which he has no reason to believe to be true.

(2) Any person who commits an offence under subsection (1) of this section is guilty of an offence and liable on conviction

(a) in the case of an individual, to a fine of N100,000 or imprisonment for a term of two years or to both such fine and imprisonment; and

Other staff of the Committee.

Officers and officials.

(b) in the case of an association of individuals or a body corporate a fine of ₦500,000 and the suspension or revocation of its certificate of registration or certificate of incorporation.

12. (1) The Tribunal established under the Special Tribunal (Miscellaneous Offences) Decree 1984, as amended shall have jurisdiction over offenders under this Decree.

(2) The Tribunal shall have power, notwithstanding anything to the contrary in any other enactment, to impose the penalties provided for in this Decree.

13. Where the provisions of this Decree are inconsistent with the provisions of any other law or enactment, the provisions of this Decree to the extent of that inconsistency prevail and apply.

14. In this Decree, unless the context otherwise requires -
"Bank" means the Central Bank of Nigeria;
"Chairman" means the Chairman of the Committee;

"Committee" means the National Economic Intelligence Committee established by section 1 of this Decree;
"Constitution" means the Constitution of the Federal Republic of Nigeria 1979, as amended;

"functions" includes powers and duties;
"member" means a member of the Committee and includes Chairman;

"Secretary" means the Secretary of the Committee appointed pursuant to section 9 of this Decree;

"Tribunal" means the Tribunal established under the Special Tribunal (Miscellaneous Offences) Decree 1984.

15. This Decree may be cited as the National Economic Intelligence Committee (Establishment, Etc.) Decree 1994.

MADE at Abuja this 9th day of November 1994.

GENERAL SAMI ABACIA,
Head of State, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria.

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended
to explain its purpose)

The Decree provides for the establishment of the National Economic
Intelligence Committee to, among other things, analyse the annual budget and
work out the details on the method of implementation of the annual budget.