



MINISTERS' STATUTORY POWERS AND DUTIES (MISCELLANEOUS PROVISIONS) ACT

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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.

[17th 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-
 - (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) Whereby 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.

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