

NATIONAL POPULATION COMMISSION ACT

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[1st April, 1988]
[Commencement.]

PART I

Establishment and composition of the National Population Commission

1. Establishment of the Commission

There is hereby established for the Federal Republic of Nigeria, a commission to be known as the National Population Commission (hereafter in this Act referred to as "the Commission") which, under that name, shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name, and whose members shall exercise the functions specified in this Act.

2. Composition of the Commission

The Commission shall comprise the following members-

- (a) a chairman; and
- (b) one person from each State of the Federation and the Federal Capital Territory, Abuja, who shall be appointed by the President, after consultation with the Council of State and such appointment shall be subject to confirmation by the Senate.

3. Qualification for membership

(1) No person shall be qualified for appointment as a member of the Commission, if within the preceding ten years, he has been removed from service as the holder of any office on the ground of misconduct.

(2) Any person employed in the public service of the Federation shall not be disqualified for appointment as chairman or member of the Commission:

Provided that where that person has been duly appointed he shall, on his appointment, be deemed to have resigned or where appropriate, withdrawn or retired from his former office as from the date of the appointment.

4. Tenure of office of members

Subject to the provisions of section 5 of this Act, a member of the Commission shall hold office for a period of five years, from the date of his appointment as a member.

5. Removal of member and cessation of membership

(1) A member of the Commission may only be removed from that office by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct or for dereliction of duty.

(2) The chairman and other members of the Commission, shall cease to hold office if the President declares a national census report to be unreliable and the report is rejected in accordance with the provisions of section 27 of this Act.

PART II

Functions and powers of the Commission

6. Functions and powers of the Commission

(1) The Commission shall-

- (a) undertake the enumeration of the population of Nigeria periodically, through censuses, sample surveys or otherwise;
- (b) establish and maintain a machinery for continuous and universal registration of births and deaths, throughout the Federation;
- (c) prepare and maintain a national framework, including locality list and house-numbering, for the delineation exercise for census and sample surveys in each local government area in Nigeria;

[1991 No. 31.]

- (d) collect, collate and publish data on migration statistics;
- (e) research and monitor the national population policy and set up a national population information data bank;
- (f) arrange for the appointment and training of enumerators and all other categories of staff of the Commission;
- (g) provide information and data on population for purposes of facilitating national planning and economic development;
- (h) advise the President on population matters;
- (i) disseminate information and educate the general public about the functions of the Commission under this Act;
- (j) do all such things as may be considered by the Commission to be necessary, desirable, expedient, supplementary or incidental to the performance of the functions or the exercise of the powers conferred on the Commission under this Act.

(2) For the purposes of this Act "local government area" includes Area Councils of the Federal Capital Territory, Abuja.

[1991 No. 31.]

7. Autonomy and independence of the Commission in performing its statutory functions

The Commission shall be an independent and autonomous body and shall not be subject to the direction or control of any other authority or person, in the performance of its functions under this Act and, in particular-

- (a) in appointing, training or arranging for the training of enumerators or other staff of the Commission to assist it in the conduct of any population census;
- (b) in deciding whether or not to accept or revise the return of any officer of the Commission concerning the population census in any area or any part of Nigeria;
- (c) in carrying out the operation of conducting the census; and
- (d) in compiling its report of a national census for publication.

8. Proceedings of the Commission

The provisions of the First Schedule to this Act, shall apply with respect to the proceedings of the Commission and the other matters provided therein.

[First Schedule.]

PART III

Organisation and staff

9. Appointment, etc., of Director-General of the Commission

(1) There shall be appointed by the President for the Commission, a Director-General, who shall carry out the duties specified in subsection (2) of this section and perform such other duties, as may be directed by the Commission, from time to time.

[1991 No. 31.]

(2) The Director-General shall-

- (a) be the accounting officer and the professional and administrative head of the Commission;
- (b) co-ordinate the professional and administrative functions of the Commission;
- (c) assist the chairman in ensuring that all the rules and regulations relating to the management of the human material and financial resources of the Commission, are adhered to in accordance with the objectives of the Federal Government; [1999 No. 16.]
- (d) be responsible for the implementation of the decisions of the Commission;
- (e) contribute to policy recommendations meant for the attention of the chairman of the Commission;
- (j) ensure compliance with the performance and efficiency targets set for every

- department in the Commission;
- (g) evaluate the annual performance of Directors;
- (h) perform any other functions as the chairman or the Commission may, from time to time, assign to him.

[1991 No. 31.]

10. Appointment of principal officers of the Commission

(1) The Commission shall appoint the following other principal officers, that is-

- (a) the secretary to the Commission; and
- (b) the directors.

[1991 No. 31.]

(2) The secretary to the Commission shall be a public officer of the rank of Director and shall perform the following duties-

- (a) preparing minutes of meetings of the Commission;
- (b) keeping and securing records of the Commission as may be directed by the chairman;
- (c) heading the Commission's secretariat;
- (d) performing such other functions as may be determined, from time to time, by the chairman or the Commission.

[1991 No. 31.]

(3) The Commission may appoint such number of directors, as the President may approve, to be heads of departments in the Commission.

[1991 No. 31.]

11. Power of the Commission to appoint, etc., staff

The Commission shall have the power to appoint, promote and discipline staff, in accordance with the provisions of the Civil Service (Re-organisation) Act and other rules and circulars appertaining to the appointment, promotion and discipline of officers and employees in the civil service of the Federation.

[1991 No. 31.]

12. Establishment of State offices of the Commission

(1) There shall be established for each State of the Federation and for the Federal Capital Territory, Abuja, an office of the Commission, to be headed by a deputy Director. [1991 No. 31.]

(2) There shall also be established in each local government area of every State, a local office of the Commission to be headed by a Comptroller.

13. Special provisions as regards personnel

(1) The Federal Government or a State Government may, on an application made to it by the Commission in that behalf, second to the Commission officers in the public service of the Federation or, as the case may be, of a State to assist the Commission in the discharge of its functions under this Act.

(2) The Commission may, if it deems it necessary to do so, and with the approval of the President, appoint persons not in the public service of the Federation to perform such duties as the Commission may, from time to time, direct.

14. Pensions

(1) Service in the Commission shall be approved service for the purposes of the Pensions Act and, accordingly, officers and other persons employed in the Commission shall be entitled to pensions, gratuities and other retirement benefits, as are prescribed thereunder.

(2) Nothing in this section shall prevent the appointment of a person on a temporary basis or to any office in the Commission on terms and conditions which preclude the grant of a pension or gratuity in respect of service in that office.

(3) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the

Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Commission and not by any other person or authority.

PART IV

Financial provisions and reports

15. Establishment of a fund by the Commission

(1) The Commission shall establish and maintain a fund, consisting of such moneys, as may in each year be appropriated by the Federal Government, for the purpose of the Commission.

(2) The Commission shall defray from the fund established pursuant to subsection (1) of this section, all moneys payable under or in pursuance of this Act, being sums representing-

- (a) amounts payable to the chairman and other members of the Commission (including allowances);
- (b) costs of employment of staff of the Commission;
- (c) amounts payable as pensions, gratuities and other retirement benefits under or pursuant to this Act or any other enactment;
- (d) costs of acquisition and upkeep of premises, belonging to the Commission and any other capital expenditure of the Commission; and
- (e) any other payment for anything incidental to the foregoing provisions or in connection with or incidental to any other function of the Commission under or pursuant to this Act.

[1999 No.

16.]

16. Accounts and audit

(1) The Director-General of the Commission shall, before 30 September in each year, cause to be prepared an estimate of recurrent and capital expenditure and, when approved by the Commission, the estimates shall be forwarded for approval by the Federal Government.

[1999 No. 16.]

(2) The director in charge of the Finance and Supply Department of the Commission shall keep proper accounts and proper records in relation thereto, under the direction and control of the Director-General.

[1999 No. 16.]

(3) The accounts of the Commission shall be audited annually by an auditor appointed by the Commission from the list and in accordance with guidelines supplied by the Auditor-General for the Federation.

17. Annual reports

(1) In addition to any other report prescribed under this Act, the Commission shall prepare and submit to the President not later than 31 December in each year, a report on the activities of the Commission during the immediately preceding year, and shall include in that report, a copy of the audited accounts of the Commission for that year and the auditor's report thereon.

(2) The Commission may, with the approval of the President, from time to time, publish general reports of its activities, for sale to members of the public.

PART V

Offences and penalties

18. Prohibition of debate of census and other population figures without authority

It shall not be lawful for any State Government to debate, discuss or deal with, or require the State office or any staff of the Commission to release to the State Government, population figures (or matters relating thereto) of the State in question, without the authority in writing of the Commission and any person who without such approval-

- (a) communicates or releases any information concerning population figures of a State to the State Government or members thereof; or
- (b) tables for discussion at a meeting of the State Government the population figures of the State; or
- (c) treats, engages in or takes part in debating the population figures of the State, at a meeting of the State Government,

is guilty of an offence under this section and is liable on conviction to imprisonment for a term of not less than five years without the option of a fine.

19. Penalty for falsifying returns

Any person employed for any of the purposes of this Act who-

- (a) makes or signs or causes to be made or signed any return or document of whatever nature required for the purposes of this Act, which he knows to be false or untrue in any material particular; or
- (b) enters in any return or document any information or statement, which he knows to be false or untrue in any material particular; or
- (c) counterfeits any seal or stamp of the Commission or signature or initial or other mark of any other person authorised by the Commission to certify any return or document,

is guilty of an offence under this section and liable on conviction to a fine of ten thousand naira or to imprisonment for a term of three years or to both such fine and imprisonment.

20. Unlawful disclosure and failure to furnish information lawfully requested

(1) Any person, being a person employed for any of the purposes of this Act, who without lawful authority, publishes or communicates to any person, otherwise than in the ordinary course of his duties, any information acquired by him in the course of his duties, is guilty of an offence under this section and liable on conviction to a fine of ten thousand naira or to imprisonment for a term of three years or to both such fine and imprisonment.

(2) Any person, being in possession of any information which to his knowledge has been disclosed in contravention of this Act, or who publishes or communicates such information to any person, is guilty of an offence under this section and liable on conviction to a fine of ten thousand naira or imprisonment for a term of three years or to both such fine and imprisonment.

(3) Any person who, in the execution of any other purpose or duty under this Act, fails to comply with or contravenes any other term or condition of his oath, is guilty of an offence under this section and liable on conviction to a fine of ten thousand naira or to imprisonment for a term of three years or to both such fine and imprisonment.

21. Penalties for failure to furnish information

(1) Any person who is required to furnish information, estimates, returns or particulars under this Act and who fails to do so, is guilty of an offence under this section and liable on conviction to a fine of five hundred naira or imprisonment for six months, or to both such fine and imprisonment, but it shall be a defence for any person charged with failure to furnish information, estimates, returns or particulars under this Act, to prove that he did not know and had no reasonable means of knowing that he was required to furnish that information or those estimates, returns or particulars or that he had other reasonable excuse for such failure.

(2) Any person who, after conviction in respect of an offence under subsection (1) of this section, continues to fail to comply with the provisions of the subsection, is guilty of a further offence and liable on conviction to be punished for the offence.

(3) Any person who, in purported compliance with a requirement to furnish information, estimates, returns or particulars under this Act, knowingly or recklessly makes any statement in such information, estimates, returns or particulars which is false in any material particular, is guilty of an offence under this subsection and liable on conviction to a fine of one thousand naira or to imprisonment for a term of twelve months or to both such fine and imprisonment.

22. Penalties in respect of information or unlawful obstruction during census

(1) Any person who during the compilation of any national census or during any enumeration exercise carried on by the Commission under this Act-

- (a) knowingly presents himself to any person employed for the purpose of this Act for counting more than once or misleads any such person employed as aforesaid into counting him more than once; or
- (b) aids, abets, counsels or procures any person to do any act referred to in paragraph (a) of this subsection,

is guilty of an offence under this subsection and liable on conviction to a fine of ten thousand naira or imprisonment for a term of three years or to both such fine and imprisonment.

(2) Any person who during the compilation of any national census or during any enumeration exercise carried on by the Commission under this Act-

- (a) knowingly refuses to present himself for counting before a person employed for that purpose under this Act or refuses to get his thumb dubbed with indelible ink after such counting; or
- (b) obliterates or removes or attempts to obliterate or remove any indelible ink dubbed on his thumb during the enumeration period,

is guilty of an offence under this subsection and liable on conviction to a fine of five hundred naira or to imprisonment for a term of six months or to both such fine and imprisonment.

(3) Any person who at any time before or during the compilation of any national census or during any enumeration exercise carried on by the Commission under this Act-

- (a) causes or procures any other person to leave the place at which such other person ordinarily resides for another place, with intent that such other person may be counted at the place to which he thereby moves; or
- (b) organises or takes part in organising or otherwise brings about the movement of any group or persons from such place or places at which such persons ordinarily reside for another place, with intent that such persons may be counted at the place to which they thereby move,

is guilty of an offence under this subsection and liable on conviction to a fine of one thousand naira or to imprisonment for a term of twelve months or to both such fine and imprisonment.

23. Penalty for destruction of document

Any person who wilfully and without lawful authority destroys, defaces or mutilates any form, notice or other document containing information obtained in pursuance of the provisions of this Act or destroys, obliterates, alters or damages any sticker containing the number of the house pasted on the premises for the purposes of the census or other surveys, is guilty of an offence under this section and liable on conviction to a fine of ten thousand naira or to imprisonment for a term of three years or to both such fine and imprisonment.

24. Offences by body corporate or **firm**

(1) Where an offence under the provisions of this Act is committed by-

- (a) a body corporate, every director and officer of that body corporate is liable on conviction to a fine of five hundred naira each or to imprisonment for a term not exceeding six months or to both such fine and imprisonment;
- (b) a firm, every partner is deemed jointly and severally liable on conviction, to a fine of two thousand naira each or to imprisonment for a term not exceeding

eighteen months or to both such fine and imprisonment.

(2) A person shall not be guilty of an offence under this section if he can prove that the offence was committed without his knowledge, consent or connivance, and that having regard to all circumstances, he exercised all due care and diligence to prevent the commission of the offence.

25. Jurisdiction

Any offence under this Act shall be triable by the Federal High Court.

PART VI

Power of the Commission to enter premises

26. Power of the Commission to enter premises

(1) Any person authorised by the Commission in writing, upon production if required of his authorisation, may, for any purpose connected with the taking of a census or any enumeration of persons, enter within the hours specified by the Commission or any other reasonable time, any premises where persons are employed, or, subject to the provisions of subsection (2) of this section, any dwelling-house, and may there make such inquiries as may be deemed necessary, for the performance of his duties under this Act.

(2) Every person occupying any land, house, enclosure, vessel or other place, shall allow any person duly authorised by the Commission to have access in accordance with this section.

(3) Any person who hinders or obstructs any person duly authorised by the Commission in the execution of the power conferred by this section or who does not comply with this section, is guilty of an offence under this section and liable on conviction to a fine of five hundred naira or to imprisonment for a term of six months or to both such fine and imprisonment.

PART VII

Report of census by the Commission

27. Report of census by the Commission

(1) Any report of the Commission containing the population census after every census, shall be delivered to the President, by the chairman of the Commission.

(2) The President shall, within a period of thirty days after receipt of the report, lay copies of the report before the Council of State, which shall consider the report and advise the President, whether to accept or reject the report.

(3) Where the Council of State advises the President to accept the report, the President shall accept the same and shall lay the report on the table of each House of the National Assembly.

(4) When the President accepts such report and has laid on the table of each House of the National Assembly, he shall publish in the Federal *Gazette* of the Government of the Federation for public information.

(5) When the Council of State advises the President to reject the report upon the ground that-

- (a) the population census contained in the report is inaccurate; or
- (b) the report is perverse,

the President shall reject the report accordingly and no reliance shall be placed upon any such report by any authority or person or for any purpose whatsoever.

PART VIII

Establishment of Census Tribunals

28. Establishment **and** membership of Census **Tribunals**

(1) There shall be established in designated centres, Census Tribunals to hear complaints and objections to census results, as they relate to specific local government areas or localities.

[1991 No. 31.]

(2) The Census Tribunals established by subsection (1) of this section shall consist of a chairman and two other members, who shall be persons of unquestionable integrity,

who have not been involved in party politics.

(3) The chairman shall be a person who has held office or is qualified to hold the office of a Judge of a High Court.

(4) One of the members shall be a legal practitioner, who has been so qualified for a period of not less than five years and the other shall be a non-member of the legal profession.

(5) The chairman and other members shall be appointed by the Chief Justice of Nigeria.

(6) Where any complaint or objection is upheld by the Census Tribunal, the President may order a statistical verification or a recount of the particular area concerned, in order to correct the anomaly.

[1991 No. 31.]

(7) The rules of procedure to be adopted by the Census Tribunal in hearing complaints and objections to census results, shall be as set out in the Third Schedule to this Act.

[1992 No. 26. Third
Schedule.]

- (a) makes or signs or causes to be made or signed any return or document of whatever nature required for the purposes of this Act, which he knows to be false or untrue in any material particular; or
- (b) enters in any return or document any information or statement, which he knows to be false or untrue in any material particular; or
- (c) counterfeits any seal or stamp of the Commission or signature or initial or other mark of any other person authorised by the Commission to certify any return or document,

is guilty of an offence under this section and liable on conviction to a fine of ten thousand naira or to imprisonment for a term of three years or to both such fine and imprisonment.

20. Unlawful disclosure and failure to furnish information lawfully requested

(1) Any person, being a person employed for any of the purposes of this Act, who without lawful authority, publishes or communicates to any person, otherwise than in the ordinary course of his duties, any information acquired by him in the course of his duties, is guilty of an offence under this section and liable on conviction to a fine of ten thousand naira or to imprisonment for a term of three years or to both such fine and imprisonment.

(2) Any person, being in possession of any information which to his knowledge has been disclosed in contravention of this Act, or who publishes or communicates such information to any person, is guilty of an offence under this section and liable on conviction to a fine of ten thousand naira or imprisonment for a term of three years or to both such fine and imprisonment.

(3) Any person who, in the execution of any other purpose or duty under this Act, fails to comply with or contravenes any other term or condition of his oath, is guilty of an offence under this section and liable on conviction to a fine of ten thousand naira or to imprisonment for a term of three years or to both such fine and imprisonment.

21. Penalties for failure to furnish information

(1) Any person who is required to furnish information, estimates, returns or particulars under this Act and who fails to do so, is guilty of an offence under this section and liable on conviction to a fine of five hundred naira or imprisonment for six months, or to both such fine and imprisonment, but it shall be a defence for any person charged with failure to furnish information, estimates, returns or particulars under this Act, to prove that he did not know and had no reasonable means of knowing that he was required to furnish that information or those estimates, returns or particulars or that he had other reasonable excuse for such failure.

(2) Any person who, after conviction in respect of an offence under subsection (1) of this section, continues to fail to comply with the provisions of the subsection, is guilty of a further offence and liable on conviction to be punished for the offence.

(3) Any person who, in purported compliance with a requirement to furnish information, estimates, returns or particulars under this Act, knowingly or recklessly makes any statement in such information, estimates, returns or particulars which is false in any material particular, is guilty of an offence under this subsection and liable on conviction to a fine of one thousand naira or to imprisonment for a term of twelve months or to both such fine and imprisonment.

22. Penalties in respect of information or unlawful obstruction during census

(I) Any person who during the compilation of any national census or during any enumeration exercise carried on by the Commission under this Act-

- (a) knowingly presents himself to any person employed for the purpose of this Act for counting more than once or misleads any such person employed as aforesaid into counting him more than once; or
- (b) aids, abets, counsels or procures any person to do any act referred to in paragraph (a) of this subsection, is guilty of an offence under this subsection and liable on conviction to a fine of ten thousand naira or imprisonment for a term of three years or to both such fine and imprisonment.

(2) Any person who during the compilation of any national census or during any enumeration exercise carried on by the Commission under this Act-

- (a) knowingly refuses to present himself for counting before a person employed for that purpose under this Act or refuses to get his thumb dubbed with

- indelible ink after such counting; or
- (b) obliterates or removes or attempts to obliterate or remove any indelible ink dubbed on his thumb during the enumeration period,

is guilty of an offence under this subsection and liable on conviction to a fine of five hundred naira or to imprisonment for a term of six months or to both such fine and imprisonment.

(3) Any person who at any time before or during the compilation of any national census or during any enumeration exercise carried on by the Commission under this Act-

- (a) causes or procures any other person to leave the place at which such other person ordinarily resides for another place, with intent that such other person may be counted at the place to which he thereby moves; or
- (b) organises or takes part in organising or otherwise brings about the movement of any group or persons from such place or places at which such persons ordinarily reside for another place, with intent that such persons may be counted at the place to which they thereby move,

is guilty of an offence under this subsection and liable on conviction to a fine of one thousand naira or to imprisonment for a term of twelve months or to both such fine and imprisonment.

23. Penalty for destruction of document

Any person who wilfully and without lawful authority destroys, defaces or mutilates any form, notice or other document containing information obtained in pursuance of the provisions of this Act or destroys, obliterates, alters or damages any sticker containing the number of the house pasted on the premises for the purposes of the census or other surveys, is guilty of an offence under this section and liable on conviction to a fine of ten thousand naira or to imprisonment for a term of three years or to both such fine and imprisonment.

24. Offences by body corporate or firm

(1) Where an offence under the provisions of this Act is committed by-

- (a) a body corporate, every director and officer of that body corporate is liable on conviction to a fine of five hundred naira each or to imprisonment for a term not exceeding six months or to both such fine and imprisonment;
- (b) a firm, every partner is deemed jointly and severally liable on conviction, to a fine of two thousand naira each or to imprisonment for a term not exceeding eighteen months or to both such fine and imprisonment.

(2) A person shall not be guilty of an offence under this section if he can prove that the offence was committed without his knowledge, consent or connivance, and that having regard to all circumstances, he exercised all due care and diligence to prevent the commission of the offence.

25. Jurisdiction

Any offence under this Act shall be triable by the Federal High Court.

PART VI

Power of the Commission to enter premises

26. Power of the Commission to enter premises

(1) Any person authorised by the Commission in writing, upon production if required of his authorisation, may, for any purpose connected with the taking of a census or any enumeration of persons, enter within the hours specified by the Commission or any other reasonable time, any premises where persons are employed, or, subject to the provisions of subsection (2) of this section, any dwelling-house, and may there make such inquiries as may be deemed necessary, for the performance of his duties under this Act.

(2) Every person occupying any land, house, enclosure, vessel or other place, shall allow any person duly authorised by the Commission to have access in accordance with this section.

(3) Any person who hinders or obstructs any person duly authorised by the Commission in the execution of the power conferred by this section or who does not comply with

this section, is guilty of an offence under this section and liable on conviction to a fine of five hundred naira or to imprisonment for a term of six months or to both such fine and imprisonment.

PART VII

Report of census by the Commission

27. Report of census by the Commission

(1) Any report of the Commission containing the population census after every census, shall be delivered to the President, by the chairman of the Commission.

(2) The President shall, within a period of thirty days after receipt of the report, lay copies of the report before the Council of State, which shall consider the report and advise the President, whether to accept or reject the report.

(3) Where the Council of State advises the President to accept the report, the President shall accept the same and shall lay the report on the table of each House of the National Assembly.

(4) When the President accepts such report and has laid on the table of each House of the National Assembly, he shall publish in the Federal *Gazette* of the Government of the Federation for public information.

(5) When the Council of State advises the President to reject the report upon the ground that-

- (a) the population census contained in the report is inaccurate; or
- (b) the report is perverse,

the President shall reject the report accordingly and no reliance shall be placed upon any such report by any authority or person or for any purpose whatsoever.

PART VIII

Establishment of Census Tribunals

28. Establishment and membership of Census Tribunals

(I) There shall be established in designated centres, Census Tribunals to hear complaints and objections to census results, as they relate to specific local government areas or localities.

[1991 No. 31.]

(2) The Census Tribunals established by subsection (I) of this section shall consist of a chairman and two other members, who shall be persons of unquestionable integrity, who have not been involved in party politics.

(3) The chairman shall be a person who has held office or is qualified to hold the office of a Judge of a High Court.

(4) One of the members shall be a legal practitioner, who has been so qualified for a period of not less than five years and the other shall be a non-member of the legal profession.

(5) The chairman and other members shall be appointed by the Chief Justice of Nigeria.

(6) Where any complaint or objection is upheld by the Census Tribunal, the President may order a statistical verification or a recount of the particular area concerned, in order to correct the anomaly.

[1991 No. 31.]

(7) The rules of procedure to be adopted by the Census Tribunal in hearing complaints and objections to census results, shall be as set out in the Third Schedule to this Act.

[1992 No. 26. Third

PART IX

Transfer of assets, liabilities and staff of the National Population Bureau

29. Transfer of assets, liabilities and staff of the Bureau

(1) The organisation known officially as the National Population Bureau (in this Act referred to as "the Bureau") is hereby dissolved.

(2) By virtue of this Act and without further assurance, there shall be vested in the Commission all assets, funds, resources and other movable and immovable property which immediately before the commencement of this Act were vested in or were in the possession or under the control of the Bureau.

(3) The rights, interests, obligations and liabilities of the Bureau existing before the commencement of this Act under any contract or instrument, or in law or in equity apart from any contract or instrument, shall by virtue of this Act be assigned to and vested in the Commission established by this Act.

(4) Any such contract or instrument as is mentioned in subsection (2) of this section shall be of the same force and effect against or in favour of the Commission established by this Act and shall be enforceable as fully and effectively as if instead of the Bureau the Commission established by this Act has been named therein or had been a party thereto.

(5) The Commission shall be subject to all the obligations and liabilities to which the Bureau was subject immediately before the commencement of this Act and all other persons shall have the same rights, powers and remedies against the Commission as they had against the Bureau immediately before the commencement of this Act.

(6) Any proceedings or cause of action pending or existing immediately before the commencement of this Act by or against the Bureau in respect of any right, interest, obligation or liability of the Bureau may be continued or, as the case may be, commenced and any determination of a court of law, tribunal or other authority or person may be enforced by or against the Commission to the same extent that such proceedings, cause of action or determination might have been continued, commenced or enforced by or against the Bureau as if this Act had not been made.

(7) Notwithstanding the dissolution of the Bureau by subsection (1) of this section, if the Commission thinks it is expedient that any vacancy in the Commission should be filled by a person holding office immediately before the commencement of this Act in the Bureau, it may employ such person by way of transfer to the Commission and the previous service in the Bureau by such person shall count as service for the purposes of any pension subsequently payable by the Commission.

PART X

Miscellaneous and supplemental

30. Oath of secrecy

(1) A person appointed a member of the Commission, shall not enter upon the duties of his office, unless he has taken and subscribed to the Oath of Allegiance, prescribed in the Seventh Schedule to the Constitution of the Federal Republic of Nigeria 1999 and the Oath of Secrecy set out in the Second Schedule to this Act.

[Second Schedule. Cap. C23.]

(2) Every member of staff of the Commission employed in the execution of any power or duty under this Act shall, before entering upon his duties, make and subscribe an oath before a magistrate, in the form set out in the Second Schedule to this Act.

31. Power to make regulations

The Commission, with the approval of the President, may make regulations generally for the purposes of carrying out or giving full effect to the provisions of this Act and prescribe the fees to be paid for any service rendered by the Commission or for any document issued by the Commission, in relation to the performance of its functions under this Act.

32. Interpretation

In this Act, unless the context otherwise requires-

"Bureau" means the organisation officially known as the National Population Bureau, established administratively by the Federal Government;

"chairman" means the chairman of the Commission, appointed under section 2 of this Act;

"Commission" means the Commission established under section I of this Act;

"functions" includes powers and duties;

"member" used in relation to the Commission, includes the chairman;

"public service of the Federation" and "public service of a State" have the meanings assigned to them respectively, in subsection (1) of section 318 of the Constitution of the Federal Republic of Nigeria 1999;

"secretary" means the secretary of the Commission, appointed under section 10 of this Act.

33. Short title

This Act may be cited as the National Population Commission Act.

SCHEDULES

FIRST SCHEDULE

[Section 8.]

Proceedings of the Commission

1. The Commission may make standing orders regulating the proceedings of the Commission or of any committee thereof.
2. The quorum of the Commission shall be five and the quorum of any committee of the Commission shall be determined by the Commission.
3. At any time while the office of the chairman is vacant or the chairman is in the opinion of the Commission, temporarily or permanently unable to perform the functions of his office, the President shall appoint a member of the Commission to perform those functions and references in this Schedule to the chairman, shall be construed accordingly.
4. (1) Subject to the provisions of any applicable standing orders, the Commission shall meet whenever summoned by the chairman; and if the chairman is required so to do by notice given to him by not less than three other members, he shall summon a meeting of the Commission to be held within 21 days from the date on which the notice is given.
(2) At any meeting of the Commission, the chairman or, in his absence, any member duly appointed by the Commission, shall preside at that meeting.
(3) Where the Commission wishes to obtain the advice of any person on a particular matter, the Commission may co-opt him as a member for such period as it thinks fit, but a person who is a member by virtue of this sub-paragraph, shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.
5. (1) The Commission may appoint one or more committees to carry out, on behalf of the Commission, such of its functions as the Commission may determine.
(2) A committee appointed under this paragraph, shall consist of the number of persons determined by the Commission and not more than one-third of those persons may be persons who are not members of the Commission; and a person other than a member of the Commission, shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.
(3) A decision of a committee of the Commission, shall be of no effect, until it is confirmed by the Commission.
6. The fixing of the seal of the Commission shall be authenticated by the signature of the chairman or of some other member authorised generally or specially by the Commission, to act for that purpose by the Commission.

SECOND
SCHEDULE
[Section 30 (1).]

I, *Oath of secrecy*
do swear that I will faithfully and honestly
fulfil my duties as in conformity with the requirements of the National Popu-
lation Commission Act and that save as provided in that Act, I will not disclose or make
known any matter or thing which comes to my knowledge by reason of my employment by
the Commission.

THIRD SCHEDULE
[Section 28.]

Procedure for the Census Tribunal
[1992 No. 26.]

1. Interpretation

In this Schedule, unless the context otherwise requires--

"census result" includes provisional census result;

"Civil Procedure Rules" means the High Court (Civil Procedure) Rules or rules of court
amending or replacing those Rules;

"Commission" means the National Population Commission;

"complaint" includes objection;

"complainant" includes any person objecting to a census result;

"Registry" means the Registry of the Census Tribunal;

"secretary" means the secretary in charge of the Registry, or if he is absent, the senior
clerk present at the Registry;

"Tribunal" means the Census Tribunal;

"Tribunal notice board" means a notice board at the Registry and, where notice of
hearing is being or has been given, a notice board at the place of the hearing.

2. Time for presentation

A complaint to a census result shall be presented within six months after the date on
which the census result is released.

3. Security for costs

(1) At the time of presenting the complaint, the complainant shall give security for all
costs which may become payable by him to any witness summoned on his behalf or to any
respondent.

(2) The security shall be of such amount not exceeding NS,000, as the Tribunal may
order and shall be given by depositing the amount in the Tribunal.

(3) Where two or more persons join in the complaint, a deposit of the said amount shall
be sufficient.

(4) If no security is given as required by this section, there shall be no further
proceedings on a complaint.

4. Presentation of complaints

(1) The presentation of a complaint shall be made by the complainant (or complainants,
if more than one) leaving it in person, or by the hand of the solicitor (if any) named at the foot
of the complaint, with the secretary, and the secretary shall (if so required), give a receipt
which may be in Form A in the Appendix to this Schedule.

(2) There shall also be left with the secretary, a copy of the complaint for each respon-
dent and seven other copies thereof.

(3) The secretary shall compare each copy of the complaint left in accordance with sub-
paragraph (2) of this paragraph, with the original complaint and shall, upon being satisfied by

such comparison that it is a true copy thereof, certify it to be so.

(4) The complainant or his solicitor shall, at the time of presenting the complaint, pay the fees for its service and publication, and for certifying the copies, and in default of such a payment, the complaint shall not be received, unless the Tribunal otherwise orders.

S. Contents of complaint

(1) A complaint shall-

- (a) specify the right of the complainant to present the complaint (for example, that he is a citizen of Nigeria and resides in Nigeria and where the complaint is in respect of the census result of a particular State or local government area, that he resides in or is an indigene of the State or local government area);
- (b) state the holding and result of the census; and
- (c) briefly state the facts and grounds relied upon to sustain the complaint.

(2) The complaint shall be divided into paragraphs each of which, as nearly as may be, shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consequently and no costs shall be allowed for drawing up or copying any complaint not substantially in compliance with this provision, unless the Tribunal otherwise orders.

(3) The complaint shall conclude with a request as for instance, that the census results of the Federation or any part thereof may be declared void, and shall be signed by the complainant (or all the complainants, if more than one) or by the solicitor (if any), named at the foot of the complaint.

(4) There shall be stated at the foot of the complaint, an address for service within 5 kilometres of a post office in the judicial division, and the name of its occupier, at which address, documents intended for the complainant may be left.

(5) If an address for service and its occupier are not stated, the complaint shall not be filed, unless the Tribunal otherwise orders.

(6) There shall be added at the foot of the complaint, a note signed by the complainant, giving the name of his solicitor, if any, or stating that he acts for himself, as the case may be.

(7) The form set out in Form B in the Appendix to this Schedule or one to the like effect, shall be sufficient for the purpose of the complaint.

6. Further particulars

Evidence need not be stated in the complaint, but the Tribunal may order such particulars as may be necessary, to prevent surprise and unnecessary expense and to ensure a fair and effectual hearing in the same way as in a civil action in the High Court, and upon such terms as to costs and otherwise, as may be ordered.

7. Address for service

For the purpose of service of the complaint on the respondent, the complainant shall furnish the secretary with the address of the respondent's abode or the address of a place where personal service can be effected on the respondent.

8. Action by secretary

(1) Upon the presentation of a complaint and payment of the requisite fees, the secretary shall forthwith-

- (a) cause notice in Form C in the Appendix to this Schedule, of the presentation of the complaint and a certified copy of the complaint, to be served on the respondent;
- (b) post up on the Tribunal notice board, a certified copy of the complaint;
- (c) send a certificate copy of the complaint by registered post or messenger to the person or authority to whom it is required by law that the determination of the complaint shall be certified.

(2) In the notice of presentation of the complaint, the secretary shall state a time, not being less than five days or more than fifteen days, after the date of service of the notice, within which the respondent is to enter an appearance.

(3) In fixing such time, the secretary shall have regard to the necessity for securing a speedy hearing of the complaint, and to the distance from the secretary of the address fur-

nished under paragraph 5 of this Schedule.

9. Service

(1) Subject to sub-paragraphs (2) and (3) of this paragraph, service on the respondent of the documents mentioned in sub-paragraph (1) (a) of paragraph 8 of this Schedule and of any

other documents required to be served on him before entering an appearance, shall be personal.

(2) Where the complainant has furnished under paragraph 7 of this Schedule the address of a place where personal service can be effected on the respondent, and the respondent cannot be found at that place, the Tribunal on being satisfied upon an application supported by an affidavit showing what has been done, that all reasonable efforts have been made to effect personal service, may order that service of any document mentioned in sub-paragraph (1) of this paragraph, be effected in any of the ways mentioned in the relevant provisions of the Civil

Procedure Rules or Civil Procedure Code for effecting substituted service in a civil case and such service shall be deemed to be equivalent to personal service.

(3) The proceedings under the complaint shall not be vitiated by the fact that the respondent may not have been served personally or that any document of which substituted service has been effected pursuant to an order made under sub-paragraph (2) of this paragraph did not reach the respondent's hands; and in such circumstances as aforesaid, the proceedings may be heard and continued as if the respondent had been served personally with such document and shall be valid and effective for all purposes.

10. Entry of appearance

(1) Where the respondent intends to oppose the complaint he shall--

- (a) within such time after being served or deemed to be served with the complaint as stated in the complaint; or
- (b) where an order has been made under sub-paragraph (2) of paragraph 9 of this Schedule, within such other time (if any) as may be stated in that order,

enter an appearance by filing in the Registry a memorandum of appearance in Form D in the Appendix to this Schedule, stating that he intends to oppose the complaint and giving the name and address of his solicitor, if any, or stating that he acts for himself, as the case may be, and in either case, giving an address for service within five kilometres of a post office in the judicial division and the name of its occupier, at which documents intended for the respondent may be left.

(2) If an address for service and its occupier are not stated, the memorandum shall not be filed, unless the Tribunal otherwise orders.

(3) The memorandum of appearance shall be signed by the respondent, but may be filed by his solicitor, if any.

(4) At the time of filing the memorandum of appearance, the respondent or his solicitor shall leave a duplicate thereof for each other party to the complaint and three other duplicates thereof and pay the fees for service; and in default of such duplicate being left and such fees being paid at that time, the memorandum shall not be filed, unless the Tribunal otherwise orders.

11. Default of appearance

If the respondent does not enter an appearance as aforesaid, any document intended for the respondent may be posted on the Tribunal notice board and such posting shall be sufficient notice thereof.

12. Notice of appearance

The secretary shall cause a duplicate of the memorandum of appearance to be served upon, or notice thereof to be given to the other parties to the complaint.

13. Filing of reply

(1) The respondent shall, within six days of entering an appearance, file in the Registry his reply, specifying therein which of the facts and grounds alleged in the complaint he admits or denies and setting out any facts and grounds on which he relies in opposition.

(2) The reply may be signed and filed by the respondent's solicitor, if any.

(3) At the time of filing the reply, the respondent or his solicitor shall leave a duplicate thereof for each party to the complaint and three other duplicates thereof and pay the fees for service; and in default of such duplicates being left and fees being paid at that time, the reply shall not be filed, unless the Tribunal otherwise orders.

14. Service of reply

The secretary shall cause a duplicate of the reply to be served on each other party to the complaint.

15. Amendment of complaint

(1) In relation to service of reply on other party, the amendment of a complaint, the provisions of the relevant provisions of the Civil Procedure Rules or the Civil Procedure Code, relating to amendment of pleading, shall apply as if for the words "any proceeding" in those provisions there were substituted, the words "the complaint or the reply if any", provided that, after the expiry of the time limited by paragraph 2 of this Schedule for presenting the complaint, no amendment shall be made introducing any fresh request in the complaint, or effecting any alteration of substance in the request, or (saving anything which may be done under the provisions of sub-paragraph (2) of this paragraph), effecting any substantial alteration in or

addition to the statement of facts and grounds relied upon to sustain the request.

(2) The Tribunal, in the hearing and determination of the complaint, shall not be obliged to confine its inquiry or findings to the issues raised by the complaint and the reply, if any, and may with or without ordering or allowing--

- (a) the amendment of any statement of the facts and grounds relied upon in support of the complaint or the amendment or any admission or denial therein contained; or
- (b) the facts or grounds set out in the reply (but subject always and having due regard to the time limited by paragraph 2 of this Schedule, for presenting a complaint),

inquire into any other issue otherwise raised or apparent or any matter otherwise appearing, as the Tribunal may deem necessary, for the purpose of the full and proper determination of the complaint.

16. Further particulars or direction

(1) If any party [0 the complaint wishes to have further particulars or other directions of the Tribunal, he may, at any time after the entry of appearance, but no later than ten days after the filing of the reply, apply to the Tribunal, specifying in his notice of motion, the direction for which he prays and the motion shall, unless the Tribunal otherwise orders, be set down for hearing, on the first available day.

(2) The party so applying shall give notice of his motion to the other parties, and where he relies on any facts which are not apparent on the face of the documents already filed, he shall support his motion by affidavit.

(3) If a party does not so apply, he shall be taken to require no further particulars or other directions and such party shall be debarred from so applying after the lapse of the period laid down in sub-paragraph (1) of this paragraph, except with the leave of the Tribunal, which may be given in a proper case on such terms as to cost and otherwise, as may be deemed fit.

17. Open court

Every complaint shall be heard in an open court.

18. Time and place of hearing

(1) Subject to the provisions of sub-paragraph (2) of this paragraph, the time and place of the hearing of a complaint shall be fixed by the Tribunal and notice of the time and place of

the hearing (which may be in Form E in the Appendix to this Schedule), shall be given by the secretary at least fourteen days before the day fixed for the hearing--

- (a) by posting or causing to be posted, such notice on the Tribunal notice board;
- (b) by sending a copy of such notice by registered post or messenger to the complainant's address for service;
- (c) by sending likewise a similar copy to the respondent's address for service, if any.

(2) The Tribunal shall sit in such place or places as the chairman may, from time to time, determine.

19. Notice of hearing

The Commission shall publish the notice of hearing by causing the copy to be affixed to the premises of the Commission, but failure to do so or any miscarriage relating to such copy shall not affect the proceedings in any manner whatsoever.

20. Publication, good notice

The posting of the notice of hearing on the Tribunal notice board, shall be deemed and taken to be good notice and such notice shall not be vitiated by any miscarriage of or relating

to the copy or copies of the notice sent pursuant to paragraph 18 of this Schedule.

21. Postponement of hearing

(1) The Tribunal may, from time to time, by order made on the motion of a party supported by affidavit, after notice to the other parties or by notice in such form as the Tribunal may direct, postpone the beginning of the hearing to such day as the Tribunal may name.

(2) A copy of any such order or notice shall be sent by the secretary by registered post or messenger to the Commission, who shall publish the same in the manner provided in paragraph 19 of this Schedule, for publishing the notice of hearing; but failure on the part of the Commission to publish the copy shall not affect the proceedings in any manner whatsoever.

(3) The secretary shall post or cause to be posted on the Tribunal notice board, a copy of any such order or notice.

(4) In any case of a notice of postponement directed by the Tribunal of its own motion, a copy thereof shall be sent by the secretary by registered post or messenger to the address for service given by the complainant and to the address for service, if any, given by the respondent.

(5) The provisions of paragraph 20 of this Schedule shall apply to any such order or notice of postponement, as they do to the notice of hearing.

22. Continuance day to day

No formal adjournment of the Tribunal for the hearing of a complaint shall be necessary, but the hearing is to be deemed adjourned and may be continued from day to day, until the inquiry is concluded; and in the event of the chairman of the Tribunal who begins the hearing being disabled by illness or otherwise, it may be recommenced and concluded by another chairman to be appointed by the Chief Justice of Nigeria.

23. Adjournment

After the hearing has begun, if the inquiry cannot be continued on the ensuing day or, if such day is a Sunday or a public holiday, on the day following the same, the hearing shall not be adjourned *sine die* but to a definite day to be announced before the rising of the Tribunal, and notice of the day, to which the hearing is adjourned, shall forthwith be posted by the secretary on the Tribunal notice board.

24. Powers of Tribunal over proceedings

(I) All interlocutory questions and matters shall be heard and disposed of before the Tribunal which shall have control over the proceedings as a judge in the ordinary proceedings of the High Court.

(2) After the hearing has been concluded, if the Tribunal before whom it was made has prepared its judgment, but the chairman of the Tribunal is unable to deliver it through illness or otherwise, the judgment may be delivered by a member of the Tribunal, as the judgment of the Tribunal; and the member shall certify the determination of the complaint to the Commission.

25. Effect of determination

(I) At the conclusion of the hearing, the Tribunal shall determine whether the census result complained of was valid or void and shall certify such determination to the Commission.

(2) Upon such certification being given, the census result shall be confirmed or declared void and where it is so declared, it shall be referred to the President for action under section 28 (6) of this Act.

(3) Where a recount is ordered under the provisions of this paragraph, the Commission shall appoint a date for such recount.

(4) The determination of the Tribunal is subject to appeal under paragraph 44 of this Schedule.

26. Withdrawal or abatement of complaint

(I) A complaint shall not be withdrawn without the leave of the Tribunal.

(2) Where there are more complainants than one in reaction to the same census result, no application for leave to withdraw a complaint shall be made except with the consent of all the complainants.

(3) The application for leave to withdraw a complaint shall be made by motion after notice to the respondent and the Attorney-General of the Federation.

(4) The notice of motion shall state the grounds on which the application is intended to be supported and shall be signed by the complainants or his or their solicitor, in the presence of the Secretary; and such notice may be in Form F in the Appendix to this Schedule or any other form to the like effect.

(5) At the time of filing such notice, the complainant shall leave a duplicate for each respondent and two duplicates for the Attorney-General.

(6) The complainant or complainants shall also file the affidavit required under paragraph 27 of this Schedule and leave duplicates thereof for each respondent and two duplicates for the Attorney-General, and they shall at the same time pay the requisite fees for the service and for making a copy of the proceedings for the use of the Attorney-General.

27. Affidavit in support

(1) Before leave for withdrawal of a complainant is granted, there shall be produced affidavits by all parties to the complaint and their solicitors, but the Tribunal may on cause shown, dispense with the affidavits of any particular person if it seems to the Tribunal on special grounds to be just to do so.

(2) Each affidavit shall state that, to the best of the respondent's knowledge and belief, no agreement of terms of any kind whatsoever has or have been made, and no undertaking has been entered into, in relation to the withdrawal of the complaint, but if any lawful agreement has been made with respect to the withdrawal of the complaint, the affidavit shall set forth that agreement and shall make the foregoing statement subject to what appears from the affidavit.

(3) The affidavit of the applicant and his solicitor, if any, shall further state the ground on which the complaint is sought to be withdrawn.

(4) Where more than one solicitor is concerned for the complainant or respondent, whether as agent for another solicitor or otherwise, the affidavit shall be made by all such solicitors.

28. Motion for leave to withdraw

(1) The time for hearing the motion for leave to withdraw the complaint, shall be fixed by the Tribunal, due regard being had to the need for giving the Attorney-General an opportunity to be heard.

(2) The secretary shall give notice of the day fixed for the hearing of the motion to the Attorney-General and the respondents, and post or cause to be posted on the Tribunal notice board, a copy of the notice with a note stating the time fixed for the hearing.

(3) When the notice of motion is filed, the secretary shall, with the least possible delay, cause a copy of the proceedings to be prepared and sent by a messenger or registered post, certified copy thereof to the Attorney-General not less than fourteen days before the day appointed for the hearing.

29. Withdrawal may be opposed

(1) On the hearing of the application, the Tribunal may hear the Attorney-General or his representative in opposition to the withdrawal of the complaint and may receive the evidence on oath of any person or persons whose evidence that Attorney-General or his representative may consider material.

(2) If the complaint is withdrawn, the complainant shall be liable to pay the cost of the respondent.

30. Abatement on death of complainant

(1) If a sole complainant or the survivor of several complainants dies then, subject to the succeeding provisions of this paragraph, there shall be no further proceedings on the complaint.

(2) The death of a complainant shall not affect his liability to the payment of costs previously incurred.

(3) Where notice, with a duplicate for each other party supported by the affidavit of two witnesses testifying to the death of a sole complainant or of the survivor of several complainants, is given to the secretary, he shall submit the same to the Tribunal and if the Tribunal so directs, the secretary shall give notice thereof to the other parties and post or cause to be posted, notice thereof on the Tribunal notice board.

31. Countermand of notice of hearing

(1) After receiving notice of the complainant's intention to apply for leave to withdraw the complaint or of the death of the sole complainant, or the survivor of several complainants, or of the respondent's intention not to oppose the complaint, if such notice is received after notice of hearing has been given and before the hearing has begun, the secretary shall forthwith countermand the notice of hearing.

(2) The countermand shall be given in the same manner or, as near as may be, as the notice of hearing.

32. Discretion of Tribunal if no reply

Where the respondent has not entered an appearance, or has not filed his reply within the prescribed time or within such time as the Tribunal may have allowed, or has given notice that he does not intend to oppose the complaint, then if-

(a) the complaint contains no request for a determination that the census result was

void; or

- (b) there are no facts or grounds stated in the complaint or in the reply, if any, or stated in any further particulars filed in the proceedings or otherwise appearing upon proof of which it ought to be determined that the census result was void,

the Tribunal may, if it thinks fit, determine the proceedings upon the complaint without hearing evidence or further evidence, and in any other case, the proceedings shall be contained and

determined upon such evidence or otherwise as to the Tribunal may seem necessary for the full and proper determination of the complaint.

33. Fees

(1) The fee payable on the presentation of a complaint shall be N500.

(2) A hearing fee shall be payable for the hearing at the rate of N50 per day of the hearing, but not exceeding N250 in all; but the Tribunal may direct a lower fee to be charged for any day of the hearing.

(3) For the purposes of this paragraph, the complainant shall make a deposit of N250 at the time of presenting his complaint.

(4) Subject to the above provisions, the fees payable in connection with any complaint, shall be at the rates prescribed for civil proceedings in the Federal High Court.

(5) No fees shall be payable by the Attorney-General or by the Commission or an officer of the Commission, who is a respondent.

(6) No fees shall be payable for the summoning of witnesses summoned by the Tribunal on its own motion.

(7) Any charges payable for the service of subpoena on any such witnesses may be paid by the secretary in the same way as a State witness's expenses.

34. Allocation of costs

(I) All costs, charges and expenses of and incidental to the presentation of a complaint and to the proceedings consequent thereon, with the exception of such as are otherwise provided for, shall be defrayed by the parties to the complaint, in such manner and in such proportions as the Tribunal may determine, regard being had-

- (a) to the disallowance of any costs, charges or expenses which may in the opinion of the Tribunal have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part of either of the complainant or the respondent; and
- (b) to the discouragement of any needless expenses by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

(2) Where the Tribunal declares a census result to be void, the Tribunal may, if satisfied that the invalidity of the census result was due either wholly or in part to the culpable default of any officer responsible for the conduct of the census in the performance of his duties imposed by this Act, order that the whole or any part of the costs awarded to the successful complainant be paid by such officer.

35. Return of security

Money deposited as security shall, when no longer needed as security for costs, charges or expenses, be returned to the person in whose name it is deposited or to any person entitled to receive the same by order of the Tribunal, which may be made upon motion after notice and

proof that all just claims have been satisfied or otherwise sufficiently provided for as the Tribunal may require.

36. Payment of costs out of security

(1) The Tribunal may, on application made by a person to whom any costs, charges or expenses are payable, order the same to be paid out of any deposit made to secure the same, after notice to the party by or on whose behalf the deposit was made, requiring him to file a statement within a specified time whether he resists the application and the grounds of his opposition.

(2) In the event of any dispute arising on any such application, the Tribunal shall afford

every person affected thereby, an opportunity of being heard and make such order thereon, as may seem fit.

(3) A person shall be deemed to have been afforded such opportunity, if notice of the time appointed for the inquiry into the dispute was given to him, though such person may not have been present at the making of the inquiry.

(4) Any notice to be given to a person under this paragraph may be given by the secretary handing him the notice or sending it to him by registered letter-

(a) in the case of a party, at the address for service;

(b) in the case of the applicant for payment, at the address given in his application, but these provisions shall not preclude the giving of notice in any other manner in which notice may be given or which may be authorised by the Tribunal.

(5) Execution may be levied under any order for payment made by the Tribunal under this paragraph in the same manner and to the same extent as execution may be levied under a judgment for the payment of money.

37. Calling of witness

(1) On the hearing of a complaint, the Tribunal may summon any person as a witness, who appears to the Tribunal to have been concerned in the census.

(2) The Tribunal may examine any witness so summoned or any person in the Tribunal although such witness or person is not called and examined by any party to the complaint, and thereafter he may be cross-examined by or on behalf of the complainant and the respondent.

(3) The expenses of any witness called by the Tribunal of its own motion shall, unless the Tribunal otherwise orders, be deemed to be costs of the complaint and such expenses may,

if the Tribunal so directs, be paid in the first instance by the secretary, in the same way as a State witness's expenses and be recovered in such manner as the Tribunal may direct.

(4) Where the Tribunal under this paragraph summons any person as a witness, the provisions of the relevant Civil Procedure Rules or of the Civil Procedure Code, relating to the expenses of persons ordered to attend a hearing, shall apply as if they were part of this paragraph.

38. Privilege

(1) A person called as witness in any proceedings in the Tribunal under this Act, shall not be excused from answering any question relating to any offence at or connected with the census on the grounds that the answer thereto may incriminate or tend to incriminate himself, or on the grounds of privilege.

(2) A witness who answers truly all questions which he is required by the Tribunal to answer, shall be entitled to receive a certificate of indemnity under the hand of the chairman of the Tribunal, stating that such witness has so answered.

(3) An answer by a person to a question before the Tribunal shall not, except in the case of any criminal proceedings for perjury in respect of such evidence, be admissible in any proceedings civil or criminal in evidence against him.

(4) When a person has received a certificate of indemnity in relation to a census and any legal proceedings are at any time brought against him for an offence against the provisions of this Act committed by him previously to the date of the certificate at or in relation to the said census, the Tribunal having cognisance of the case shall, on proof of the certificate, stay the proceedings and may, at its discretion, award to the said person such costs, as he may have been put to in the proceedings.

39. Enlargement and abridgement of time

(1) The Tribunal shall have power, subject to the provisions of paragraphs 2 and 15 of this Schedule, to enlarge or abridge the times appointed by this Act or the rules of court mentioned in paragraph 44 of this Schedule or fixed by any order enlarging time, for doing any act or taking any proceeding upon such terms (if any) as the justice of the case may require.

(2) Enlargement may be ordered although the application for the same is not made until after the expiration of the time appointed or allowed.

(3) When the time for delivering any pleading or document or filing any affidavit, answer or document, or doing any act is or has been fixed or limited by any of the paragraphs or rules aforesaid or by direction or order of the Tribunal, the costs of any application to extend such time and of any order made thereon, shall be borne by the party making such application, unless the Tribunal shall otherwise order.

(4) An application for enlargement or abridgement of time, shall be supported by affidavit.

(5) An application for abridgement of time may be made *ex parte*, but the Tribunal may require notice thereof to be given to the other party.

(6) An application for enlargement of time shall be made by motion after notice to the other party, but the Tribunal may, for good cause shown by affidavit or otherwise, dispose

with such notice.

(7) A copy of an order made for enlargement or abridgement of time, shall be filed or delivered together with any document filed or delivered by virtue of the order.

40. Service of notice

(1) Where any summons, notice or document, other than a notice or document mentioned in paragraph 8 (I) of this Schedule is required to be served on any person for purpose connected with a complaint petition, the same may be served either by delivering it to such person or by leaving it at his last known place of abode, with any person there found who is a resident thereof and appears to be eighteen years of age or more.

(2) After a party has given an address for service, it shall be sufficient if, in lieu of serving him personally with any document intended for him, such document is served--

- (a) on the person appearing on the paper last filed on his behalf as his solicitor wherever such person may be found or, if such person is not found at his office, on the clerk there apparently in charge; or
- (b) on the person named as occupier, if his address for service wherever such person may be found or, if such person is not found at such address on--
 - (i) the person there found apparently in charge, if such address is a place of business; or
 - (ii) any person other than a domestic servant there found who is a resident thereof and appears to be eighteen years of age or more.

(3) A party may change his address for service, by giving notice of his new address for service and its occupier to the secretary and to each other party; but until such notice is received by the secretary, his old address for service shall continue to be his address for service.

(4) Where service on one of the foregoing modes has proved impracticable, the Tribunal, on being satisfied, upon an application supported by an affidavit showing what has been done, that all reasonable effort has been made to effect service, may order that service be effected in any of the ways mentioned in the provisions of the Civil Procedure Rules or Civil Procedure Code relating to substituted service shall be sufficient, or may dispense with service

or notice, as the Tribunal may think fit.

41. Multiple complaints

Where more complaints than one are presented in reaction to the same census result, all such complaints shall be considered and be dealt with as one complaint, unless the Tribunal shall otherwise direct.

42. Duplicate of documents

In the absence of express provision for the furnishing of copies of duplicates of documents filed or used in connection with any step taken in the proceedings, the party taking such steps shall, unless the secretary otherwise directs, leave with the secretary a duplicate of every such document for each other party and three other duplicates.

43. Non-compliance with rules, etc.

(1) Non-compliance with any of the provisions of this Schedule, or with any rule of practice for the time being in force, shall not render any proceedings void, unless the Tribunal shall so direct, but such proceedings may be set aside either wholly or in part as irregular or amended, or otherwise dealt with in such manner and upon such terms, as the Tribunal shall think fit to ensure substantial justice.

(2) No application to set aside any proceeding for irregularity shall be allowed, unless made within reasonable time, or if the party applying has taken any fresh step after knowledge of the irregularity.

(3) Where an application is made to set aside proceedings for irregularity, the several objections intended to be insisted upon shall be stated in the notice of motion.

(4) No objection shall be made that a certified copy has been used instead of a duplicate or a duplicate instead of a certified copy.

(5) Complaint shall not be defeated by any objection merely as to form.

44. Appeals

Appeal from a determination of the Tribunal shall be to the Court of Appeal and then to the Supreme Court.

45. Application of Rules of Court

Subject to the express provisions of this Schedule, the practice and procedure of the Tribunal in relation to a complaint shall be assimilated as nearly as may be to the practice and procedure of the High Court in the exercise of its civil jurisdiction, and the Civil Procedure Rules or Civil Procedure Code shall apply with such modifications as may be necessary to render them conveniently applicable, as if the petitioner and the respondent were respectively

the plaintiff and the defendant in a civil action.

APPENDIX

FORM A

[Paragraph 4 (2).]

Receipt of complaint/objection in the Census Tribunal

Received on the _____ day of _____ 20____ at the Registry of
the Census Tribunal a complaint/objection touching on the census result of the Federation!

State/ _____ local government area of _____ State of the census _____

held on the _____ day of _____ 20____

Secretary

FORM B

[Paragraph 5 (7).]

Complaint/objection in the Census Tribunal

The census of the Federation _____ State _____

local government
area of _____ State of the census _____

held on the _____ day of _____ 20____

FORM B-(continued)

Between
A.B _____ Complainant(s)/Objector(s)
C.D _____

and
E.F _____ Respondent(s)
G.H _____

The complaint/objection of A.B. of _____ (or of A.B. of _____ and C.O. of _____

as the case may be), whose names are subscribed.
State here contents of your complaint/objection

State here your request

Address for service

Occupier

Between

A.B

Complainant(s)/Objector(s)

C.D

and

E.F

Respondent(s)

G.H

The complaint/objection of A.B. of (or of A.B. of and C.D. of

as the case may be), whose names are subscribed.

Please enter an appearance for

(Give full name of Respondent wishing to appear)

Address for service

The name of my (or our) solicitor is

or I (or we) am (or are) acting

for

myself (or ourselves).

DATED this

day of

20

Signed

E.F.

.....
G.H.

FORM E
[Paragraph 18 (I).]

Notice of hearing in the Census Tribunal

The census result of the Federation State local government
area of State of the census

held on the day of 20
Between

A.B Complainant(s)/Objector(s)

C.O.

and

E.F

G.H

Respondent(s)

The complaint/objection of A.B. of (or of A.B. of and C.O. of
as the case may be), whose names are subscribed.

TAKE NOTICE that the above complaint/objection will be heard at on

the day of 20 and on such order subsequent

days as may be use fill.

DATED this day of 20

Secretary

FORM F
[Paragraph 26 (4).]

Notice of motion to withdraw complaint/objection in the Census Tribunal

The census result of the Federation State ; local government
area of State of the census

held on the day of 20
Between

A.B Complainant(s)/Objector(s)

FORM F-(continued)

C.D.
and
E.F
G.H

Respondent(s)

The complaint/objection of A.B. of (or of A.B. of and C.D. of as the case may be), whose names are subscribed.

Write out the Notice of Motion in the manner usual in civil proceeding and conclude as follows-

The complainant/objector proposes to apply to withdraw his complaint/objection on the following grounds-

(Here state the grounds)
Signed

E.F.

C.R.

or

Solicitor

SIGNED before me this day of 20

Secretary

SUBSIDIARY LEGISLATION

No Subsidiary Legislation