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9

CHAPTER 437
TRADE UNIONS ACT

ARRANGEMENT OF SECTIONS

PART I—TRADE UNIONS

Registration of trade combinations as Trade Unions

SECTION

- 1. Meaning of "trade union" in this Act. ✓
- 2. Unregistered trade union prohibited from functioning.
- 3. Application for registration of trade union.
- 4. Matters to be provided for in registered rules.
- 5. Procedure on receipt of application for registration.
- 6. Restrictions as regards names of trade unions.
- 7. Cancellation of registration.
- 8. Proceedings on appeal against refusal or cancellation of registration.
- 9. Compulsory dissolution of trade union in certain circumstances.
- 10. Voluntary dissolution of trade union.

General provisions affecting trade unions

- 11. Members of armed forces, police, etc. prohibited from forming or joining trade union.
- 12. Membership of trade union not to be restricted on discriminatory grounds.
- 13. Persons convicted of certain offences disqualified from holding office in a trade union.
- 14. Restriction on the number of trade unions of which a person may be an official.
- 15. Trade union dues not to be applied for political purposes.
- 16. Trade union funds not to be used for certain proceedings.
- 17. Payment of trade union dues to the Central Labour Organisation.
- 18. Injunction to restrain misapplication of funds of trade union.
- 19. Membership of persons under twenty-one years of age.
- 20. Registered office of trade union.
- 21. Copies of rules to be sold on demand.

Benefits of registration

- 22. Trade unions not unlawful as such.
- 23. Prohibitions of actions in tort against trade unions.
- 24. Recognition of registered trade union obligatory. ✓
- 25. Right of member to nominate recipients of sums payable on death.

ARRANGEMENT OF SECTIONS—*continued**Change of name, amalgamation, and alteration of rules of trade unions*

26. Change of name of trade union.
27. Amalgamation of trade unions.
28. Alteration of rules of trade union.

PART II—FEDERATIONS OF TRADE UNIONS

29. Formation of federation of trade unions.
30. Admission of further trade unions to membership of registered federation.
31. Application of certain provisions of Part I to federations of trade unions at a time.
32. No person to hold office in more than one federation of trade unions at the same time.

PART III—CENTRAL LABOUR ORGANISATION

33. Formation of Central Labour Organisation.
34. Powers of Central Labour Organisation and application of certain provisions of Part I.
35. Admission of further bodies to membership of Central Labour Organisation.

PART IV—ACCOUNTS AND RETURNS OF REGISTERED BODIES

36. Annual returns.
37. Duty of treasurer and other officials to render accounts.
38. Copies of audited accounts to be sent to Registrar.
39. Power of Registrar to call for accounts at any time.
40. Investigation of unsatisfactory accounts by Registrar.
41. Power of Registrar to institute proceedings on behalf of registered body in certain circumstances.

PART V—MISCELLANEOUS AND GENERAL PROVISIONS

42. Peaceful picketing.
43. Certain acts not actionable in tort if in contemplation or furtherance of trade dispute.
44. Companies and Allied Matters Act not to apply to bodies registerable under this Act.
45. The Registrar of Trade Unions.
46. Certain matters to be notified in *Gazette*.
47. Penalty for issuing false copies of rules of registered body.
48. Penalty for including false information in any document sent to Registrar.

ARRANGEMENT OF SECTIONS—*continued*

49. General penalty for offences against this Act.
50. Jurisdiction.
51. Regulations.
52. Interpretation.
53. Repeals and transitional provisions.
54. Short title.

FIRST SCHEDULE

MATTERS TO BE PROVIDED FOR IN RULES OF TRADE UNIONS

SECOND SCHEDULE

REPEALS

THIRD SCHEDULE

LIST OF REGISTERED AND RECOGNISED TRADE UNIONS

CHAPTER 437

TRADE UNIONS ACT

An Act to make Provisions with respect to the formation, registration and organisation of trade unions, federations of trade unions and the Central Labour Organisation.

[1st November, 1973]

PART I—TRADE UNIONS

Registration of trade combinations as Trade Unions

1. (1) In this Act—

“trade union” means any combination of workers or employers, whether temporary or permanent, the purpose of which is to regulate the terms and conditions of employment of workers, whether the combination in

question would or would not, apart from this Act, be an unlawful combination by reason of any of its purposes being in restraint of trade, and whether its purposes do or do not include the provision of benefits for its members.

(2) The fact that a combination of workers or employers has purposes or powers other than the purpose of regulating the terms and conditions of employment of workers shall not prevent it from being registered under this Act; and accordingly, subject to the provisions of this Act as to the application of funds for political purposes, a trade union may apply its funds for any lawful purpose for the time being authorised by its rules, including in particular, if so authorised, that of providing benefits for its members.

(3) A trade union within the meaning of this Act shall not be treated as having been formed by reason only of—

- (a) any agreement between an employer and persons employed by him as to the terms and conditions of that employment; or
- (b) any agreement for the instruction of any person in a profession, trade or handicraft; or
- (c) any agreement between partners as to their own business or any trading agreement between employers; or
- (d) any agreement imposing restrictions in connection with the sale of the goodwill of a business.

2. (1) A trade union shall not perform any act in furtherance of the purposes for which it has been formed unless it has been registered under this Act:

Provided that nothing in this subsection shall prevent a trade union from taking any steps (including the collection of subscriptions or dues) which may be necessary for the purpose of getting the union registered.

(2) Where a trade union registered under this Act ceases to be so registered, it shall not thereafter perform any act in furtherance of its purposes:

Provided that nothing in this subsection shall prevent a trade union from taking any steps which may be necessary for the purpose of dissolving the union.

(3) If any act which is prohibited by subsection (1) or (2) of this section, is performed by a trade union, then—

- (a) the union and every official thereof; and
 - (b) any member thereof who, not being an official thereof, took any active part in the performance of that act,
- shall be guilty of an offence against this Act.

3. (1) An application for the registration of a trade union shall be made to the Registrar in the prescribed form and shall be signed—

- (a) in the case of a trade union of workers, by at least fifty members of the union; and
- (b) in the case of a trade union of employers, by at least two members of the union.

(2) No combination of workers or employers shall be registered as a trade union save with the approval of the Minister on his being satisfied that it is expedient to register the union either by regrouping existing trade unions, registering a new trade union or otherwise howsoever; but no trade union shall be registered to represent workers or employers in a place where there already exists a trade union.

(3) No staff recognised as a projection of management within the management structure of any organisation shall be a member of or hold office in a trade union (whether or not the members of that trade union are workers of a rank junior, equal or higher than his own) if such membership or of the holding of such office in the trade union will lead to a conflict of his loyalties to either the union or to the management.

(4) For the purposes of subsection (3) of this section, a person may be recognised as a projection of management within a management structure if his status, authority, powers, duties and accountability which are reflected in his conditions of service are such as normally inhere in a person exercising executive authority (whether or not delegated) within the organisation concerned.

(5) Every application made pursuant to subsection (1) above shall state the name under which it is proposed that the trade union to which it relates shall be registered and the address of the office which, if the union is registered, is to be the registered office.

22. (6) Every such application shall be accompanied by two copies of the rules of the union, and by a list showing—

- (a) the name, address, age and occupation of each of the persons by whom the application is signed; and
- (b) the official title, name, address, age and occupation of each official of the union;

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red 4. (1) Every trade union must have registered rules, which must contain provisions with respect to the various matters mentioned in the First Schedule of this Act.

(2) Accordingly, the Registrar—

- (a) shall not register a trade union unless it has rules which contain such provisions as aforesaid; and
- (b) if he registers a trade union, shall at the time register its rules.

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ra- 5. (1) Where an application for the registration of a trade union is received by the Registrar, the following provisions of this section shall apply:

.Provided that if the application appears to the Registrar to be defective in any respect, he shall notify the applicant accordingly and shall take no further action in relation thereto until the application has been amended to his satisfaction or a fresh application is made in place thereof.

(2) The Registrar shall cause a notice of the application to be published in the *Federal Gazette*, stating that objections to the registration of the trade union in question may be submitted to him in writing during the period of three months beginning with the date of the *Gazette* in which the notice is published.

(3) Within three months after the end of the said period of three months the Registrar shall consider any objections submitted to him during that period and, if satisfied—

- (a) that no proper objection has been raised;
- (b) that none of the purposes of the trade union is unlawful; and
- (c) that the requirements of this Act and of the Regulations with respect to the registration of trade unions have been complied with,

shall, subject to subsection (2) of this section, and to section 6 of this Act, register the trade union and its rules.

(4) The Registrar shall not register the trade union if it appears to him that any existing trade union is sufficiently representative of the interests of the class of persons whose interests the union is intended to represent.

(5) If the Registrar refuses to register the union—

- (a) he shall forthwith send to the applicants a notice in the prescribed form to that effect, stating the grounds of the refusal and specifying the date from which the time for appealing against the refusal is to run, and shall publish a notice to the like effect in the *Federal Gazette*; and
- (b) any official or member of the union may within the period of thirty days beginning with the date so specified appeal to the appropriate High Court against the refusal.

(6) The Registrar on registering a trade union shall issue a certificate of registration which, unless it is proved that the registration of the union has been cancelled, shall (except in any proceedings for the cancellation of the registration of the union on the ground that its registration was obtained by fraud or as the result of a mistake) be conclusive evidence that the requirements of this Act and the Regulations with respect to the registration of trade unions have been complied with, and that the trade union is authorised to be registered and is a trade union for the purposes of this Act.

(7) Notwithstanding anything contained in this Act to the contrary, the Registrar, shall on the coming into effect of this section, register without any conditions whatsoever, the trade unions specified in Part A and Part B of the Third Schedule to this Act; and on such registration the said trade unions shall have all the powers and duties of a trade union registered under this Act.

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6. (1) A trade union shall not be registered under a name identical with that of any existing trade union or so nearly resembling the name of any existing trade union as to be likely to deceive the members or the public.

(2) A trade union shall not be registered under a name containing any words which, in the opinion of the Registrar, are deceptive or objectionable in that they contain a reference (direct or indirect) to any personage, practice or institution, or are otherwise unsuitable as a name for a trade union.

(3) If the Registrar refuses to register a trade union on the ground that the name under which it desires to be registered is, by virtue of subsection (2) of this section, not one under which it should be registered, any official or member of the union may require the matter to be referred to the Minister; and the decision of the Minister on such a reference shall be final.

(4) Where on a reference under subsection (3) of this section, the Minister decides that a particular trade union may be registered under a certain name, the union may be registered under that name notwithstanding subsection (2) of this section.

(5) The foregoing provisions of this section shall, with the necessary modifications, apply in relation to—

(a) any proposed alteration of the name of a trade union; and

(b) any proposal to form a new trade union by the amalgamation of two or more existing trade unions, as they apply in relation to the original registration of a trade union.

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7. (1) Subject to the provisions of this section and of section 10(2) of this Act, the Registrar shall cancel the registration of a trade union if it is proved to his satisfaction—

(a) that the registration of the union was obtained by fraud or as the result of a mistake; or

(b) that any of the purposes of the union is unlawful; or

(c) that, after receipt of a warning in writing from the Registrar, the union has deliberately contravened or continued to contravene any provision of this Act or the Regulations; or

(d) the principal purpose for which the union is in practice being carried on is a purpose other than that of regulating the terms and conditions of employment of workers; or

(e) the union, though still in existence, has ceased to function; or

(f) the union has ceased to exist.

(2) Where the Registrar proposes to cancel the registration of a trade union under subsection (1) of this section, he shall send to the trade union at its registered office a notice in the prescribed form—

(a) stating that he proposes to cancel the registration of the union, and specifying briefly the ground or grounds on which he proposes to do so;

(b) specifying a date not less than two months after the date of the notice and stating that unless before that date he is satisfied that the registration ought not to be cancelled, he will proceed to cancel the registration on the expiration of the period of thirty days beginning with that date unless an appeal against the proposed cancellation is brought within that period.

(3) Where—

(a) the Registrar has sent a notice under subsection (2) of this section to a trade union; and

(b) the trade union is still in existence on the date specified in the notice; and

(c) the Registrar has not withdrawn the notice before that date,

any official or member of the trade union may within the period of thirty days beginning with that date appeal to the appropriate High Court against the proposed cancellation.

(4) The Registrar shall not cancel the registration of a trade union under this section before the expiration of the period of thirty days beginning with the date specified in the notice under subsection (2) of this section; and if an appeal against the proposed cancellation is brought during that period, he shall not cancel the registration unless the appeal is

abandoned or the proposed cancellation is confirmed on the final determination of the appeal.

(5) A trade union whose registration is cancelled under this section shall, as from the date of the cancellation, cease to enjoy the privileges conferred by this Act on trade unions; but any liability incurred by the union before that date shall not be affected by the cancellation and may be enforced against the union on or after that date as if the cancellation had not taken place.

(6) On cancelling the registration of a trade union under this section, the Registrar shall send to the address at which, immediately before the cancellation, the registered office of the union was situated, a notice in the prescribed form stating the date on which the registration was cancelled and the grounds for the cancellation, and shall also cause a notice to the like effect to be published in the *Federal Gazette*; and the original certificate of registration of the union shall be delivered to the Registrar not more than thirty days after the date of the cancellation.

(7) If a certificate which is required by subsection (6) of this section to be delivered to the Registrar is not delivered to the Registrar within the time prescribed by that subsection, every person who on the date of the cancellation was an official or member of the union shall be guilty of an offence against this Act.

22. (8) The foregoing provisions of this section shall, with the necessary modifications, apply in relation to the registration of federations of trade unions and the Central Labour Organisation as they apply in relation to trade unions.

8. (1) On an appeal under section 5(5) or 7(3) of this Act the High Court in question may make such order as it thinks proper; and without prejudice to the generality of the foregoing provision, in any proceedings on such an appeal—

(a) the court shall have all the powers vested by this Act in the Registrar, and may make any order which might or ought to have been made by the Registrar; and

(b) the costs of and incident thereto, including the costs of and incident to any proceedings before the Registrar, shall be in the discretion of the court.

(2) An appeal from an order of a High Court under this section shall lie to the Court of Appeal.

(3) Any power to make rules of court conferred by any law relating to the practice and procedure of the High Court of any State shall include power to make rules of court with respect to appeals under sections 5(5) and 7(3) of this Act.

(4) Where notice of appeal is given for purposes of any appeal under the said section 5(5) or 7(3) or under subsection (1) of this section, a copy thereof shall be sent to the Registrar; and the Registrar shall be entitled to appear and be heard on any such appeal.

9. (1) Where—

(a) an application for the registration of a trade union is finally refused; or

(b) the registration of a trade union is cancelled under section 7 of this Act,

the trade union in question shall be dissolved in accordance with its rules within the period of three months beginning with the date of the final refusal or cancellation, as the case may be.

(2) For the purposes of this section, an application for the registration of a trade union shall be taken to be finally refused—

(a) if no appeal from the Registrar's refusal is brought under section 5(5) of this Act within the period of thirty days mentioned in the said section 5(5), at the end of that period; or

(b) if such an appeal is brought within the said period and on the final determination thereof the Registrar's refusal is confirmed, on the date of that final determination; or

(c) if the matter has been referred to the Minister under section 6(3) of this Act and the decision of the Minister confirms the refusal, on the date of that decision.

(3) If a trade union which is required to be dissolved by subsection (1) of this section, within a particular period is not dissolved within that period, the union and every official thereof shall be liable on summary conviction to a fine of ₦ 10 for each day on which the union remains undissolved after the end of that period.

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10. (1) Where a trade union is voluntarily dissolved in accordance with its rules, there shall be delivered to the Registrar not more than thirty days after the date on which the union ceases to exist—

- (a) a notice in the prescribed form signed by a person who immediately before the dissolution was an official of the union stating that the union has been dissolved; and
- (b) the original certificate of registration of the union.

(2) Where a notice under this section is received by the Registrar, section 7 of this Act shall not apply, and the Registrar, when satisfied that the trade union to which the notice relates has been duly dissolved, shall cancel the registration thereof, and shall notify the person by whom the notice was signed that the registration of the union has been cancelled.

(3) If either the notice or the certificate of registration mentioned in subsection (1) of this section is not delivered to the Registrar as required by that subsection, every person who immediately before the dissolution of the trade union in question was an official thereof shall be guilty of an offence against this Act.

General provisions affecting trade unions :

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11. (1) This section applies in relation to the following establishments, that is to say—

- (a) the Nigerian Army, Navy or Air Force;
- (b) the Nigeria Police Force;
- (c) the Customs and Excise Department, the Immigration Department and the Prison Services;
- (d) the Customs Preventive Service;
- (e) the Nigerian Security Printing and Minting Company Limited;

- (f) the Central Bank of Nigeria;
- (g) the Nigerian External Telecommunications Limited;
- (h) every Federal or State government establishment the employees of which are authorised to bear arms; and
- (i) such other establishments as the Minister may from time to time by order specify.

(2) It shall not be lawful for persons employed in any of the establishments to which subsection (1) of this section relates to combine, organise themselves, or to be members of a trade union, for purposes of employment, but nothing in this section shall be construed as preventing the setting up of joint consultative committees in the establishments concerned.

(3) As from the date of commencement of this Act, every trade union, which was in existence or which would have continued to be in existence as from that date but for the provisions of this Act, shall cease to exist and the certificate of registration of such trade union shall, within thirty days of the coming into operation of this Act, be surrendered by the trade union to the Registrar, who shall take such steps in relation to the distribution of the assets of the trade union as he deems necessary or in accordance with its rules.

12. (1) A person who is otherwise eligible for membership of a particular trade union shall not be refused admission to membership of that union by reason only that he is of a particular community, tribe, place of origin, religion or political opinion.

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(2) If any person is refused admission to membership of a trade union in contravention of subsection (1) of this section, the union and every official thereof shall be guilty of an offence against this Act.

(3) If any provision in the rules of a trade union is inconsistent with subsection (1) of this section, that provision shall, to the extent of the inconsistency, be void.

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13. (1) Subject to the provisions of this section, a person who has been convicted of any of the offences mentioned in subsection (3) of this section, shall be disqualified from holding office as an official of a trade union during the whole of the period of disqualification applicable to him in accordance with subsection (4) of this section:

Provided that a person shall not be disqualified under this section by reason only of his having been convicted of an offence in respect of which he has been granted a free pardon.

(2) For the purposes of this section, a conviction which occurred before the commencement of this Act shall be taken into account in determining whether a person is disqualified under this section.

(3) The offences referred to in subsection (1) of this section, are as follows—

(a) the offences under the Criminal Code or the Penal Code which may lead to the disqualification of membership of the National Assembly and the Houses of Assembly; and

(b) any offence under section 51 or 52 of this Act.

(4) The period of disqualification applicable to a person convicted of any such offence as aforesaid shall begin with the date of his conviction thereof and—

(a) if he is sentenced to imprisonment for that offence, shall end with the expiration of the period of five years beginning with the date on which he is discharged from prison; or

(b) if he is not sentenced to imprisonment for that offence, shall end with the expiration of the period of five years beginning with the date of his conviction.

(5) Where a person is convicted of any such offence as aforesaid and an appeal lies against the conviction, he shall not be treated for the purposes of this section as having been convicted thereof unless and until either—

(a) the time for bringing an appeal against the decision has expired without such an appeal having been brought; or

(b) such an appeal has been brought and abandoned or has been finally determined by the upholding of the conviction,

and the reference in subsection (4) of this section to the date of his conviction of the offence shall be construed accordingly.

(6) Subject to subsection (7) of this section, where any person holding office as an official of a trade union becomes disqualified under this section, he shall forthwith vacate that office; and any person who, at any time after the commencement of this Act, purports to act as an official of a trade union at any time while he is so disqualified shall be guilty of an offence against this Act and be liable on summary conviction to a fine of ₹ 100.

(7) A person holding office as aforesaid at the commencement of this Act who, apart from this subsection, would become disqualified under this section as from the date of the commencement of this Act by virtue of a conviction which occurred before that date shall be exempted from the operation of subsection (6) of this section until the end of the period of three months beginning with that date, and accordingly need not vacate his office until the end of that period unless lawfully required to do so apart from this section.

(8) Nothing in this section shall be construed as affecting the validity of anything done by an official of a trade union before the date of the commencement of this Act or as rendering unlawful anything done by any such official before that date.

14. (1) No person shall hold office in any capacity in more than one trade union at the same time.

(2) For the avoidance of doubt, no person who is a full-time official of the Central Labour Organisation shall at the same time hold office in any trade union.

(3) Any person who contravenes subsection (1) of this section shall be guilty of an offence against this Act.

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15. (1) Unless the rules of a trade union otherwise provide, in so far as the funds of a trade union represent payments which the members are required to make under the rules, whether by way of subscriptions, dues or otherwise, those funds shall not be applied (whether directly, or through any other union, association or body, or in any other indirect manner) to the furtherance of any political objective.

(2) If any of the funds of a trade union are applied to the furtherance of political objective in contravention of section 1 of this section the trade union and every official thereof shall be guilty of an offence under this Act.

(3) The following objectives, and no others, are political objectives for the purposes of this section, that is to say—

- (a) the making of contributions towards the funds of any political party;
- (b) the payment of any expenses incurred (whether directly or indirectly) by a candidate or prospective candidate for election to any political office in Nigeria or any part of Nigeria, being expenses incurred before, during or after the election in connection with his candidature or election;
- (c) the holding of any meeting or the distribution of any literature or document in support of any such candidate or prospective candidate;
- (d) the maintenance of any person while he holds in Nigeria or any part of Nigeria a political office to which he has been elected;
- (e) the registration of electors in Nigeria or any part thereof;
- (f) the holding of a political meeting of any kind or the distribution of political literature or political documents of any kind, unless the main purpose of the meeting or distribution is to further the regulation of the terms and conditions of employment of workers.

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16. (1) No person shall apply the funds of a trade union, whether directly or through any other trade union, association or body, for the purpose of any legal proceedings relating to his election or appointment into any office in the trade union.

(2) Any person who applies the funds of a trade union in contravention of subsection (1) of this section shall be guilty of an offence against this Act and liable on conviction to a fine of ₦ 5,000.

17. (1) Every trade union shall pay to the Central Labour Organisation, out of the contributions received from its members, such sum as may, from time to time, be specified in the constitution of the Central Labour Organisation.

(2) Any trade union which fails to pay the sum referred to in subsection (1) of this section shall be guilty of an offence against this Act and liable on conviction to a fine of two times the said sum.

(3) The institution of proceedings or imposition of a fine under subsection (2) of this section shall not relieve the trade union from its liability to pay the sum referred to in subsection (1) of this section.

18. (1) Without prejudice to the right of any person having a sufficient interest in the relief sought to apply for an injunction to restrain any unauthorised or unlawful application of the funds of a trade union, an injunction restraining any such application of the funds of a trade union may be granted by the appropriate High Court upon the application of the Attorney-General of the Federation or of the Registrar, or of any five or more members of the union.

(2) On an application under this section, the appropriate High Court may, in addition to or instead of granting an injunction, order that the whole or any part of the funds of the trade union be paid over to the Public Trustee to be administered or disposed of in accordance with the rules of the union.

19. (1) A person under the age of sixteen shall not be capable of being a member of a trade union, and a person under the age of twenty-one shall not be capable of being an official of a trade union.

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(2) A person of or above the age of sixteen but under the age of twenty-one may be a member of a trade union unless the rules of the union provide otherwise, and, subject to subsection (1) of this section, and to the rules of the union, may enjoy all the rights of a member and may effectually sign any agreement or other document and give any receipt which may be required to be signed or given by the rules of the union for the purposes of this Act or the Regulations.

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20. (1) Every trade union shall have a registered office to which all communications and notices may be addressed.

(2) On registering a trade union the Registrar shall record as its registered office the office whose address is stated in the application for registration.

(3) Notice of any change in the situation of the registered office of a trade union shall be given to the Registrar within thirty days after the date of the change, and the change shall be recorded by the Registrar.

(4) If any trade union continues for more than thirty days without having a registered office, the trade union and every official thereof shall be liable of summary conviction to a fine of ₦10 for every day during which, after the end of the thirty days, it continued as aforesaid.

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21. (1) A trade union shall, on being so requested by any person, deliver or send to him a copy of the rules of the union subject to payment therefor of a sum not exceeding 50 kobo.

(2) Where a copy of the rules of a trade union is sent by post, the cost of the postage may be charged in addition to the sum paid for the copy.

(3) If a trade union contravenes subsection (1) of this section, the trade union and every official thereof who knowingly caused or permitted the contravention shall be liable on summary conviction to a fine of ₦10 for each offence.

Benefits of registration

22. (1) The purposes of a trade union shall not, by reason only that they are in restraint of trade, be unlawful so as to render void or voidable any agreement or trust relating to the union; but nothing in this subsection shall enable any court to entertain any legal proceedings instituted for the purpose of directly enforcing any agreement mentioned in subsection (2) of this section, or of recovering damages for any breach of any agreement so mentioned.

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(2) The said agreements are the following—

(a) any agreement between the members of a trade union as such relating to the terms and conditions on which members of the union shall or shall not employ persons or be employed;

(b) any agreement for the payment by any person of any subscription or penalty to a trade union;

(c) any agreement for the application of the funds of a trade union—

(i) to provide benefits to its members, or

(ii) to make payments to any employer or worker who is not a member of the union in consideration of his acting in conformity with the rules or resolutions of the union, or

(iii) to discharge any fine imposed upon any person by a court;

(d) any agreement such that every party thereto is one or other of the following, that is to say, a trade union, a federation of trade unions or the Central Labour Organisation;

(e) any bond to secure the performance of any agreement mentioned in paragraphs (a) to (d) of this subsection.

(3) Nothing in this section shall render unlawful any agreement mentioned in subsection (2) of this section.

(4) Without prejudice to section 2(1) of this Act, the foregoing provisions of this section shall apply in relation to

an unregistered trade union as they apply in relation to a trade union, subject to the following restrictions, that is to say—

(a) if the trade union has not been registered, the said provisions shall apply only as regards—

(i) the agreement whereby the union is formed or any agreement whereby a person joins the union,

(ii) any trust on which any funds of the union are to be held, and

(iii) any agreement for the use of any premises as the office of the union,

and if an application for the registration of the union is finally refused (within the meaning of section 9 of this Act), the said provisions shall cease to apply at the end of the period of three months beginning with the date of the final refusal; and

(b) if the union has become unregistered in consequence of its registration being cancelled under section 7 of this Act, the said provisions shall apply only during the period of three months beginning with the date of the cancellation.

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23. (1) An action against a trade union (whether of workers or employers) in respect of any tortious act alleged to have been committed by or on behalf of the trade union in contemplation of or in furtherance of a trade dispute shall not be entertained by any court in Nigeria.

(2) Subsection (1) of this section applies both to an action against a trade union in its registered name and to an action against one or more persons as representatives of a trade union.

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24. (1) Subject to this section, where there is a trade union of which persons in the employment of an employer are members, that trade union shall, without further assurance, on registration in accordance with the provisions of this Act, be entitled to recognition by the employer.

(2) If an employer deliberately fails to recognise any trade union registered pursuant to the provision of subsection (1) of this section, he shall be guilty of an offence and be liable on summary conviction to a fine of ₦1,000.

25. (1) Subject to the provisions of this section, a member of a trade union may, as regards any money payable by the union on his death, nominate any person (except one who is disqualified under subsection (4) of this section) as the person to whom that money is to be paid on the death of the nominator; and on receiving satisfactory proof of the death of a nominator, the trade union shall pay to the nominee so much of the amount due by reason of the death of the nominator as is covered by the nomination.

(2) A nomination under this section—

(a) shall be in writing and be signed by the nominator, but may be partly printed;

(b) shall be delivered by hand or through the post at the registered office of the trade union concerned; and

(c) may be revoked or varied from time to time by a notice in writing, as to which paragraphs (a) and (b) of this section shall apply as they apply in the case of a nomination.

(3) In the case of any particular member of a trade union, the maximum amount which can be covered by nominations under this section is one hundred naira and accordingly—

(a) any nomination which would bring the total amount so covered above one hundred naira shall be of no effect; and

(b) not more than one hundred naira shall be paid to nominees under this section on the death of any particular member of a trade union.

(4) A person is disqualified for nomination under this section if he is an official of the same trade union as the nominator:

Provided that a person who is the husband, wife, father, mother, child, brother, sister, nephew or niece of the nominator can be validly nominated even if he is an official of the same trade union as the nominator.

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*Change of name, amalgamation, and alteration
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26. (1) Subject to this section, a trade union may change its name if, but only if, not less than two-thirds of all its members have in a secret ballot voted in favour of the proposed change; but a change of name shall not take effect until it is registered.

(2) Where a trade union proposes to change its name and the requirements of subsection (1) of this section have been complied with, the union must send to the Registrar—

- (a) a notice in the prescribed form of the proposed change of name, signed by seven members of the union and countersigned by the secretary of the union; and
- (b) a statutory declaration by the secretary of the union that the requirements of subsection (1) of this section have been complied with.

(3) On receipt of a notice under subsection (2) of this section together with the necessary statutory declaration the Registrar shall if satisfied that the requirements of this Act and the Regulations have been complied with, register the change of name.

(4) Where a trade union changes its name, the change of name shall not affect any right or obligation of the union or of any of its members, and any pending legal proceedings may be continued by or against the trade union or any person as a representative thereof, notwithstanding its change of name.

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27. (1) Subject to this section, two or more trade unions may amalgamate and become one trade union, but shall not do so unless—

- (a) the rules proposed for the amalgamated union, and the terms of the proposed amalgamation (which must include provisions as to the disposal of the funds and other property of each of the amalgamating unions), have both been approved by the Registrar; and thereafter,
- (b) in the case of each of the amalgamating unions, a majority of all the members of the unions have in a secret ballot voted in favour of the amalgamation on the terms so approved.

(2) An amalgamation of two or more trade unions under this section shall not take effect until it is registered.

(3) Where two or more trade unions propose to amalgamate, and the requirements of subsection (1) of this section have been complied with, there must be sent to the Registrar—

- (a) a notice in the prescribed form of the proposed amalgamation, signed by seven members of each one of the amalgamating unions and countersigned by the secretary of each one of those unions; and
- (b) in respect of each of the amalgamating unions, a statutory declaration by the secretary thereof that the requirements of subsection (1) of this section have been complied with.

(4) On the receipt of a notice under subsection (3) of this section the Registrar shall, if satisfied that the requirements of this Act and the Regulations have been complied with, cause a notice to be published in the *Federal Gazette* stating that objections to the registration of the amalgamation in question may be submitted to him in writing during the period of two months beginning with the date of the *Gazette* in which the notice is published.

(5) Within one month after the end of the said period of two months the Registrar shall consider any objections submitted to him during the period and if satisfied that no proper objections have been raised register the amalgamation, and on the relevant date—

- (a) the amalgamated union shall come into existence; and
- (b) the property of each of the amalgamating unions shall, to the extent provided in the terms of amalgamation approved by the Registrar, become vested in the amalgamated union without the necessity of any form of conveyance or transfer other than that contained in the terms of amalgamation so approved; and
- (c) each of the amalgamating unions shall cease to exist, and the recognition of each of the amalgamating unions shall be cancelled accordingly.

(6) In subsection (5) of this section, "the relevant date", in the case of the amalgamation which under the terms thereof is to take effect on a date later than the date on which the amalgamation is registered, means that later date, but in any other case means the date on which the amalgamation is registered.

(7) Where the registration of a trade union is cancelled in pursuance of subsection (5) of this section, subsections (6) and (7) of section 7 of this Act shall apply as if the registration had been cancelled under that section.

(8) No such amalgamation as is mentioned in subsection (1) of this section shall prejudice any right of any creditor of any trade union party thereto.

(9) In this section, "the amalgamating unions" and "the amalgamated union", in relation to a proposed amalgamation, means respectively the trade unions proposing to amalgamate and the trade union which is to result from the proposed amalgamation.

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28. (1) Subject to this section, a trade union may alter its rules by any method of doing so provided for by its rules, but no alteration of the rules of a trade union shall take effect until the alteration is registered.

(2) The Registrar shall not register an alteration of the rules of a trade union if as a result of the alteration—

- (a) the rules of the union would cease to contain provisions with respect to the various matters mentioned in the First Schedule of this Act; or
- (b) the principal purpose of the trade union would cease to be that of regulating the terms and conditions of employment of workers.

(3) An alteration of the rules of a trade union shall, if the rules of the union so provide, come into effect on a date later than the date of which the alteration is registered, but shall otherwise come into effect on the date on which the alteration is registered.

PART II—FEDERATIONS OF TRADE UNIONS

29. (1) Subject to this section, two or more trade unions whose members are employed in the same trade, occupation or industry, or in substantially similar trades, occupations or industries, may form a federation of trade unions, but shall not do so unless, in the case of each of the unions concerned—

- (a) a resolution approving the formation of the proposed federation has, in a secret ballot held at a meeting (whether annual or special) of delegates representing all the members of the union, been passed in circumstances such that the votes cast in favour of the resolution represent a simple majority of the members of the union; and
- (b) not less than thirty days before the date of that meeting a notice in the prescribed form setting out the resolution was given to the Registrar; and
- (c) all reasonable steps were taken by the union to secure that, not less than thirty days before the date of that meeting, every member of the union was supplied with a similar notice.

(2) A federation of trade unions shall not come into existence until it is registered.

(3) Where two or more trade unions propose to form a federation of trade unions and the requirements of subsection (1) of this section have been complied with, there shall be sent to the Registrar—

- (a) an application in the prescribed form for the registration of the proposed federation, signed by seven members of each one of those unions and countersigned by the secretary of each one of those unions; and
- (b) in respect of each of those unions, a statutory declaration by the secretary thereof that the requirements of subsection (1) of this section have been complied with.

(4) Without prejudice to the foregoing provisions of this section or to the generality of section 55 of this Act, Regulations, made under the said section 55—

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- (a) may provide that all or any of the provisions of sections 2 to 10 and the First Schedule of this Act with respect to trade unions shall apply in relation to federations of trade unions, subject to such exemptions, additions or other modifications (if any) as may be specified in the Regulations; or
- (b) may include, as regards such federations, provisions corresponding (with or without exceptions, additions or other modifications) to all or any of the said provisions.
- (5) On receipt of an application under subsection (3) of this section together with the necessary statutory declarations, the Registrar, if satisfied that the requirements of this Act (including any provisions thereof applied by virtue of subsection (4) of this section) and of the Regulations with respect to the registration of federations of trade unions have been complied with, shall register the federation of trade unions.
- (6) Any person who purports to do any act on behalf of a proposed federation of trade unions before that federation is registered shall be guilty of an offence against this Act.

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30. (1) Subject to this section, a trade union may become a member of a registered federation of trade unions, but shall not do so unless—

- (a) the members of the joining union are employed in the same trade, occupation or industry, or substantially similar trade, occupations or industries as the members of the trade unions belonging to the federation; and
- (b) the joining union is eligible for membership of the federation under the rules of the federation; and
- (c) a resolution approving the application for membership of the federation has, in a secret ballot held at such a meeting as is mentioned in paragraph (a) of section 29(1) of this Act, been passed in the circumstances mentioned in that paragraph; and
- (d) all reasonable steps were taken by the joining union to secure that, not less than thirty days before the date of that meeting, every member of the union was supplied with a notice in the prescribed form setting out the resolution.

(2) The admission of a trade union to membership of a registered federation of trade unions shall not take effect until the joining union is registered as a member of the federation.

(3) Where a federation of trade unions proposes to admit a trade union to membership of the federation and the requirements of subsection (1) of this section have been complied with as regards the joining union, there shall be sent to the Registrar—

- (a) a notice in the prescribed form of the proposed admission of the joining union signed by seven members of the joining union and counter-signed by the secretary of that union;
- (b) a statutory declaration by the secretary of the joining union that the requirements of subsection (1) of this section have been complied with; and
- (c) a certificate in the prescribed form signed by the secretary of the federation that the admission of the joining union has been approved in accordance with the rules of the federation.

(4) On receipt of the notice and certificate required by subsection (3)(a) and (c) of this section together with the necessary statutory declaration the Registrar, if satisfied that the requirements of this Act and the Regulations have been complied with, shall register the joining union as a member of the federation.

(5) In this section, "joining union", in relation to a federation of trade unions, means a trade union proposing to become a member of that federation

31. (1) The provisions of Part I of this Act specified in subsection (2) of this section shall, with any necessary modifications or exceptions, apply in relation to registered federations of trade unions as they apply in relation to trade unions.

(2) The said provisions are the following—

- (a) section 13;
- (b) sections 15 and 18;
- (c) section 19(1), so far as it relates to capacity to be an official;

- (d) sections 20 to 23; and
- (e) sections 26 and 28.

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32. (1) No person shall be an official of more than one federation of trade unions at the same time:

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Provided that nothing in this subsection shall prevent a person who is an official of a federation of trade unions from being at the same time an official of a trade union or of the Central Labour Organisation, or of all three.

(2) Any person who contravenes subsection (1) of this section shall be guilty of an offence against this Act.

PART III—CENTRAL LABOUR ORGANISATIONS

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33. (1) On the coming into force of this section, and without any further assurance, the Registrar shall register the Nigeria Labour Congress as the only Central Labour Organisation without any conditions and for the purposes of section 34 of this Act.

(2) Trade unions specified in Part A of the Third Schedule to this Act shall be deemed to be affiliated with the Central Labour Organisation registered pursuant to subsection (1) of this section.

(3) Trade unions specified in Part B of the Third Schedule to this Act shall not be affiliated to the Central Labour Organisation.

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(4) It shall be an offence for any trade union not specified in Part A of the Third Schedule to this Act to affiliate with the Central Labour Organisation.

(5) Any person (including any officer or official of a trade union) guilty of an offence under subsection (1(4)) of this section shall be liable on conviction to a fine of ₦1,000 or 12 months imprisonment or to both such fine and imprisonment.

(6) Notwithstanding the offence created in subsection (4) of this section, if the Minister is satisfied that there has been a violation of the provision concerning affiliation he may cause to be struck out from the register the name of the trade union concerned.

34. (1) The Central Labour Organisation shall have power, subject to its rules—

- (a) to represent the general interest of its members on any national advisory body set up by the Government of the Federation;
- (b) to collect and disseminate to its members information and advice on economic and social matters;
- (c) to give advice, encouragement or financial assistance to any of its members in need thereof;
- (d) to promote the education of members of trade unions in the field of labour relations and connected fields; and
- (e) to render any other assistance provided for under the articles of affiliation.

(2) The Central Labour Organisation shall not engage in collective bargaining on behalf of any trade union or federation of trade unions except it is requested to do so by that trade union or federation which is a party to the collective bargaining.

(3) If the Central Labour Organisation engages in any collective bargaining in contravention of subsection (2) of this section, then—

- (a) the Organisation and every official thereof; and
- (b) every trade union or federation of trade unions on behalf of which the Organisation engaged therein and every official of that union or federation,

shall each be guilty of an offence against this Act.

(4) The provisions of Part I of this Act specified in section 31 of the Act shall, with any necessary modifications or exceptions, apply in relation to the Central Labour Organisation as they apply in relation to trade unions.

35. (1) Subject to this section, a body which is either a trade union or registered federation of trade unions may become a member of the Central Labour Organisation, but shall not do so unless the joining body is eligible for membership of the Organisation under the rules of the Organisation and, in the case of the trade union or each of the trade unions concerned—

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- (a) a resolution approving the proposed application for membership of the Organisation has, in a secret ballot held at such a meeting as is mentioned in paragraph (a) of section 33(2) of this Act been passed in the circumstances mentioned in that paragraph; and
- (b) all reasonable steps were taken by the union to secure that, not less than ninety days before the date of that meeting, every member of the union was supplied with a notice in the prescribed form setting out the resolution.

(2) The admission of a joining body to membership of the Central Labour Organisation shall not take effect until the joining body is registered as a member of the Organisation.

(3) Where the Central Labour Organisation proposes to admit a body to membership of the Organisation and the requirements of subsection (1) of this section have been complied with as regards the trade union or each of the trade unions concerned, there must be sent to the Registrar—

- (a) a notice in the prescribed form of proposed admission of the joining body signed by seven members of the trade union or each of the trade unions concerned and countersigned by the secretary of that union or of each of those unions and if the joining body is a federation of trade unions, by the secretary thereof;
- (b) in respect of the trade union or each of the trade unions concerned, a statutory declaration by the secretary thereof that the requirements of subsection (1) of this section have been complied with; and
- (c) a certificate in the prescribed form signed by the secretary of the Organisation that the admission of the joining body has been approved in accordance with the rules of the Organisation.

(4) On receipt of the notice and the certificate required by subsection (3)(a) and (c) of this section and the necessary statutory declaration, the Registrar, if satisfied that the requirements of this Act and the Regulations have been complied with, shall register the joining body as a member of the Central Labour Organisation.

- (5) In this section—
 - (a) “joining body”, in relation to a Central Labour Organisation, means a trade union or federation of trade unions proposing to become a member of that Organisation; and
 - (b) “trade union concerned”, in the case of a joining body which is a trade union, means that trade union or, in the case of a joining body which is a federation of trade unions, means a trade union which is a member of that federation.

PART IV—ACCOUNTS AND RETURN OF REGISTERED BODIES

36. (1) Every registered body shall send to the Registrar before 1st June in each year an annual return in the prescribed form which shall be made out to such date as may be prescribed and shall be certified as correct by the duly appointed auditor.

(2) Every annual return prepared under this section in respect of a registered body shall include—

- (a) full particulars of the assets and liabilities of the body at the date to which the return is made out;
- (b) full particulars of the receipts and expenditure of the body during the year ending with that date;
- (c) the prescribed particulars of the members of the body at that date, and of any changes therein which occurred during the year ending with that date;
- (d) in the case of a trade union, evidence that the payment referred to in section 17 of this Act has been made; and
- (e) such other particulars as may be prescribed,

and shall show separately the amount expended by the body during that year on each of its various purposes.

(3) Every annual return sent to the Registrar under this section by a registered body shall be accompanied by—

- (a) a copy of the rules of the body as in force on the date to which the return is made out; and

- (b) a copy of all alterations of the rules of the body, and all new rules thereof, adopted during the year ending with that date, showing in respect of each alteration or new rule the date on which it was adopted, whether or not it has been registered and, if so, the date on which it came or will come into force; and
- (c) a complete list of the officials of the body at the date to which the return is made out, and a list of all changes in the officials of the body which occurred during the year ending with that date, showing the date of each such change.
- (4) A registered body shall, on being so requested by any member thereof, deliver or send to him free of charge a copy of the latest annual return sent by it to the Registrar under this section.
- (5) If a registered body fails to comply with any of the requirements of subsection (1) to (3) of this section, the body and every official thereof shall be guilty of an offence against this Act.
- (6) If a registered body fails to comply with subsection (4) of this section, the body and every official thereof who knowingly caused or permitted the failure shall be liable on summary conviction to a fine of ₦10 for each offence.

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37. (1) The treasurer of a registered body, whenever he is required to do so by the rules of the body, or on being specially directed to do so by the committee of management, shall prepare a full and accurate account showing—

- (a) all sums received or paid by him since the date to which the last account submitted by him was made out; and
- (b) the balance remaining in his hands, at the date to which the new account is made out, and all bonds and securities held by the body at that date,
- and shall cause the account, when prepared, to be audited by the duly-appointed auditor.

(2) Every account prepared in accordance with subsection (1) of this section shall, after being audited, be submitted by the treasurer to the members of the registered body in

question in accordance with the rules thereof or, if the account was prepared on the special directions of the committee of management, in accordance with those directions.

(3) Where the treasurer of a registered body who has submitted an account under this section is required to do so by a resolution passed at a meeting of the body, or is directed to do so by the committee of management, he shall as soon as possible hand over to the body the balance due from him to it at the time of the hand-over, as certified by the duly appointed auditor, and shall also, if required, hand over to the body all bonds, securities, books, papers and other property of the body in his possession or custody.

(4) In determining for the purposes of subsection (3) of this section the balance due from the treasurer of a registered body at the time of a hand-over, the duly appointed auditor shall add to the balance shown as due from the treasurer in the latest account submitted by him under this section any sums received by the treasurer on account of the body since the date to which that account was made up, and shall deduct any sums paid by him on account of the body since that date.

(5) If the treasurer of a registered body fails to hand over in full to the body the balance which it is his duty under subsection (3) of this section to hand over, the body or any person capable of suing as a representative thereof may institute civil proceedings against the treasurer in any competent court for the balance shown as due from him in the latest account submitted by him under this section and for all sums by him on account of the body since the date to which that account was made up, leaving him to set off in the proceedings any sums which may have been paid by him to or on account of the body since that date.

(6) If the treasurer of a registered body fails to hand over to the body anything (other than the balance mentioned in subsection (5) of this section) which it is his duty under subsection (3) of this section to hand over, the body or any person capable of suing as a representative thereof may institute civil proceedings against the treasurer in any competent court for the delivery of that thing.

(7) In any such proceedings as are mentioned in subsection (5) or (6) of this section, the court shall order the defendant to pay the plaintiff's costs.

(8) The foregoing provisions of this section shall, so far as capable of so applying, apply to every other official of a registered body as they apply to the treasurer thereof; and references, in those provisions to the treasurer of such body shall be construed accordingly.

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38. (1) Where an audited account is submitted to the members of a registered body or to the committee of management thereof as required by section 37(2) of this Act, the body shall send a copy of the audited account to the Registrar within one month after the date on which it is so submitted.

(2) If a registered body contravenes subsection (1) of this section, the body and every official thereof who knowingly caused or permitted the contravention shall be guilty of an offence against this Act.

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39. (1) Without prejudice to the foregoing provisions of this Part of this Act, the Registrar may at any time call upon the treasurer, the committee of management or any other official of a registered body to prepare and submit to him within a period of thirty days from the date of the call letter detailed accounts of the funds of the body in respect of any particular period; and any accounts submitted under this section shall show in detail such information as the Registrar may direct, and shall, if the Registrar so directs, be audited by the duly appointed auditor before being submitted to the Registrar.

(2) If any person whose duty it is under subsection (1) of this section to prepare or assist in preparing any accounts called for under that subsection, or to audit or submit to the Registrar any such accounts, fails to do so without reasonable excuse (proof of which shall lie on him), he shall be guilty of an offence against this Act.

40. (1) If any account sent or submitted to the Registrar under section 38 or 39 of this Act is in his opinion unsatisfactory in that he is unable to satisfy himself as regards any question which affects or is likely to affect the accuracy of the account, and in particular any question as to any of the matters mentioned in subsection (2) of this section, the Registrar may, in his discretion either—

- (a) direct all or any of the books, records or other documents of the registered body concerned to be delivered to him for examination by himself or by an auditor appointed by him; or
- (b) direct that the account be audited by an auditor designated by him for the purpose.

(2) The matters referred to in subsection (1) of this section are the following—

- (a) the manner in which the account in question has been kept and prepared;
- (b) the sufficiency or otherwise of existing checks against irregularity or fraud;
- (c) the authority for any departure from the rules of the registered body concerned;
- (d) the existence or otherwise of authority for all expenditure shown in the account;
- (e) the amount of any sums due to the registered body concerned (other than subscriptions and other sums due from members of the body under its rules) and the reasons for any failure to collect any sums (other than as aforesaid) so due;
- (f) the existence of any outstanding advances by or deposits with the registered body concerned which are of an unusual character;
- (g) the verification of any material assets of the registered body concerned which are shown in the account.

(3) Where the Registrar has given a direction under subsection (1)(b) of this section, the designated auditor shall have power—

- (a) to require all or any of the books, records or other documents of the registered body concerned to be produced to him; and
 - (b) to inspect and, if he thinks fit, take copies of or extracts from any such document so far as it appears to him necessary to do so for the purpose of auditing the account to which the direction relates; and
 - (c) for the purpose of auditing that account, to enter any premises of the registered body concerned at all reasonable times.
- (4) Any person who—
- (a) fails to deliver to the Registrar any document which he has been directed under subsection (1)(a) of this section so to deliver; or
 - (b) fails to produce to a designated auditor any document which he has been required by that auditor under subsection (3)(a) of this section so to produce; or
 - (c) obstructs, molests or hinders any auditor designated under subsection (1)(b) of this section in the exercise of his power under subsection (3) of this section,

shall be guilty of an offence against this Act.

(5) Where any account is examined or audited by an auditor by virtue of a direction under subsection (1)(a) or (b) of this section, the cost of the examination or audit, as certified by the Registrar, shall be paid by the registered body concerned and, if not so paid, may be recovered from that body as if it were a simple contract debt due to the Registrar.

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41. (1) Where, as a result of any examination of any account carried out by the Registrar under section 40 of this Act or any examination or audit of any account carried out by an auditor by virtue of that section, it appears to the Registrar—

- (a) that any offence, whether against an enactment contained in this Act or the Regulations or any other enactment, has been committed by the registered body concerned or by any other person, or

- (b) that any sum due to the registered body concerned (other than subscriptions and other sums due from members of the body under its rules) has not been collected,

and that, in either case, it is expedient to do so by reason of the refusal or neglect of the registered body concerned or the members thereof to take legal proceedings, the Registrar may on behalf of that body institute in its name—

- (i) in a case falling within paragraph (a) of this section, criminal proceedings for that offence; or
- (ii) in a case falling within paragraph (b) of this section, civil proceedings for the recovery of the said sum.

(2) In any civil proceedings instituted by the Registrar by virtue of subsection (1) of this section, the court shall have the same power to make an order for the payment of costs to or by the Registrar as if he were a party to the proceedings.

PART V—MISCELLANEOUS AND GENERAL PROVISIONS

42. (1) It shall be lawful for one or more persons, acting on their own behalf or on behalf of a trade union or registered federation of trade unions or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or abstain from working.

(2) Accordingly, the doing of anything declared by subsection (1) of this section to be lawful shall not constitute an offence under any law in force in Nigeria or any part thereof, and in particular shall not constitute an offence under section 366 of the Criminal Code or any corresponding enactment in force in any part of Nigeria.

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43. (1) An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable in tort on any one or more of the following grounds only, that is to say—

- (a) that it induces some other person to break a contract of employment; or
- (b) that it is an interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or his labour as he wishes; or
- (c) that it consists in his threatening that a contract of employment (whether one to which he is a party or not) will be broken; or
- (d) that it consists in his threatening that he will induce some other person to break a contract of employment to which that other person is a party.

(2) Nothing in subsection (1) of this section shall prevent an act done in contemplation or furtherance of a trade dispute from being actionable in tort on any ground not mentioned in that subsection.

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under this
Act.
p. 59.

44. The Companies and Allied Matters Act shall not apply to any trade union or to any federation of trade unions or central labour organisation; and the registration of any such body under that Act shall be void.

The Registrar
of Trade
Unions.

45. (1) There shall be appointed for the purposes of this Act a Registrar of Trade Unions, and there may be appointed for those purposes one or more Assistant Registrars of Trade Unions; but no such appointment shall have effect unless notice thereof has been published in the *Federal Gazette*.

(2) The office of the Registrar of Trade Unions and that of any Assistant Registrar of Trade Unions shall be offices in the Federal Ministry of Employment, Labour and Productivity,

(3) Anything which is required or authorised to be done by or to the Registrar under this Act or under the Regulations may be done by or to any Assistant Registrar of Trade Unions whom he may authorise (whether specifically or generally) for the purpose.

46. Without prejudice to any of the requirements of this Act or the Regulations, it shall be the duty of the Registrar to cause notice of the following matters to be published in the *Federal Gazette*, namely—

- (a) the registration of any body under this Act;
- (b) the cancellation of the registration of any registered body;
- (c) the registration of any change of name or of any alteration of the rules of any registered body;
- (d) the amalgamation of any two or more trade unions;
- (e) any change in the situation of the registered office of a registered body;
- (f) the dissolution of any body which is or has been registered.

47. (1) If any person with intent to mislead or defraud supplies or lends to any member or prospective member of a registered body a copy of any rules or of any alteration or amendment of any rules other than those actually in force at the time, on the false pretence—

- (a) that the material supplied or lent represents the rules of the body as then in force; or
 - (b) that there are no other rules of the body,
- he shall be guilty of an offence against this section.

(2) In subsection (1) of this section—

- (a) “prospective member”, in relation to a registered body, means a person or body eligible for membership of that body; and

(b) "member or prospective member", in relation to a registered body being a federation of trade unions or central labour organisation, includes an individual acting on behalf of a member or prospective member of that body.

(3) If any person with intent to mislead or defraud supplies or lends a copy of any rules to any person on the false pretence that they are the rules of a registered body, he shall be guilty of an offence against this section.

(4) A person guilty of an offence against this section shall be liable on summary conviction to a fine of ₹200 or to imprisonment for a term of six months.

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48. If any person in any application, return, notice, certificate, statutory declaration or other document required to be made, sent or given to the Registrar under or for the purposes of this Act or the Regulations, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence and be liable on summary conviction to a fine of ₹200 or to imprisonment for a term of six months.

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49. Every person or body declared by any provision of this Act to be guilty of an offence against this Act shall, if no other penalty for that offence is prescribed in this Act, be liable on summary conviction to a fine of ₹50.

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50. (1) Every offence against this Act alleged to have been committed—

- (a) by a trade union which has not yet been registered or any official of such a trade union;
- (b) by a body which is or has been registered under this Act or by an officer of such a body;

(c) by an official of any such body in circumstances such that both the body and the official are guilty of the same offence,

may be prosecuted summarily before a magistrate's court having jurisdiction where the registered office of the body in question is situated or, if the body has ceased to be registered, where its registered office was situated immediately before it ceased to be registered.

(2) In this section "official" includes a former official.

(3) The foregoing provisions of this section are without prejudice to any jurisdiction exercisable by any court apart from this section.

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51. (1) The Minister may make such Regulations as appear to him to be necessary or expedient for carrying this Act into effect, and in particular for prescribing anything required or authorised by this Act to be prescribed.

(2) Without prejudice to the generality of subsection (1) of this section, Regulations may be made under this section with respect to—

- (a) registration;
- (b) the forms to be used for the purposes of this Act;
- (c) the seal, if any, to be used by the Registrar for the purposes of this Act;
- (d) the inspection of registers and documents kept by the Registrar and the making of copies of, or of any part of, the contents thereof; and
- (e) the fees to be charged for registration, inspection or any other service or matter for which provision is made in this Act or the Regulations.
- (f) definition of the limit of relationship and degree of affiliation between the Central Labour Organisation and any trade union.

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(3) Regulations under this section may make different provision for different circumstances, and in particular may make special provision with respect to future federations of

trade unions which may come into existence and the Central Labour Organisation which is in existence at the commencement of this section.

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52. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“appropriate High Court”, in relation to a trade union means the High Court of the State in which the registered office of the union is situated;

8 No. 22. “Central Labour Organisation” means a body by that name set up by section 33 of this Act.

“duly appointed auditor”, in relation to a registered body, means the person or persons who, in accordance with the rules of the body, have been appointed with the approval of the Registrar to audit the treasurer’s accounts.

“federation of trade unions” means any association or combination of trade unions, whether temporary or permanent, the purposes of which include that of regulating the terms and conditions of employment of workers;

“member”, in relation to a federation of trade unions, means a trade union which is a member thereof and, in relation to a central labour organisation, means a trade union or federation of trade unions which is a member thereof;

“Minister” means the Minister of Employment, Labour and Productivity;

“official”, in relation to a body which is or is capable of being registered, means any person holding an official position in that body and accordingly includes in particular any president, secretary or treasurer thereof and every member of the committee of management thereof;

“prescribed” means prescribed by the Regulations;

“registered” means registered under this Act;

“registered body” means a trade union, federation of trade unions or the Central Labour Organisation registered under this Act;

“Registrar” means the Registrar of Trade Unions appointed under section 45 of this Act;

“Regulations” means all Regulations for the time being in force under this Act;

“trade dispute” means any dispute between employers and workers, or between workers and workers, which is connected with the employment or non-employment, or the terms of employment or conditions of work of any person;

“trade union” has the meaning assigned in section 1(1) of this Act;

“worker” means any employee, that is to say any member of the public service of the Federation or of a State or any individual (other than a member of any such public service) who has entered into or works under a contract with an employer, whether the contract is for manual labour, clerical work or otherwise, expressed or implied, oral or in writing, and whether it is a contract personally to execute any work or labour or a contract of apprenticeship.

53. (1) The enactments specified in the Second Schedule of this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) Subject to subsection (1) of this section, any application made, fee paid, register kept, notice published or any other thing whatsoever done under or by virtue of any provision of the Trade Unions Act repealed by this Act shall be deemed to have been made, paid, kept, published or done, as the case may be, under or by virtue of the corresponding provision of

this Act or the Regulations; and anything begun under any such provision may be continued under this Act as if begun under this Act.

ort title. **54.** This Act may be cited as the Trade Unions Act.

FIRST SCHEDULE

MATTERS TO BE PROVIDED FOR IN RULES OF TRADE UNIONS

1. The name of the trade union.
2. The whole of the purposes of the trade union, and the purposes for which its funds may be applied.
3. The subscriptions and dues, if any, which members are required to pay.
4. If the trade union is to provide benefits for its members, the conditions under which any member will become entitled to any benefit.
5. The fines and forfeitures which may be imposed on members of the trade union.
6. The procedure for making, altering or revoking the rules.
7. A provision for the appointment and removal of a general committee of management (by whatever name called), a treasurer (who, if the rules so provide, may also be the secretary) and other officials, provided that non-members holding the post of deputy secretary, assistant secretary or similar posts shall be capable of being members of the general committee of management; and a provision that an illiterate shall not be appointed as president, secretary or treasurer or to any other similar office in the trade union.
8. The qualifications for membership of the trade union, which shall include a provision to the effect that a person shall not be eligible for membership unless he is, or has been, normally engaged in the trade or industry which the trade union represent.
9. A provision that the general committee of management (by whatever name called) shall consist of persons all of whom are members of the trade union:
 Provided that if (which shall be lawful) a person who is not a member of the trade union is appointed as president (or other similar officer) or

FIRST SCHEDULE—continued

secretary thereof, he may be a member of the general committee of management by virtue of his office notwithstanding that he is not a member of the union.

10. A provision for the keeping of a nominal roll of members showing the trade, calling or usual occupation of each member and, where possible (but only in the case of a trade union of workers) the name of his employer.

11. A provision for the investment of the funds of the trade union or their deposit in a bank.

12. A provision for the keeping of full and accurate accounts by the treasurer, for the annual or more frequent periodical audit, by a person to be appointed by the trade union with the approval of the Registrar, of the accounts so kept, and for their submission, when audited, to the members.

13. A provision for the inspection of the books, accounts and nominal roll of members of the trade union by any person who has an interest in the funds of the union.

14. A provision that no member of the union shall take part in a strike unless a majority of the members have in a secret ballot voted in favour of the strike.

15. The procedure for dissolving the trade union and for the distribution of its assets, if any.

SECOND SCHEDULE

REPEALS

<i>Chapter or Number</i>	<i>Title</i>	<i>Extent of repeal</i>
Cap. 200 of the 1958 Edition	The Trade Union Act	The whole Act, including the Trade Union Registration Rules contained in the Second Schedule thereof.
1958 No. 31	The Civil Aviation (Fire and Security Measures) Act 1958.	Section 24(1).