



The Legal Luminary

In-house E-Newsletter of the Legal Department

Volume 1, Issue 3

February 2011

Editorial Board

- Mr. B. A. Taribo :
Editor- in-Chief
- Mrs Nkese Cookeygam: Vice Editor in -
Chief
- Chioma N. Momah
Editor
- Aisha Isa Ahmed
- Joseph Embugushiki
- Julius Imoisi
- Talatu Akhidime

From the Editor!

Welcome to yet another edition of the Legal Luminary the first and only e-newsletter of the Legal Department, NDIC.

In this edition we will be looking at the first part of an article that will interest all staff: The Public officers Protection Act. Are officers of NDIC protected. It promises to be a most enlightening read.

The Q and A section deals with personal Injury Claims. As staff can we make claims when we suffer from an injury at work?

Q: I sprained my ankle at work am I entitled to personal injury claims ?

A: If you are unlucky enough to be involved in an accident at work, which was not your fault and you suffer from an injury which was caused by the negligence of your employer, you may be able to make a Personal Injury claim for compensation.

As with all accident compensation claims, you would need to prove that your injury was caused as a result of the negligence of your employer and once you employ a personal injury solicitor, they will assist you in compiling your evidence and presenting it to the third party insurers.

The majority claims for workplace accidents and injuries are settled out of Court; however, some will seek redress in the

court of law.

All employers have a responsibility to protect their employees from accidents and injuries. This includes ensuring: - They provide their employees with safe and secure environment within which to conduct their jobs.

Employees should be provided with suitable workstations and seats and the ground and corridors should be clean and free from hazards. Doors and gates should not be hindered.

All employees required to lift heavy objects should receive the required training to show them how to do this safely.

All employees should be provided with safety wear they require for their jobs, such as goggles, hard hats or boots.

Inside this issue:

From the Editor:
Chioma Momah

Q & A:
Aisha Isa Ahmed

Social Diary:
Talatu Akhidime

The Public Officers Protection Act: are officer of NDIC protected?:
Panshak Haggai

Jokes and Quotes:
Joseph Embugushiki

“Every river knows where its water would not be soaked up into the earth, and that is where it flows past.”

News Update

The Swiss Government says it has been notified that key figures in Egypt's former regime have assets stashed in their country.

Nuhu Ribadu has picked Fola Adeola as his running mate.

NBA Abuja meetings hold on the first Friday of every month by 4pm at Blakes Resort, Garki,

THE PUBLIC OFFICERS PROTECTION ACT: ARE OFFICERS OF NDIC PROTECTED? Pt 1

Who is a Public Officer ?

There seems to have been some misunderstanding as to who a public officer is. However, “Public Officer” has been legally defined. For instance in the case of *Registered Trustees of the Planned Parenthood Federation of Nigeria V. Dr Jimmy Shoghola (2004) 11 NWLR (Part 883) page 1*, it was held that a public officer is one in the public services of the Government of the Federation or State”.

It was held in the above mentioned case that the factors which must co-exist to constitute a public office include: that the office must be created by the Constitution, statute or other enabling legislation; that its function, duties and powers are as defined by law and other regulation; and that the position must show some permanence.

The Black’s Law Dictionary defines “public office” within the context of its basic characteristics, which include being vested with authority conferred by law, having a fixed tenure of office, and power to exercise some portion of sovereign functions of government.

By virtue of Section 318 (1)(c) of the Constitution of the Federal Republic of Nigeria, 1999 the definition of public service of the Federation “means the service of Federation in capacity in respect of the Government of the Federation” also by Section 318 (1)(c) (e) public servants include “staff of any statutory Corporation established by an Act of the National Assembly” .

Therefore, a public officer is a person who has been legally elected or appointed to office and who exercises governmental functions at the local, state or federal level. Such a person is regarded an official or employee of the government. From the above definition, all persons in the employment of the Corporation (NDIC) are regarded as public officers.

The Nature of Public Officer Protection

Most countries, including Nigeria, have enacted special laws which are aimed at protecting their public officers and in the discharge of their official by providing some form of immunity against civil claims in tort or contract. In Nigeria, one of the laws that protect public officers is the Public Officers Protection Act, CAP P41, LFN, 2004. The Act was enacted to improve efficiency, enhance productivity and rid the civil service of corrupt practices. See: *Okoro v. Delta Steel Company (1990) 2 N.W.L.R. (Pt. 130)*.

Section 2(a) of the Public Officers Protection Act, 2004 provides that:

“Where any action, prosecution, or other proceeding is commenced against any person for any act done for any act done in pursuance or execution of any Law of any public duty or authority, or in respect of any alleged neglect or default in the execution of any such Act, Law, duty or authority . . . the action,

prosecution, or proceeding shall not lie or be instituted unless it is commenced within three months next after the act, neglect or default complained of, or in case of a continuance of damage or injury, within three months next after the ceasing thereof. . . .”

To be continued...

Social Diary

The Legal Luminary wishes all the Muslim Ummah a happy Eid el malud in arrears which was celebrated on the 15th of February.

Hearty cheers to our amiable colleague Mr. Anyadiegwu aka Mr Zubby who added another year on the 10th of February.

Happy Valentines day in arrears!

REPLY BRIEF
Welcome to year 2011.

The edition is rich and quite simple to digest. More grease to you guys elbows.

Wale Sule

NDIC