

# NATIONAL ARCHIVES DECREE 1992

## Decree No. 30

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**Establishment of the National Archives of Nigeria**

1.- (1 )There is hereby established a Federal Department to be called the National Archives of Nigeria (in this Decree referred to as "the National Archives") which shall be entrusted with the permanent custody, care and control of all archives of the Federal Government and of such other archives or historical records as may be required, from time to time, pursuant to this Decree.

(2)The National Archives shall have such number of branches as the Minister may, from time to time determine.

 **Appointment and Functions of the Director, etc**

2.- (1) There shall be a Director of the National Archives who shall be appointed in accordance with provisions of the law for the time being in force relating to the appointment of officers in the civil service of the Federation.

(2) The Director, under the direction of the Minister, shall have the general function of organizing and managing the National Archives and the services provide in pursuance of this Decree and shall, in particular –

(a) give advice on all matters relating to records and archives to all public and State offices, business houses, companies, private bodies and individual who may request his advice;

(b) carry out the appraisal and selection of records for permanent preservation and their arrangement, classification, listing and provide means of reference to the archives in the National Archives;

(c) prepare and publish, with the assistance and advice of the Council established under section 47 of this Decree, periodical publications, historical and archival monographs, catalogues and guides, publications of historical sources of national interest (including works resulting from archival, historical and general research by the officers of the National Archives);

(d) select and microfilm all archives essential to the Continuity of the Federal Government;

(e) make arrangements for the housing of films, other records and archives which require to be kept under special conditions;

(f) cause archives to be repaired and bound or otherwise dealt with as necessary for their better preservation;

(g) promote the advancement of historical and cultural knowledge and the knowledge of the contents of Nigerian archives by –

(i) establishing and maintaining a research library which may be made accessible to such leading archival institutions and persons as he may think fit and upon such terms and conditions as he may consider necessary;

(ii) organizing seminars, visits, exhibitions, lectures, in-service training, courses, meetings and conferences;

(h) conduct research into the archives on behalf of public and state offices, business houses, companies, private bodies and individuals, subject to the payment of appropriate fees;

(i) reproduce and duplicate records and archives;

(j) lend archives in the National Archives, with the approval of the Minister, for display at commemorative exhibitions or for other special purposes;

(k) establish or assist in the establishment of local training centres in records and archives management and ancillary fields;

(l) establish, with the approval of the Minister relationship with foreign or international organizations on all matters relating to records and archives; and

(m) perform such other functions as are prescribed by this Decree

(3) The staff of the National Archives shall consist of such other officers and employees as may be appointed in accordance with the provisions of the law for the time being in force relating to the appointment of officers in the civil service of the Federation.

3. - (1) The head of a public office shall make or cause to be made or filed such record which are essential for

(a) the continuity of his office;

(b) the full documentation of its organisation, functions, policies, procedures and transactions; and

(c) the efficient, economical and orderly execution of its duties.

(2) The head of a public office shall take steps to ensure that officers turn over all records to their successors and to establish such safeguards against removal or loss of records as he

shall deem necessary or as may be provided by rules and regulations.

### **Prohibitions**

4. - (1) A public office shall not transfer its non-current records to any other public offices, library, museum or other body without the approval of the Director.]

(2) A public office shall not destroy its non-current records in respect of which no retention or disposal schedules specified in section 5 (2) (b) of this Decree exist without the approval of the Minister.

### **Designation of departmental records management officer**

5. - (1) A public office shall designate an officer of such seniority as a Minister shall, with the approval of the National Council of Ministers, determine to be the departmental records management officer.

(2) The departmental records management officer shall have as his function or the main part of his functions the planning, development and organization of records management programme for that office and shall have the following additional functions

(a) afford to the Director such facilities for the examination and inspection of public records as prescribed in section 6 of this Decree;

(b) submit, with the assistance and under the guidance and supervision of the Director, retention and disposal schedules applying to all records not covered by the general schedules mentioned in section 8 (1) of this Decree for the approval of the Minister,

(c) apply tested standard, procedures, techniques, materials and equipment in all matters relating to record making and record keeping, record preservation and protection, selective retention of records, records scheduling for disposal and transfer of records to a Records Centre or to the National Archives.

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### **Power of Director to examine public records**

6. - (1) The Director or any other officer designated by him shall have the power to examine records which are not confidential or secret and in the custody of any public officer and shall take such actions in their regards as are provided in the relevant sections of this Decree. .

(2) The Director or any other officer designated by him shall with the permission of the head of the public office that has custody of the records, examine any confidential or secret records.

(3) If the records to be examined under subsection (2) of this section contain any information from members of the public the disclosure of which is, by written law, prohibited or limited to certain purposes, the Director or any other officer designated by him shall take such oaths or make such declaration relating to secrecy (with such modifications as the circumstances require) as is required by the relevant written law to be taken made by the persons having access to such records in the public office which has custody of the said records.

(4) A person who takes an oath or makes a declaration under subsection 3 of this section shall, for the purposes of any punitive provision of the written law relating to any disclosure in contravention of the written law, be deemed to be a person employed in carrying out the provisions of the relevant written law.

### **Operation of Records Centres**

7. The Director shall establish, as an integral part of the National Archives, Federal Records Centre (in this decree referred to as "the records centres") which shall be primarily charged with the management of non-current public records, and in which shall be made available records storage facilities to which may be transferred, for their servicing, security and reviewing, noncurrent public records which require to be retained.

### **Assessment of practice in public offices**

8- (1) The Director shall, with the approval of the Minister, issue general schedules regarding the retention and disposal of records common to several or all public offices and a public office shall comply with such schedules.

(2) The Director shall assess through periodical reviews of the record making and record keeping practices of the public offices

(a) The adequacy of their records classification Systems as a means of preventing loss of the records;

(b) The extent to which the important policies and programmes of the public office are documented for future research; and

(c) The extent to which records are scheduled for retention or disposal, and given adequate storage and protection.

(3) The Director shall conduct researches and studies, develop and establish standards and procedures, for record making and record keeping, selective retention of records, scheduling of records for disposal, storage, security and preservation of records and their retirement to records centre or the National Archives.

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### **Reports on condition of public records**

9. The Director shall, in relation to his responsibilities under section 8 of this Decree, prepare an annual report to be submitted by the Minister to the National Council of Ministers on

the activities of the public offices in the field of records management and such reports shall be made available to the public offices concerned after approval.

### **Training of departmental records management staff**

10. The Director shall organize training programme aimed at improving the effectiveness and technical knowledge of the staff in the public offices concerned with records management and provide technical advice and assistance in records management to all public offices.

### **Authority of Secretary to the Government of the Federation, etc not im pugned**

11. Nothing in this Decree shall be construed as restricting the authority and responsibility of the Secretary to the Government of the Federation or Federal Civil Service Commission to exercise his functions in respect of general administrative policy in the public service, and in particular, to issue policy statements or guidelines aimed at the administrative improvement of records management in the public service of the Federation or assessing the effectiveness of any public office in these matters.

### **Criteria for the selection of public records for permanent preservation**

12. - (1) All non-current public records of the age of twenty five years and above which contain

(a) evidence of the organization, functions, policies, procedures and transaction of the public office in which they were originally made or received; or  
(b) evidence of public or private personal or property rights or civil rights; or

(c) historical or general information are hereby declared public archives and may be transferred to the National Archives at the discretion of the Director

(2) Where confidential or secret records transferred under subsection (1) of this section contain information the disclosure of which is, in accordance with any written law, prohibited or restricted to certain persons, punitive provisions applicable to a person employed in carrying out the provisions of that written law shall be applicable to the Director and other officers or employees of the National Archives who have access to such records.

(3) The Director shall transfer to the National Archives all non-current records offered for transfer by any public office provided he considers that such records deserve to be preserved.

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### **Responsibility for records transfer**

13. All the work involved in depositing documentary materials in the National Archives (including transportation and the completion of sets of films) shall be carried out by the institution, organisation or enterprise from which the said materials originate

### **Power of Director to requisition public records in peril**

14. The Director may, with the approval of the Minister requisition all non-current public records meriting preservation and which, not being twenty-five years of age are in danger of loss, deterioration or destruction.

#### **Transfer of records of defunct offices**

15. The records of a defunct or terminated public office which the Director considers to deserve preservation shall be transferred to the National Archives; provided that the functions of that office pertaining to the selected records are not transferred to another public office.

#### **Preservation of constitutional and legal document**

16. The National Archives shall preserve under adequate security conditions, all original constitutional instruments, treaties, law, decrees and other legal enactments of the Federal Government.

#### **Statutory delivery of official publications**

17. The head of every public office shall within three months of publication deliver not less than two copies of every publication issued by that office for preservation as printed archives in the National Archives.

#### **Deferment of records transfer**

18. The Director may, if it appears to him to be in the interest of the proper administration of the National Archives, direct that the transfer of any category of public records should be suspended until arrangements for their reception have been completed.

#### **Return of records to public offices**

19.- (1) The Director may, at the request of the head of the public office from which they were transferred, return records for use in that office; provided that such records shall not be retained in that office for longer than one year without the consent of the, Director.

(2) The Director may prescribe the conditions for the, safe custody and preservation of the records while in use in the office to which they are in pursuance of subsection (1) of this section and the head of that office shall comply with the instruction

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#### **Declaration of places of deposit**

20.- (1) If it appears to the Minister that facilities exist for the safe keeping and preservation of public archives and their inspection by the public in some places other than the National Archives and that convenience so requires, he may, at the request, or with the agreement, of the authority responsible for that place declare that place to be a place of deposit for public archives of a particular category or particular categories

(2) Where the Minister declare any place to be a place of deposit for any category or categories of public archives, public archives of such category or categories shall be

transferred for preservation or be preserved in that place of deposit in lieu of the National Archives and in relation to such public archives, the provisions of this Decree shall have effect accordingly

### **Power of Director over places of deposit**

21 - (1) Where the Minister declares a place of deposit under section 20 of this Decree, the Director shall make arrangement with the authority responsible for that place for the appointment, as occasion may require, of a suitable person as custodian of the public archives kept there in.

(2) The Director shall have access to a place of deposit and may exercise, in relation to any place of deposit and to the public archives therein, the functions conferred on him by this Decree in relation to the National Archives and the public archives therein and delegate to the custodian of the public archives in any such place any of those functions other than the power of affixing the seal of the Director of National Archives.

### **Return of public archives removed illegally**

22. - (1) The Director shall have the power to recover any public archives belonging to the Federal Government that have been illegally removed from official custody.

(2) Nothing in this section shall be deemed to Authorise the Director to demand the surrender of any public archives that are kept in any state office except with the consent of the State Government concerned.

### **Repatriation of migrated archives**

23. The Director shall take steps, as may be necessary, to acquire and have returned to Nigeria any public records or records of historical value to Nigeria which may have been exported from Nigeria prior to the commencement of this Decree.

### **Acquisition of the records of the President**

24. Records of the President, Commander-in-Chief of the Armed forces, shall at the end of his tenure of office be transferred to the National Archives after they have been inspected by the Director to ascertain their archival value or to such other Archives as may be provided for by an enactment.

### **Disposal of non-archival public records in the National Archives**

25.-(1) Where the Director is of the opinion that any public archives in the National are duplicated or are in an irreparable state of deterioration or have no permanent value for preservation or should for some other reasons not be preserved, he may, with the approval of the Minister, dispose of such non- archival records in any manner he deems fit.

(2) The list of archives disposed of in the National Archives in pursuance of subsection (1) of this section as well as of any records connected therewith (including the records of approval of the destruction of disposal by the Minister) shall be preserved in the National Archives.



## **Power to dispose of private archives restricted**

26. The Director shall not dispose of any archives voluntarily deposited by private bodies and individuals without the consent of the depositors or their representatives or successors.

## **Access of the public to the National Archives**

27 - (1) Members of the public shall have free access to public archives in the National Archives to which there had been free access when the archives were in the custody of the public office from which they had been transferred.

(2) All public archives of the age of twenty-five years or more shall be open to the inspection of member of the public

But where a longer period of closure had been stipulated by the head of the public office which had the custody of the public archives before their transfer to the National Archives, the Director shall comply with the stipulation.

(3) Public archives relating to the private life of individuals shall not be made available for the inspection of members of the public except with the written permission of the persons concerned, their heirs or their executors, if these are known to the Director

(4) Access to archives voluntarily deposited by a private body or by an individual shall be regulated by the conditions agreed between the depositor and the Director.

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## **Powers of the Director on access to archives**

28. - (1) The Director may, with the approval of the Minister, open to public inspection archives which are less than the periods prescribed, stipulated or agreed by virtue of the relevant subsections of section 27 of this Decree, if in his opinion such inspection is not prejudicial to any public or private interest.

(2) The Director may refuse to allow access to any archives on the ground of their fragile conditions and may deny access to any archives pending their classification, repair or other treatment.

## **Reproduction and publication of archives**

29. - (1) Subject to subsection (2) of this section, any person may make or cause the National Archives to make at his own expense copies of or extracts from any public archives which have been made available to him in the National Archives in pursuance of this Decree.

(2) No person may publish the whole or part of any public archives, without the written permission of the Director and in the case of archives voluntarily deposited by private bodies or individuals, without the written consent of the depositor or his representatives.

(3) A person who issues any publication based on the archives he has used in the , National Archives shall deposit a copy of the publication in the National Archives Research Library.

(4) Nothing in this section shall be construed as affecting or extending the law relating to copyright.

#### **Legal validity of public records**

30. When it is a requirement of the validity of any public record that it be kept in or produced from legal custody, the validity of the record shall not be affected by its transfer from the appropriate place to the National Archives.

#### **Authentication of copies and seal as evidence of such copies**

31. A copy or extract from any archives in the National Archives, including microcopies and photocopies of such a copy or extract, purporting to be duly certified as authentic by the Director or by the custodian of the public archives in any place of deposit where such archives are kept, and authenticated by having impressed thereon the official seal of the Director or of the place of deposit shall be admissible in evidence, if the original document or documents would have been admissible in evidence in the proceedings.

#### **Reconstruction of public archives**

32. The Director may take such steps as appear to him appropriate for the purpose of reconstructing public archives which have been destroyed by fire, flood or other catastrophes

#### **Establishment, etc. of State Archives by the State Government**

Preservation of State Archives

33. - (1) A State Government may establish a State Archives.

(2) Notwithstanding the provisions of subsection (1) of this section, any State Government may join with one or more State Governments to establish a joint State Archives.

(3) Nothing in this section shall be deemed to prevent any State Government from assigning the preservation of its archives to the National Archives, so however that such archive shall be regarded and managed as part of the archives of the Federal Government and subject therefore to the provisions of this Decree.

## **Management of Private Records and Historical Manuscripts**

### **Power to inspect private records**

34. The Director shall, as far as possible cause all non-current records and historical documents owned, held or possessed by private bodies and individuals in Nigeria to be inspected and surveyed and advise or cause advice to be given as to their safe custody, preservation and care.



### **Register of non-current records, etc**

35. – (1) The Director shall keep a register (in this section referred to as “the register”) into which shall be entered as the Director may determine, such of the non-current records material and historical document mentioned in section 34 of this Decree which are of value and are not deposited in the National Archives or in a place of deposit.

(2) Entry into the register under subsection (1) of this section shall be made on the basis of a declaration by the private body or individual owning, holding or possessing the record, material or historical documents or on the basis of investigation conducted by the Director concerning the existence of the record, material of historical documents.

(3) The Director may require from any person information concerning private non-current records, materials or historical document owned, held or possessed by him and it shall be the duty of such person to supply the information.

(4) No record or historical document which is less than twenty-five years old shall be entered into the register, unless it has, in the opinion of the Director, major historical interest and significance and when so registered they all assume the status of private archives.

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### **Responsibilities of the owners of private archives.**

36. A private body or an individual who, by whatever title, owns, holds or possesses registered records shall:

- (a) preserve his archives in an adequate manner and with all due care and repair and bind them as may be necessary
- (b) arrange, classify, list and describe the archives:
- (c) transmit a copy of such lists or descriptions to the Director:
- (d) open his archives for the use of the public at request under such conditions as may be agreed with the Director
- (e) make arrangements to publish such of his archives as the Director may require or submit such archives to the Director for publication; and
- (f) report any losses of archives to the Director.

### **Restrictions on disposal, transfer or sale of private archives.**

37. – (1) Private archives shall not be disposed of by their owners, holders or possessors except with the written permission of the Director.

(2) The ownership, tenure or possession of private archives shall not be transferred whether for payment or free of charge, without the prior knowledge of the Director who, in the case of sale, may exercise the right of pre-emption.

### **Exportation of private archives prohibited.**

38. – (1) No person shall export or send private archives out of Nigeria.

(2) any person who contravenes the provisions of subsection (1) of this section is guilty of an offence under this section and liable on conviction to a fine not exceeding N1000 or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

### **Responsibilities of Director over private archives.**

39. - (1) The Director shall, as far as the resources available to him permit, assist the owner, holder or possessor of private archives in arranging, classifying, listing, describing, repairing and binding his archives.


(2) The Director shall microfilm all private archives which he considers to be important for Nigerian history.

### **Voluntary deposit of private archives in the National Archives**

40. - (1) A private body or an individual who owns, holds or possesses archives may deposit them in the National Archives for their better preservation.

(2) Private archives deposited under the provisions of subsection (1) of this section shall not be deemed to have become public archives.

(3) The depositor of private archives shall be free to consult the deposited archives and to make or obtain copies of or extracts from them free of charge.

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### **Compulsory transfer of private archives to National Archives, etc.**

41. - (1) The Director shall, with the approval of the Minister, transfer for preservation in the National Archives any private archives which in his opinion are in danger of loss, dispersal, deterioration or destruction.

(2) When private archives are transferred to the National Archives under the provisions of subsection (1) of this section they shall assume the status of, and be managed as, public archives.

(3) Compulsory transfers of private archives shall be subject to the payment of

compensation.

### **Records of banned parties to be transferred to National Archives,**

42. All the records of political parties and other associations or societies which have been banned or proscribed by the Federal Government shall be - transferred to the National Archives by the designated or prescribed authorities within such period or any extension of time as the National Council of Ministers may determine.

### **Acquisition of records by gift or purchase**

43. The Director may receive gifts of records and historical documents of any provenance or purchase them with public funds provided they are of major historical interest and significance.

### **Collection of oral traditions and oral history and register for oral traditions and oral history.**

44. - (1) The Director shall collect or assist in the collection of oral traditions and oral history.

(2) A register for oral traditions and oral history of various collections in various institutes and centres shall be maintained by the Director.

(3) It shall be the responsibility of such institutes and centres to ensure that the lists of their collections are forwarded on the appropriate form to the Director on or before 31st December of every year.

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### **Establishment of archives by business houses or companies.**

Preservation and Management of Company Records

45. - (1) Every business house or company which is not Government owned or private companies within the meaning of The Companies and Allied Matters Act (by what name so ever described) shall, on attaining the age of twenty-five years, operate an archives division.

(2) Every business house or company which has been in existence for at least twenty -five years at the commencement of this Decree shall, not later than three years after that date, establish its archives division on the basis laid down in subsection (1) of this section.

(3) Nothing in this section shall prevent –

(a) a group of business houses or companies, whether they are of the same or different kind, if they so desire, from joining together to establish joint archival repositories for the better preservation and administration of their archives; or

(b) an archival division from being established by any business house or company,

which, not being twenty-five years

(4) As from the commencement of this Decree, every business house or company shall be under obligation to make and preserve adequate and proper documentation of its organisation, functions, policies, procedures and transactions.

#### **Compulsory transfer of business records**

46. - (1) A business house or a company affected by section 45 of this Decree and which has not established an archival division by itself or jointly with other business houses or companies by a date to be prescribed by the National Council of Ministers shall transfer all their non-current records to the National Archives.

(2) The records transferred into the National Archives' under subsection (1) of this section shall be deemed to be public records under this Decree and shall be so managed.

(3) No compensation shall be paid for the records transferred by virtue of this section.

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