

Supplement to Official Gazette Extraordinary No. 7, Vol. 45, 5th February, 1958—Part B

L.N. 8 of 1958

PROCLAMATION

(under THE EMERGENCY POWERS ORDERS IN COUNCIL
1939 AND 1956)



By His Excellency, SIR JAMES WILSON ROBERTSON, KNIGHT
Grand Cross of the Most Distinguished Order of Saint
Michael and Saint George, Knight Grand Cross of the
Royal Victorian Order, Knight Commander of the Most
Excellent Order of the British Empire, Governor-General
and Commander-in-Chief of the Federation of Nigeria.

J. W. ROBERTSON

Governor-General

In exercise of the powers conferred upon the Governor-General by section 3 of the Emergency Powers Order in Council, 1939, as amended by the Emergency Powers (Amendment) Order in Council, 1956, and of all other powers in that behalf enabling me, I, JAMES WILSON ROBERTSON, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of the Royal Victorian Order, Knight Commander of the Most Excellent Order of the British Empire, Governor-General and Commander-in-Chief of the Federation of Nigeria, do hereby proclaim that the provisions of Part II of the Emergency Powers Order in Council, 1939, are hereby brought into operation in the Aba, Ikot Ekpene, Port Harcourt, Ogoni, Ahoada, Bende, Okigwi, Owerri and Orlu Administrative Divisions, and the Area of Authority of the Enugu Urban District Council.

GIVEN under my hand and the Public Seal of the Federation the 5th day of February, one thousand nine hundred and fifty-eight.

GOD SAVE THE QUEEN

L.N. 9 of 1958

EMERGENCY POWERS ORDERS IN COUNCIL, 1939 AND 1956
Emergency Powers (Competent Authorities) (Certain Areas of the
Eastern Region) Regulations 1958

Date of Commencement : 5th February, 1958

In exercise of the powers conferred by section 6 of the Emergency Powers Order in Council, 1939, as amended by the Emergency Powers (Amendment) Order in Council, 1956, the Governor-General has made the following regulations—

1. These Regulations may be cited as the Emergency Powers (Competent Authorities) (Certain Areas of the Eastern Region) Regulations, 1958.

2. Wherever in any regulation or order made under the Emergency Powers Orders in Council, 1939 and 1956, and applying to the Aba, Ikot Ekpene, Port Harcourt, Ogoni, Ahoada, Bende, Okigwi, Owerri and Orlu Administrative Divisions of the Eastern Region and to the Area of Authority of the Enugu Urban District Council or to any of such Divisions and Area of Authority there is contained a reference to a competent authority, such reference shall, unless the context of such regulation or order otherwise requires, be construed in accordance with these regulations, and these regulations shall apply to any of the said divisions and Area of Authority in respect of which it is necessary to construe such a reference in any regulation or order.

3. In respect of each of the areas of the Eastern Region named in the first column of the Schedule to these regulations the officer named opposite that area in the second column of the said Schedule shall be the competent authority.

SCHEDULE

<i>Area</i>	<i>Competent Authority</i>
Area of Authority of the Enugu Urban District Council.	The Senior Administrative Officer in charge of the Udi Administrative Division.
The Ikot Ekpene Administrative Division.	The Senior Administrative Officer in charge of the Ikot Ekpene Administrative Division.
The Port Harcourt, Ogoni and Ahoada Administrative Divisions.	The Senior Administrative Officer in charge of the Port Harcourt Administrative Division.
The Bende and Okigwi Administrative Divisions.	The Senior Administrative Officer in charge of the Bende Administrative Division.
The Aba Administrative Division.	The Senior Administrative Officer in charge of the Aba Administrative Division.
The Owerri and Orlu Administrative Divisions.	The Senior Administrative Officer in charge of the Owerri Administrative Division.

MADE at Lagos this 5th day of February, 1958.

J. W. ROBERTSON
Governor-General

L.N. 10 of 1958

EMERGENCY POWERS ORDERS IN COUNCIL, 1939 AND 1956

Emergency Powers (Control of Arms and Explosives)
Regulations, 1958

Date of Commencement : 5th February, 1958

In exercise of the powers conferred by section 6 of the Emergency Powers Order in Council, 1939, as amended by the Emergency Powers (Amendment) Order in Council, 1956, the Governor-General has made the following regulations—

1. These regulations may be cited as the Emergency Powers (Control of Arms and Explosives) Regulations, 1958. Citation.

2. In these regulations—

Definitions.

"ammunition" includes all materials for loading firearms, percussion caps, and gunpowder of every kind ;

"arms" includes firearms of all descriptions, whether whole or in detached pieces, but does not include air guns or air pistols ;

"explosives" includes gunpowder of every kind, rockets, nitro-glycerine, dynamite, gun-cotton, blasting powder, detonators, fulminate of mercury or other metals, and every other explosive substance being any compound of, or having any ingredients in common with any of the above ;

"firearms" includes any cannon, gun, rifle, machine-gun, cap-gun, flint-lock gun, revolver, pistol or other firearm whether whole or in detached pieces, but does not include air guns or air pistols.

3. The competent authority may in writing authorise any administrative officer or superior police officer to exercise all or any of the powers conferred upon the competent authority by regulation 4.

Appointment to exercise powers of a competent authority.

4. (1) The competent authority may by order made in respect of any area specified therein prohibit, either absolutely or conditionally, the possession by any class of person of any explosive, ammunition, arms or component parts thereof ; and any such order may be made with respect to all explosives, ammunition, arms and component parts thereof or with respect to any class of explosives, ammunition, arms or component parts thereof.

Possession of explosives, etc.

(2) The competent authority may by order made in respect of any area other than an area in which an order under paragraph (1) is in force, provide for the safe custody of explosives, ammunition, arms and component parts thereof as he shall deem fit.

(3) Every person who, in any such area as may be specified in an order made pursuant to paragraph (2), has in his possession, custody or under his control, any explosive, ammunition, arms or component part thereof, shall comply with such directions in respect thereof as may be given by any police officer in the district in which such articles are situate ; and any such directions may require the removal of such articles to such place as may be specified therein.

(4) If any directions given by any police officer under paragraph (3) are not complied with, then (without prejudice to any proceedings which may be taken in respect of the offence) the said officer may cause the articles to which the directions relate to be dealt with in such manner as may be necessary for securing compliance with the directions.

Penalty.

5. Any person who fails to comply with the provisions of any order or direction made or given under these regulations shall be guilty of an offence and shall be liable—

(a) on summary conviction in a magistrate's court, to imprisonment for a term not exceeding two years; or

(b) on conviction in a High Court, to imprisonment for a term not exceeding five years.

MADE at Lagos this 5th day of February, 1958.

J. W. ROBERTSON,
Governor-General

L.N. 11 of 1958

EMERGENCY POWERS ORDERS IN COUNCIL, 1939 AND 1956

Emergency Powers (Control of Traffic) Regulations, 1958

Date of Commencement : 5th February, 1958

In exercise of the powers conferred by section 8 of the Emergency Powers Order in Council, 1939, as amended by the Emergency Powers (Amendment) Order in Council, 1956, the Governor-General has made the following regulations—

1. These regulations may be cited as the Emergency Powers (Control of Traffic) Regulations, 1958. Citation.

2. In these regulations—

Definitions

"emergency" means any emergency which is the occasion of a Proclamation issued by the Governor-General in exercise of the powers conferred upon him by the Emergency Powers Order in Council, 1939;

"road" includes any highway, public bridge, street, lane, footpath, footway, square, court or passage, whether a thoroughfare or not;

"vessel" includes any sailing vessel and any craft propelled by oars or paddles.

3. A competent authority may in writing appoint any administrative officer or superior police officer to exercise all or any of the powers conferred upon him by regulation 4 of these regulations and any officer so appointed shall be deemed to be competent authority for the purposes of these regulations. Appointment to exercise powers of a competent authority.

4. (1) Where by reason of an emergency the competent authority deems it expedient so to do, he may— Power to control roads, etc.

(a) by order or giving directions or in any other manner regulate, restrict, control or prohibit the use of any road or waterway by any person or close any road or waterway;

(b) by the issue of permits to which conditions may be attached or in any other manner, regulate, restrict, control or prohibit the travelling by any person in any train, motor bus, motor car or vehicle of any description and may similarly regulate, restrict, control or prohibit the travelling by any person in any vessel.

(2) The competent authority may in relation to the use of any road or of any vehicle or vessel, take such steps and use such force as may appear to him to be reasonably necessary to secure compliance with any order or direction made or given under these regulations or where an offence against these regulations has occurred, for enabling proceedings in respect of that offence to be effectually taken.

5. (1) Where any order or direction is made or given under these regulations the competent authority issuing the order or direction shall cause notice of the existence of the order or direction to be given as soon as may be in such manner as he thinks necessary for bringing it to the notice of such persons as in his opinion ought to have notice of such order or direction. Publicity or orders.

(2) Without prejudice to the provisions of sub-regulation (1) of this regulation it shall be a sufficient notification if any order or direction made or given under these regulations is published in any newspaper circulating

in the neighbourhood where it is to be obeyed, or if the same be made known in such manner as is customary in the neighbourhood where it is to be obeyed, or if the same is published in the Gazette.

Penalty.

6. Any person who fails to comply with any order or direction made or given, by any competent authority in pursuance of regulation 4 of these regulations shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

MADE at Lagos this 5th day of February, 1958.

J. W. ROBERTSON,
Governor-General

L.N. 12 of 1958

EMERGENCY POWERS ORDERS IN COUNCIL, 1939 AND 1956

Emergency Powers (Curfew) Regulations, 1958

Date of Commencement : 5th February, 1958

In exercise of the powers conferred by section 6 of the Emergency Powers Order in Council, 1939, as amended by the Emergency Powers (Amendment) Order in Council, 1956, the Governor-General has made the following regulations:-

1. These regulations may be cited as the Emergency Powers (Curfew) Regulations, 1958. Citation.

2. A competent authority may, by order, impose a curfew upon the inhabitants of the area in respect of which he is appointed or any part thereof Power of competent authority to impose curfew.

3. (1) Every curfew order shall be made known to the inhabitants of the area to which it relates in such manner as is customary in such area, and shall come into operation on the date on which it is so made known. Publication, commencement and proof of curfew order.

(2) Without prejudice to any other mode of proof, a certificate purporting to be signed by an administrative officer shall be sufficient evidence of the terms of any such order, and of the date on which it came into operation in accordance with the provisions of sub-regulation (1).

(3) As soon as may be after any such order has been made, it shall be published by notice in the Gazette.

4. Where a curfew has been imposed in any area, no person, except an administrative officer, member of Her Majesty's forces, a police officer, a member of a native authority police force, or of the police force of a local government council, or a person registered or entitled to be registered as a medical practitioner, shall be abroad within such area, save in enclosed premises, between such hours as may be specified in the curfew order (hereinafter referred to as the hours of curfew), save under the authority of and in accordance with the conditions of a permit granted under the provisions of these regulations. Effect of curfew order.

5. (1) Any administrative officer or any police officer not below the rank of Assistant Superintendent may, in his absolute discretion, issue to any person applying therefor a written permit authorising the holder thereof to be abroad within a curfew area during such times and for such purposes and subject to such conditions or limitations as may be specified in such permit. Permits.

(2) It shall be a condition of every such permit that the person to whom it has been granted shall carry it on his person at all times when he is abroad in a curfew area, save in enclosed premises, during the hours of curfew.

(3) Every such permit shall, on demand, be produced for the inspection of an administrative officer, a member of Her Majesty's forces, a police officer or a member of a native authority police force or of the police force of a local government council.

(4) Any person to whom a permit has been granted under this regulation who fails to produce the same when lawfully required to do so shall be liable on summary conviction to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding three months.

Arrest
without
warrant and
penalty.

6. Any person found abroad in any curfew area contrary to the provisions of these regulations may be arrested without warrant by an administrative officer, a member of Her Majesty's Forces, a police officer or a member of a native authority police force or of the police force of a local government council, and shall be liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

MADE at Lagos this 5th day of February, 1958.

J. W. ROBERTSON,
Governor-General

L.N. 13 of 1958

EMERGENCY POWERS ORDERS IN COUNCIL, 1939 AND 1956

Emergency Powers (Misleading Reports) Regulations, 1958

Date of Commencement : 5th February, 1958

In exercise of the powers conferred by section 8 of the Emergency Powers Order in Council, 1939, as amended by the Emergency Powers (Amendment) Order in Council, 1956, the Governor-General has made the following regulations—

1. These regulations may be cited as the Emergency Powers (Misleading Reports) Regulations, 1958.

2. Any person who—

Dissemination of false reports.

(a) by word of mouth or in writing, or in any newspaper, periodical, book, circular, or printed publication spreads false reports; or makes false statements likely—

(i) to cause public alarm or despondency ; or

(ii) to prejudice the maintenance of public order ; or

(iii) to prejudice the maintenance of supplies and services essential to the life of the community ; or

(b) does any act or has in his possession any article or thing with a view to the spreading of any such false report or the making of any such false statement,

shall be guilty of an offence against these regulations.

3. (1) Any person guilty of an offence against regulation 2 shall—

Penalty.

(a) on summary conviction in a magistrate's court, be liable to imprisonment for a term not exceeding two years ; or

(b) on conviction in a High Court, be liable to imprisonment for a term not exceeding five years.

(2) An association guilty of an offence against regulation 2 shall be liable—

(a) on summary conviction in a magistrate's court, to a fine of five hundred pounds ; or

(b) on conviction in a High Court, to a fine of such amount as the court may order.

(3) For the purposes of this regulation, the expression "an association" means a person other than an individual.

4. (1) No prosecution in respect of an offence against these regulations shall be brought without the consent of the Attorney-General of the Federation.

Consent of the Attorney-General of the Federation.

(2) The Attorney-General of the Federation may delegate the power conferred upon him by paragraph (1) to such persons as he may think fit.

MADE at Lagos this 5th day of February, 1958.

J. W. ROBERTSON,
Governor-General

L.N. 14 of 1958

EMERGENCY POWERS ORDERS IN COUNCIL, 1939 AND 1956

Emergency Powers (Processions and Meetings) (Restriction)
Regulations, 1958*Date of Commencement : 5th February, 1958*

In exercise of the powers conferred by section 8 of the Emergency Powers Order in Council, 1939, as amended by the Emergency Powers (Amendment) Order in Council, 1958, the Governor-General has made the following regulations—

- Citation.** 1. These regulations may be cited as the Emergency Powers (Processions and Meetings) (Restriction) Regulations, 1958.
- Definitions.** 2. In these regulations—
 “public procession” means any procession in any public place;
 “public place” includes any public way, and any building, place, or conveyance, to which for the time being the public are entitled or permitted to have access, either without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meeting or assembly, or as an open court.
- Prohibition of processions.** 3. A competent authority, if satisfied that the holding of public processions or any class of such processions in any area would be likely to cause serious public disorder or to promote disaffection, may by order prohibit, for such period as may be specified in the order, the holding in that area of any such processions or any class thereof.
- Prohibition of meetings.** 4. A competent authority, if satisfied that the holding of any meeting in any public place would be likely to cause serious public disorder or to promote disaffection, may give directions prohibiting the holding of any such meeting.
- Use of force.** 5. Any police officer may take such steps and use force as may be necessary to secure compliance with any order made or directions given under these regulations.
- Penalty.** 6. Any person who fails to comply with the provisions of any order or direction made or given under these regulations shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred pounds or to both such imprisonment and fine.

MADE at Lagos this 5th day of February, 1958.

J. W. ROBERTSON,
Governor-General

L.N. 15 of 1958

EMERGENCY POWERS ORDERS IN COUNCIL, 1939 AND 1956

Emergency Powers (Punishment of Looting) Regulations, 1958

Date of Commencement : 5th February, 1958

In exercise of the powers conferred by section 6 of the Emergency Powers Order in Council, 1939, as amended by the Emergency Powers (Amendment) Order in Council, 1956, the Governor-General has made the following regulations—

1. These regulations may be cited as the Emergency Powers (Punishment of Looting) Regulations, 1958.

2. In these regulations the expression "authorised direction" means any order or direction made or given by any administrative or police officer or by any commissioned officer of Her Majesty's forces. Definition.

3. Any person, who, in any area which is or recently has been the scene of riot or civil commotion— Looting and kindred offences.

(a) steals any article from premises which have been damaged by riot or civil commotion, or which have been vacated by reason of riot or civil commotion or in consequence of any authorised direction made or given for the purpose of—

(i) preserving public safety ; or

(ii) maintaining public order ; or

(iii) protecting persons or property from the dangers involved in, or as a consequence of riot or civil commotion ; or

(b) steals any article which has been left exposed or unprotected as a consequence of riot or civil commotion ; or

(c) with intent to commit a felony—

(i) enters any premises ; or

(ii) damages any property ; or

(iii) assaults any person ; or

(iv) is found with any offensive or house-breaking instrument,

shall be guilty of an offence against these regulations.

4. Any person guilty of an offence against regulation 3 shall be liable— Penalties

(a) on summary conviction in a magistrate's court to imprisonment for a term not exceeding five years ; or

(b) on conviction in a High Court, to imprisonment for a term not exceeding fifteen years.

MADE at Lagos this 5th day of February, 1958.

J. W. ROBERTSON,
Governor-General

L.N. 16 of 1958

EMERGENCY POWERS ORDERS IN COUNCIL, 1939 AND 1956
Emergency Powers (Reporting of Persons) Regulations, 1958*Date of Commencement : 5th February, 1958*

In exercise of the powers conferred by section 6 of the Emergency Powers Order in Council, 1939, as amended by the Emergency Powers (Amendment) Order in Council, 1956, the Governor-General has made the following regulations—

- Citation.** 1. These regulations may be cited as the Emergency Powers (Reporting of Persons) Regulations, 1958.
- Appointment to exercise powers of a competent authority.** 2. A competent authority may in writing appoint any administrative officer or any superior police officer to exercise all or any of the powers conferred upon the competent authority by regulation 4 and any officer so appointed shall be deemed to be a competent authority for the purposes of these regulations.
- Definition.** 3. The expression "emergency" means any emergency which is the occasion of a Proclamation issued by the Governor-General in exercise of the powers conferred upon him by the Emergency Powers Orders in Council, 1939 and 1956.
- Power to require persons to report.** 4. (1) Where by reason of an emergency a competent authority deems it expedient for securing the public safety or for the maintenance or restoration of public order so to do, a competent authority may issue a direction in writing requiring any person to whom such direction is addressed to report to such place and within such time as may be therein prescribed and thereafter to comply with such instructions as may be given by the competent authority.
- (2) No such direction shall remain in force for a period exceeding twenty-one days from the day on which it is received by the person to whom it is addressed : provided that upon the expiration of any such period the competent authority may issue a further direction.
- Proviso.** 5. A competent authority shall inform the Governor-General as soon as practicable and by the most expeditious means available of any direction issued in pursuance of these regulations.
- Governor-General to be informed of directions issued.**
- Notice of direction.** 6. For the purpose of these regulations a direction shall be deemed to have been received if it is either—
- (a) delivered or the purport thereof made known to the person to whom it is addressed, or
- (b) delivered to the usual place of abode or business of such person :

Provided that where any person is charged with an offence under these regulations it shall be a defence for such person to prove that he was absent from his usual place of abode or business as the case may be when the direction was delivered in pursuance of paragraph (b) and that on his return to such place, he took immediate steps to comply therewith.

7. If any person by whom a direction in pursuance of these regulations has been received shall knowingly fail to comply with the requirements thereof, such person shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both such imprisonment and fine. Penalty

MADE at Lagos this 5th day of February, 1958.

J. W. ROBERTSON,
Governor-General

L.N. 17 of 1958

EMERGENCY POWERS ORDERS IN COUNCIL, 1939 AND 1956

Emergency Powers (Restriction Order) Regulations, 1958

Date of Commencement : 5th February, 1958

In exercise of the powers conferred by section 8 of the Emergency Powers Order in Council, 1939, as amended by the Emergency Powers (Amendment) Order in Council, 1956, the Governor-General has made the following regulations—

Citation

1. These regulations may be cited as the Emergency Powers (Restriction Orders) Regulations, 1958.

Interpretation.

2. In these regulations—

“restricted person” means a person in respect of whom a restriction order is in force;

“restriction order” means an order made under regulation 4.

Restriction orders.

3. (1) A competent authority, if satisfied, with respect to any particular person, that for the purpose of maintaining public order it is necessary so to do, may make an order (hereinafter called a “restriction order”) for both or either of the following purposes, that is to say—

(a) for securing that, except in so far as may be permitted by the order, or by a permit in writing issued by such authority or person as may be specified in the order, he shall be and remain, or that he shall not be, in any such place or area as may be so specified;

(b) for requiring him to notify his movements, in such manner, at such times and to such authority or person as may be specified in the order.

(2) A permit issued under paragraph (1) (a) may contain such terms and conditions as to the authority or person issuing the same appear expedient.

(3) A restriction order shall come into force immediately upon the service thereof on the restricted person, and, if at the time of such service the restricted person is within the place or area specified in the order, he may be removed from that place or area by any police officer or any person acting on behalf of a competent authority and shall, while being so removed, be deemed to be in lawful custody.

(4) Without prejudice to any proceedings which may be taken against a restricted person under regulation 4, a restricted person who is at any time in any place or area in contravention of the provisions of a restriction order, or of any term or condition of a permit issued under paragraph (1) (a), may be removed from that place or area by any police officer or any person acting on behalf of a competent authority, and shall, while being so removed, be deemed to be in lawful custody.

(5) A competent authority may at any time revoke or vary a restriction order.

(6) An authority or a person by whom a permit is issued under paragraph (1) (a) may at any time revoke, vary or add to the terms or conditions of the permit.

4. Any person who—

(a) contravenes the provisions of a restriction order; or

(b) falls to comply with any term or condition of a permit issued under paragraph (1) (a) of regulation 3.

shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred pounds, or to both such imprisonment and such fine.

MADE at Lagos this 5th day of February, 1958.

J. W. ROBERTSON,
Governor-General