

## L.N. 38 of 1958

## AID TO PIONEER INDUSTRIES ORDINANCE, 1952

(No. 10 of 1952)

## Aid to Pioneer Industries (No. 2) Order, 1958

*Date of Commencement : 6th March, 1958*

WHEREAS representations have been received pursuant to subsection (i) of section 3 of the Aid to Pioneer Industries Ordinance, 1952, for the making of an Order declaring the industry and the products set out in the Schedule to this Order to be a pioneer industry and pioneer products :

AND WHEREAS all necessary steps have been taken, pursuant to subsections (1), (2) and (3) of section 3 of the said Ordinance, prior to the making of this Order ;

NOW THEREFORE, in exercise of the powers conferred upon the Governor-General by subsection (3) of section 3 of the Aid to Pioneer Industries Ordinance, 1952, the following Order is hereby made :—

1. This Order may be cited as the Aid to Pioneer Industries (No. 2) Order, 1958. Citation.

2. It is hereby declared that Declaration.

(a) the industry set out in the Schedule hereto shall be a pioneer industry ; and

(b) the products set out in the Schedule hereto of such industry shall be pioneer products of such industry.

## SCHEDULE

*Industry*  
Bone crushing.

*Products*  
Glue, gelatine, bone meal, bone flour,  
crushed bone, oil, grease and  
tallow.

MAURICE JENKINS,  
*Acting Deputy Secretary to the  
Council of Ministers*

Lagos, 22nd February, 1958.

I.0214/S. 46

## L.N. 39 of 1958

## PROVIDENT FUNDS ORDINANCE (CHAPTER 181)

Township Local Authority Servants' Provident Fund  
(Rate of Interest) Order, 1958*Date of Commencement : 6th March, 1958*

In exercise of the powers conferred by regulation 16 of the Township Local Authority Servants' Provident Fund Regulations, the Governor-General, after having obtained the advice of the Board of Management under the Regulations and after consultation with the Council of Ministers, has made the following Order :—

Citation.

1. This Order may be cited as the 'Township Local Authority Servants' Provident Fund (Rate of Interest) Order, 1958.

Interest on  
deposits and  
bonuses.

2. There shall be credited on total deposits and bonuses paid and credited under the Township Local Authority Servants' Provident Fund Regulations interest at the rate of three and half *per centum per annum* for the year ending the 31st March, 1957.

MADE this 21st day of February, 1958.

MAURICE JENKINS,  
*Acting Deputy Secretary to the  
Council of Ministers*

F10109

## L.N. 40 of 1958

## PROVIDENT FUND ORDINANCE (CHAPTER 181)

Government Servants' Provident Fund  
(Rate of Interest) Order, 1958*Date of Commencement : 6th March, 1958*

In exercise of the powers conferred by regulation 16 of the Government Servants' Provident Funds Regulations, the Governor-General, after having obtained the advice of the Board of Management under the regulations and after consultation with the Council of Ministers, has made the following Order :—

Citation.

1. This Order may be cited as the Government Servants' Provident Fund (Rate of Interest) Order, 1958.

Interest on  
deposits and  
bonuses.  
(Vol. IX.  
p. 364).

2. There shall be credited on total deposits and bonuses paid and credited under the Government Servants' Provident Fund Regulations interest at the rate of three and one half *per centum per annum* for the year ending the 31st March, 1957.

MADE this 21st day of February, 1958.

MAURICE JENKINS,  
*Acting Deputy Secretary to the  
Council of Ministers*

## EXPLANATORY NOTE

The Order fixes the rate of interest relating to the Government Servants' Provident Fund for the year ending 31st March, 1957.

F10613

L.N. 41 of 1958

## STATUTORY INSTRUMENTS

1958 No. 260

## WEST AFRICA

**The Nigeria (Acting Federal Justices) Order in Council, 1958**

Made .. .. 19th February, 1958  
 Laid before Parliament .. .. 25th February, 1958  
 Coming into Operation .. .. 26th February, 1958

At the Court at Buckingham Palace, the 19th day of February, 1958

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Nigeria (Acting Federal Justices) Order in Council, 1958, and shall be construed as one with the Nigeria (Constitution) Order in Council, 1954(b).

Citation, construction, and commencement.

(2) This Order shall come into operation on the twenty-sixth day of February, 1958, and shall be deemed to have had effect as from the first day of January, 1958.

2.—(1) Notwithstanding anything contained in section 139 of the Nigeria (Constitution) Order in Council, 1954(b), a person may be appointed under subsection (3) of that section to act as a Federal Justice although he has already attained the age of sixty-five years at the time of his appointment.

Acting Federal Justices.

(2) Paragraph (b) of the proviso to subsection (4) of the said section 139 shall not apply to any person appointed under subsection (3) of that section to act as a Federal Justice.

W. G. AGNEW

## EXPLANATORY NOTE

*(This Note is not part of the Order but is intended to indicate its general purport.)*

The purpose of this Order is to enable a person to serve as an acting Federal Justice notwithstanding that he is over the age of sixty-five years, when the office of any substantive Federal Justice is vacant or when any substantive Federal Justice is unable to perform the functions of his office.

(a) 53 & 54 Vict. c. 37. (b) S.I. 1954/1146 (1954 II, p. 2829).

L.N. 42 of 1958

## DOCKS (SAFETY OF LABOUR) REGULATIONS, 1958

## ARRANGEMENT OF PROVISIONS

## PART I—INTRODUCTORY

1. Citation, commencement and application.
2. Interpretation.
3. Duties.

## PART II—PREMISES

4. Maintenance of approaches to docks.
5. Marking of edges of docks.
6. Lighting of approaches and place of work.
7. Life-saving appliances.
8. First-aid boxes.
9. Responsible person in charge of first-aid box.
10. Provision of ambulance or suitable boat.
11. Notices indicating location of first-aid equipment.

## PART III—VESSELS BEING LOADED, UNLOADED OR BUNKERED

12. Safe means of access to vessel.
13. Access between adjacent vessels.
14. Access between dock and hold.
15. Removal of fore and aft beams.
16. Marking of hatch coverings.
17. Maintenance of beams and coverings.
18. Hand grips.
19. Working space round hatches.
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PART IV—MACHINERY, PLANT AND OTHER APPLIANCES USED WHEN LOADING,  
UNLOADING OR BUNKERING

21. Ropes.
22. Pulley blocks : safe working load.
23. Chains and ropes : safe working load.
24. Cranes : safe working load.
25. Knotted chains.
26. Fencing of machinery and dangerous plant.
27. Stability of derricks.
28. Cranes and winches : control of loads.
29. Access to and fencing of crane platforms.
30. Exhaust steam.

**PART V—PRECAUTIONS WHEN LOADING, UNLOADING OR BUNKERING**

31. Escape from holds.
32. Suspended loads.
33. Safe handling of loads.
34. Crane and winch drivers, and attendants.
35. Signalling.
36. Clear passages on wharf.
37. Cargo stages.
38. Hatches.
39. Hatch beams.
40. Work at intermediate decks.
41. Skeleton decks.
42. Safe use of hooks.
43. Safe means of transport.

**PART VI—RESPONSIBILITY TO MAINTAIN AND USE PRECAUTIONS**

44. Removal of fencing.
45. Maintenance of fencing.
46. Duty to use safe means of access.
47. Prohibition of walking on hatch beams.

**PART VII—ADDITIONAL DUTIES OF EMPLOYER OF PERSONS ENGAGED IN THE PROCESSES**

48. Duty of employer to maintain.
49. Employer to provide means of access and lighting.

**SCHEDULE**

(List of Parts to which the Regulations apply.)

# FACTORIES ORDINANCE, 1955

(No. 33 of 1955)

## Docks (Safety of Labour) Regulations, 1958

*Date of Commencement: By Notice, see regulations 1 and 21*

In exercise of the powers conferred by sections 54 and 60 of the Factories Ordinance, 1955, the Minister of Labour and Welfare of the Federation has made the following regulations—

### PART I—INTRODUCTORY

Citation,  
commence-  
ment and  
application.

1. (1) These regulations may be cited as the Docks (Safety of Labour) Regulations, 1958, and shall come into operation on a day to be notified by the Minister by notice in the Gazette.

(2) These regulations shall apply to the processes of loading, unloading or bunkering any vessel in any dock in a port as specified in the Schedule, and to all machinery or plant used in those processes as if the processes were carried on in a factory and the machinery or plant were machinery or plant in a factory and the person who carries on those processes were the occupier of a factory: Provided that nothing in Parts III to VII inclusive shall apply to the unloading of fish from a vessel employed in the catching of fish: Provided further that nothing in regulations 13 (so far as regards liability to provide means of access), 14, 15, 16, 18, 19, 38 (1) and 47 shall apply to a barge, lighter, boat or other small craft: Provided further that the Minister may by notice in the Gazette at any time suspend the application of Part II or any of the provisions of Part II in respect of any dock that he may specify in the notice either indefinitely or until such date as he may so specify.

(3) These regulations shall apply to all vessels save vessels of war and vessels operated by the armed forces of Nigeria.

Interpre-  
tation.

2. In these regulations—

“dock” includes any wharf, pier, quay, jetty and every place at which goods (including fuel, provisions and other supplies for a vessel) are handled in course of loading or unloading vessels;

“hatch” means an opening in a deck used for the purpose of the processes or for trimming, or for ventilation;

“hatchway” means the whole space within the square of the hatches, from the top deck to the bottom of the hold;

“person employed” means a person employed in the processes;

“lifting machinery” means cranes, winches, hoists, derrick booms, derrick and mast bands, goose necks, eyebolts, and all other permanent attachments to the derricks, masts and decks, used in hoisting or lowering in connection with the processes;

“owner” in respect of a vessel shall include the master and any agent of the owner;

“processes” means and includes all or any part of the work performed on shore or on board, of loading, unloading, or bunkering any vessel in any dock;

“pulley block” means pulley, block, gin and similar gear, other than a crane block specially constructed for use with a crane to which it permanently attached;

“vessel” includes any ship, boat, barge, lighter or small craft engaged in the processes, whether mechanically propelled or not, but not canoes.

3. (1) It shall be the duty of the person having the general management and control of a dock to comply with Part II: Provided that if any other person has the exclusive right to occupation of any part of the dock, and has the general management and control of such part, the duty in respect of that part shall devolve upon that other person. Duties.

(2) It shall be the duty of the owner, master, or officer in charge of a vessel to comply with Part III.

(3) It shall be the duty of the owner of machinery or plant used in the processes, and in the case of machinery or plant carried on board a vessel it shall also be the duty of the master of such vessel to comply with Part IV.

(4) It shall be the duty of every person who by himself, his agents, or workmen carries on the processes, and of all agents, workmen, and persons employed by him in the processes, to comply with Part V.

(5) It shall be the duty of all persons, whether owners, occupiers, or persons employed, to comply with Part VI.

(6) Part VII shall be complied with by the persons on whom the duty is placed in that Part.

#### PART II—PREMISES

4. Every regular approach over a dock which persons employed have to use for going to or from a working place at which the processes are carried on, and every such working place on shore, shall be maintained with due regard to the safety of the persons employed. In particular, the following parts shall, as far as is practicable having regard to the traffic and working, be securely fenced so that the height of the fence shall be in no place less than 3 feet, and the fencing shall be maintained in good condition ready for use—

Maintenance of approaches to docks.

(a) all breaks, dangerous corners, and other dangerous parts or edges of a dock;

(b) both sides of such footways over bridges, caissons, and dock gates as are in general use by persons employed; and each side of the entrance at each end of such footway for a sufficient distance not exceeding 5 yards.

5. The edges of all quays shall be conspicuously marked by a solid white line of not less than 12 inches in width.

Marking of edges of docks.

6. All places in which persons employed are employed and any dangerous parts of the regular road or way over a dock forming the approach to any such place from the nearest highway, shall be efficiently lighted.

Lighting of approaches and place of work.

7. Provision for rescue from drowning shall be made and maintained, and shall include—

Life-saving appliances.

(a) a supply of life-saving appliances kept in readiness which shall be reasonably adequate having regard to all the circumstances;

(b) means at or near the surface of the water at reasonable intervals, for enabling a person to support himself or escape from the water which shall be reasonably adequate having regard to all the circumstances.

8. (1) A sufficient number of first-aid boxes or cupboards of the prescribed standard shall be provided at every working place and, if more than one is provided, at reasonable distances from each other.

First-aid boxes.

(2) A first-aid box or cupboard shall be plainly marked "FIRST AID".

(3) Nothing except appliances or requisites for first aid shall be kept in a first-aid box or cupboard.

Responsible person in charge of first-aid box.

9. A first-aid box or cupboard shall be kept stocked and in good order and shall be placed under the charge of a responsible person who shall always be readily available during working hours. Such person shall, except at docks at which the total number of persons employed at any time does not exceed 50, be a person trained in first aid.

Provision of ambulance or suitable boat.

10. There shall be provided for use at every dock at which the total number of persons employed at any time exceeds 50, a suitably constructed ambulance, maintained in good condition for the removal of persons seriously injured or sick, unless arrangements have been made for obtaining such an ambulance, when required from a hospital or other place situate not more than 2 miles from the dock and connected by telephone. Provided that a suitably equipped boat for the removal of persons seriously injured or sick may be used in place of an ambulance where such persons have to be removed by water.

Notices indicating location of first-aid equipment.

11. Notices shall be exhibited in prominent positions at every dock stating—

(a) the position of each first-aid box and the place where the person in charge thereof can be found;

(b) the position of stretchers or other appliances;

(c) the position of the ambulance or suitably equipped boat or, where such is not provided, the position of the nearest telephone and the name and telephone number of the hospital or other place from which an ambulance or boat can be obtained.

### PART III—VESSELS BEING LOADED, UNLOADED OR BUNKERED

Safe means of access to vessel.

12. If a vessel is lying at a dock for the purpose of loading or unloading or bunkering, there shall be safe means of access for the use of persons employed at such times as they have to pass from or to the shore as follows—

(a) where reasonably practicable the vessel's accommodation ladder or a gangway or a similar construction not less than 22 inches wide, properly secured, and fenced throughout on each side to a clear height of 2 feet 9 inches by means of upper and lower rails, taut ropes or chains or by other equally safe means, except that in the case of the vessel's accommodation ladder such fencing shall be necessary on one side only provided that the other side is properly protected by the vessel's side;

(b) in other cases a ladder of sound material and adequate length which shall be properly secured to prevent slipping:

Provided that nothing in this regulation shall be held to apply to cargo stages or cargo gangways if other proper means of access is provided in conformity with these regulations: Provided also that this regulation shall not apply if and while the conditions are such that it is possible without undue risk to pass to and from the vessel without the aid of any special appliances.

Access between adjacent vessels.

13. (1) If a vessel is alongside any other vessel, and persons employed have to pass from one to the other, safe means of access shall be provided for their use, unless the conditions are such that it is possible so to pass without undue risk without the aid of any special appliance.

(2) The means of access shall be provided by the vessel which has the higher freeboard.

14. (1) If the depth from the level of the deck to the bottom of the hold exceeds 5 feet, there shall be maintained safe means of access from the deck to the hold in which work is being carried on.

Access  
between  
deck and  
hold.

(2) Save as hereinafter provided, such access shall be afforded by ladder, and by ladder cleats or cups on the coamings, and shall not be deemed to be safe—

(a) unless the ladders between the lower decks are in the same line as the ladder from the top deck, if the same is practicable having regard to the position of the lower hatch or hatches;

(b) unless the ladders provide a foothold of a depth (including any space behind the ladder) of not less than  $4\frac{1}{2}$  inches for a width of 10 inches and a firm handhold;

(c) unless the cleats or cups provided on coamings—

(i) provide a foothold of a depth including any space behind the cleats or cups of not less than  $4\frac{1}{2}$  inches for a width of 10 inches and a firm handhold;

(ii) are so constructed as to prevent a man's foot slipping off the side;

(iii) are placed vertically one above the other and in the same line as the ladders to which they gives access;

(d) unless the cargo is stowed sufficiently far from the ladder to leave at each rung of the ladder foothold of a depth including any space behind the ladder of not less than  $4\frac{1}{2}$  inches for a width of 10 inches and a firm handhold.

(e) unless there is room to pass between a winch or other obstruction and the coamings at the place where the ladder leaves the deck;

(f) if the ladder is recessed under the deck more than is reasonably necessary to keep the ladder clear of the hatchway: Provided that such access may be afforded—

(i) where the provision of a ladder on a bulkhead or in a trunk hatchway can be shown to be reasonably impracticable, by cleats or cups complying with the requirements of paragraph (c);

(ii) by ladders or steps, separate from any hatchway or sloping from deck to deck, if such ladders or steps comply with the requirements of paragraphs (b), (d) and (e).

(3) Shaft tunnels shall be equipped with adequate handhold and foothold on each side.

15. All fore and aft beams and thwartship beams used for hatch covering shall have suitable gear for lifting them on and off without it being necessary for any person to go upon them to adjust such gear.

Removal of  
fore and  
aft beams.

16. All hatch coverings shall be kept plainly marked to indicate the deck and hatch to which they belong and their position therein, but this regulation shall not apply in cases where all the hatch coverings of a ship are interchangeable or, in respect of marking of position, where all hatch coverings of a hatch are interchangeable. This regulation shall apply to fore and aft beams and to thwartship beams as it applies to hatch coverings.

Marking of  
hatch  
coverings.

Maintenance  
of beams and  
coverings.

Hand grips.

Working  
space round  
hatches.

Lighting.

17. All fore and aft beams, and thwartship beams used for hatch covering and all hatch coverings shall be maintained in good condition.

18. Adequate hand grips shall be provided on all hatch coverings, having regard to their size and weight, unless the construction of the hatch or hatch coverings is of a character rendering the provision of hand grips unnecessary.

19. Where the working space around a hatch is less than 2 feet wide, such provision shall be made as will enable persons employed to remove and replace in safety all fore and aft beams and thwartship beams used for hatch covering and all hatch coverings.

20. When the processes are being carried on,—

(a) the places in the hold and on the decks where work is being carried on;

(b) the means of access provided in pursuance of regulations 12 and 13; and

(c) all parts of the vessel to which persons employed may be required to proceed in the course of their employment, shall be efficiently lighted, due regard being had to the safety of the vessel and cargo, of all persons employed and of the navigation of other vessels and to any bye-laws or regulations made under any other law.

#### PART IV.—MACHINERY, PLANT AND OTHER APPLIANCES USED WHEN LOADING, UNLOADING OR BUNKERING

Ropes.

21. (1) No rope shall be used in hoisting or lowering unless it is of suitable quality and free from patent defect.

(2) Every wire rope in general use for hoisting or lowering shall be inspected by a competent person once at least in every 3 months, and after any wire has broken in such rope it shall be inspected once at least in every month.

(3) No wire rope shall be used in hoisting or lowering if in any length of 8 diameters the total number of visible broken wires exceeds 10 per cent of the total number of wires, or the rope shows signs of excessive wear, corrosion or other defect which, in the opinion of the person who inspects it, renders it unfit for use.

(4) This regulation shall not come into operation until such date as the Minister may by notice in the Gazette direct.

Pulley  
blocks ;  
safe working  
load.

22. No pulley block or gin or similar gear (other than a crane block specially constructed for use with a crane to which it is permanently attached) shall be used in hoisting or lowering unless the safe working load is clearly stamped upon it.

Chains and  
ropes ; safe  
working  
load.

23. (1) Means shall be provided to enable any person using a chain or wire rope sling to ascertain the safe working load for such chain or sling under such conditions as it may be used.

(2) As regards chain slings, such means shall consist of marking the safe working load in plain figures or letters upon the sling or upon a tablet or ring of durable material securely attached.

(3) As regards wire rope slings, such means shall consist of either the means specified in paragraph (2) or a notice or notices, so exhibited as to be easily read by any person concerned, stating the safe working loads for the various sizes of wire rope slings used.

24. Every crane and derrick shall have the safe working load plainly marked upon it, and every shore crane if so constructed that the safe working load may be varied by the raising or lowering of the jib or otherwise, shall have attached to it an automatic indicator or safe working loads. In cases where the jib may be raised or lowered provision on the crane of a table showing the safe working loads at the corresponding inclinations or radii of the jib shall be considered sufficient compliance.

Cranes ; safe working load.

25. Chains shall not be shortened by tying knots in them, and suitable packing shall be provided to prevent the links coming into contact with sharp edges of loads of hard material.

Knotted chains.

26. All motors, cog-wheels, chain and friction gearing, shafting, live electric conductors and steam pipes shall (unless it can be shown that by their position and construction they are equally safe to every person employed as they would be if securely fenced) be securely fenced so far as is practicable without impeding the safe working of the vessel.

Fencing of machinery, and dangerous plant.

27. Appropriate measures shall be taken to prevent the foot of a derrick being accidentally lifted out of its socket or support.

Stability of derricks.

28. Cranes and winches shall be provided with such means as will reduce to a minimum the risk of the accidental descent of a load while being raised or lowered, and in particular the lever controlling the link motion reversing gear of a crane or winch shall be provided with a suitable spring or other locking arrangement.

Cranes and winches : control of loads.

29. The driver's platform on every crane or tip driven by mechanical power shall be securely fenced and shall be provided with safe means of access. In particular, where access is by ladder—

Access to and fencing of crane platforms.

(a) the sides of the ladder shall extend to a reasonable distance beyond the platform or some other suitable handhold shall be provided ;

(b) the landing place on the platform shall be maintained free from obstruction ;

(c) in cases where the ladder is vertical and exceeds 30 feet in height, a resting place shall be provided approximately midway between the platform and the foot of the ladder.

30. Adequate measures shall be taken to prevent exhaust steam from, and so far as is practicable live steam to, any crane or winch obscuring any part of the decks, gangways, stages, wharf, or quay where any person is employed in the processes.

Exhaust steam.

#### PART V—PRECAUTIONS WHEN LOADING, UNLOADING OR BUNKERING

31. Precautions shall be taken to facilitate the escape of the workers when employed in a hold or on 'tween decks in dealing with coal or other bulk cargo.

Escape from holds.

32. (1) No lifting machinery, chains or other lifting appliance or attachments used therewith shall be loaded beyond the safe working load.

Suspended loads.

(2) No load shall be left suspended from a crane, winch, or other machine unless there is a competent person actually in charge of the machine while the load is so left.

Safe handling of loads.

33. Where stacking, unstacking, stowing or unstowing of cargo or handling in connection therewith cannot be safely carried out unaided, reasonable measures to guard against accident shall be taken by shoring or otherwise.

Crane and winch drivers, and attendants.

34. No person under 18 years of age and no person who is not sufficiently competent and reliable shall be employed to drive a crane or winch, whether driven by mechanical power or otherwise, or to give signals to a driver or to attend to cargo falls on winch-ends or winch-bodies.

Signalling.

35. When cargo is being loaded or unloaded by a fall at a hatchway, a signaller shall be employed, and where more than one fall is being worked at a hatchway, a separate signaller shall be employed to attend to each fall: Provided—

(i) that this regulation shall not apply in cases where a barge, lighter or other similar vessel is being loaded or unloaded if the driver of the crane or winch working the fall has a clear and unrestricted view of those parts of the hold where work is being carried on;

(ii) that where the Chief Inspector is of the opinion that, owing to the nature of the crane or winch or other appliance in use or by reason of any special arrangements, the requirements of this regulation are not necessary for the safety of persons employed he may by certificate in writing (which he may in his discretion revoke) suspend such requirements subject to such conditions as may be specified in such certificate.

Clear passages on wharf.

36. Where goods are placed on a wharf or quay—

(a) a clear passage leading to the means of access to the vessel required by regulation 12 shall be maintained on the wharf or quay; and

(b) if any space is left along the edge of the wharf or quay, it shall be at least 3 feet wide and clear of all obstructions other than fixed structures, plant and appliances in use.

Cargo-stages.

37. (1) No deck-stage or cargo-stage shall be used in the processes unless it is substantially and firmly constructed and adequately supported, and, where necessary, securely fastened.

(2) No truck shall be used for carrying cargo between vessel and shore on a stage so steep as to be unsafe.

(3) Any stage which is slippery shall be made safe by the use of sand or otherwise.

Hatches.

38. (1) If any hatch of a hold accessible to any person employed, and exceeding 5 feet in depth measured from the level of the deck in which the hatch is situated to the bottom of the hold is not in use for the passage of goods, coal or other material, or for trimming, and the coamings are less than 2 feet 6 inches in height, such hatch shall either be fenced to a height of 3 feet or be securely covered. This requirement shall not apply

(i) to vessels not exceeding 200 tons net registered tonnage which have only one hatchway;

(ii) to any vessel during meal times or other short interruptions of work during the period of employment.

(2) Hatch coverings shall not be used in the construction of deck or cargo stages, or for any other purpose which may expose them to damage.

(3) Hatch coverings shall be replaced on the hatches in the positions indicated by the markings made thereon in pursuance of regulation 16.

39. The beams of any hatch in use for the processes shall if not removed be adequately secured to prevent their displacement.

Hatch  
beams.

40. No cargo shall be loaded or unloaded by a fall or sling at any intermediate deck unless either the hatch at that deck is securely covered or a secure landing platform of a width not less than that of one section of hatch coverings has been placed across it. This regulation shall not apply to any process of unloading the whole of which will be completed within a period of half an hour.

Work at  
intermediate  
decks.

41. When work is proceeding on any skeleton deck, adequate staging shall be provided unless the space beneath the deck is filled with cargo to within a distance of 2 feet of such deck.

Skeleton  
decks.

42. When the working space in a hold is confined to the square of the hatch, hooks shall not be made fast in the bands or fastenings of bales of cotton, wool, cork gunny bags or other similar goods, nor shall case hooks be used for raising or lowering a barrel when, owing to the construction or condition of the barrel or of the hooks, their use is likely to be unsafe. Nothing in this regulation shall apply to breaking out or making up slings.

Safe use of  
hooks.

43. When any person employed has to proceed to or from a vessel by water for the purpose of carrying on the processes, proper measures shall be taken to provide for his safe transport. Vessels used for this purpose shall be in charge of a competent person, shall not be overcrowded, and shall be properly equipped for safe navigation and maintained in good condition.

Safe means  
of transport.

#### PART VI—RESPONSIBILITY TO MAINTAIN AND USE PRECAUTIONS

44. No person shall, unless duly authorised or in case of necessity, remove or interfere with any fencing, gangway, gear, ladder, hatch covering, life-saving means or appliances, lights, marks, stages or other things whatsoever required by these regulations to be provided. If removed, such things shall be restored at the end of the period during which their removal was necessary by the persons last engaged in the work that necessitated such removal.

Removal of  
fencing.

45. The fencing required by regulation 4 shall not be removed except to the extent and for the period reasonably necessary for carrying on the work of the dock or vessel or for repairing any fencing. If removed it shall be restored forthwith at the end of that period by the persons engaged in the work that necessitated its removal.

Maintenance  
of fencing.

46. Every person employed shall use the means of access provided in accordance with regulations 12, 13 and 14 and no person shall authorise or order another to use means of access other than those provided in accordance therewith.

Duty to use  
safe means  
of access.

47. No person shall go upon the fore and aft beams or thwartship beams for the purpose of adjusting the gear for lifting them on and off nor shall any person authorise or order another to do so.

Prohibition  
of walking  
on hatch  
beams.

#### PART VII—ADDITIONAL DUTIES OF EMPLOYER OF PERSONS ENGAGED IN THE PROCESSES

48. No employer of persons in the processes shall allow machinery or gear to be used by such persons which does not comply with Part IV of these regulations.

Duty of  
employer to  
maintain.

Employer to provide means of access and lighting.

49. If the persons whose duty it is to comply with regulations 12, 13 and 20 fail so to do, then it shall also be the duty of the employers of the persons employed for whose use the means of access and the lights are required, to comply with the said regulations within the shortest time reasonably practicable after such failure.

MADE at Lagos the 1st March, 1958.

J. M. JOHNSON,  
*Minister of Labour and Welfare*

## SCHEDULE

*Reg. 1 (2)*

### LIST OF PORTS WHERE THE REGULATIONS APPLY

The following ports, as for the time being delimited in accordance with the Ports Ordinance (Chapter 173) or the Ports Ordinance, 1954 :—

- (1) Lagos
- (2) Port Harcourt
- (3) Tiko
- (4) Sapele
- (5) Burutu
- (6) Calabar
- (7) Warri
- (8) Abonnema/Degema
- (9) Koko Town
- (10) Victoria

### EXPLANATORY NOTE

These regulations are designed to replace the Dock (Safety of Labourers) Regulations 1940, made under the Regulation of Docks Ordinance (Cap. 199) which applied only to the ports of Lagos, Port Harcourt and Tiko. The revised regulations apply to all docks as defined in the Schedule to these Regulations where vessels are loaded or unloaded.

The Regulations are based substantially upon the existing regulations, but the provisions have been modified and improved as far as possible to bring them into line with the latest practices in dockside employment.

Dh/6/C4/C4

L.N. 43 of 1958

**EDUCATION (LAGOS) ORDINANCE, 1957**  
(No. 26 of 1957)

**Education (Grant-in-Aid) (Lagos) (Amendment)**  
**Regulations, 1958**

*Commencement : 1st January, 1958*

In exercise of the powers conferred by section 62 of the Ordinance, the Governor-General, after consultation with the Council of Ministers, has made the following regulations—

1. These regulations may be cited as the Education (Grant-in-Aid) (Lagos) (Amendment) Regulations, 1958.

Citation.

2. Table I to the Education (Grant-in-Aid) Regulations, 1952, (as substituted by the Education (Grant-in-Aid) (Lagos) (Amendment No. 2) Regulations, 1957) is revoked and the Table contained in the Schedule hereto substituted therefor.

Revocation and substitution of new schedule (1952 Vol. p.A 164 and LN 166 of 1957).

3. Grants-in-Aid made in respect of any period since 1st January, 1958, upon the basis of the Table I which is revoked by regulation 2 shall be re-calculated upon the basis of the new Table I substituted by such regulation.

Retrospective re-calculation of grants.

4. The Education (Grant-in-Aid) (Lagos) (Amendment No. 2) Regulations, 1957, are revoked without prejudice to any grants-in-aid made or to be made in respect of the period the 1st January, 1957, to the 31st December, 1957.

Revocation of LN 166 of 1957.

**SCHEDULE**

**TABLE I**

(Regs 5 (ix) & 12)

**SCALES OF SALARY FOR VOLUNTARY AGENCY TEACHERS**  
**EMPLOYED IN LAGOS**

<i>Qualifications</i> 1	<i>Part of the Teachers Register</i> 2	<i>Approved salary scale</i> 3	<i>Special Conditions and Allowance</i> 4
(1) University degree with post graduate teaching qualifications approved by the Chief Federal Adviser on Education	L.A	£660, 696, 804-42-972	
(2) University degree approved by the Chief Federal Adviser on Education	L.A	£600-30-660, 696, 804-42-972	
(2A) as in (1) and (2) above	—	£1,014-42-1,180-48-1,380	Upper Scale for (1) and (2) above for holders of posts of special responsibility recommended by the Proprietor and approved by the Chief Federal Adviser on Education

## SCHEDULE—continued

Qualifications	Part of the Teachers Register	Approved salary scale	Special Conditions and Allowance
1	2	3	4
(3) (i) Yaba Teaching Diploma (ii) United Kingdom Teacher Training College Certificate, or successful completion of other courses recognised as equivalent by the Chief Federal Adviser on Education (iii) Professional Certificate of the Colonial Department of the University of London Institute of Education or successful completion of other courses recognised as equivalent by the Chief Federal Adviser on Education (iv) Teachers' Grade I Certificate	LA	£600-30-660, 750, 780-36-888 -42-1,140-48- 1,380	A teacher who is selected to hold and is holding a post of special responsibility approved by the Chief Federal Adviser on Education, in secondary or technical education, teacher-training or the supervision and administration of primary education may be promoted to this Scale. The Scale shall be known as the Higher Scale for Non-graduate teachers
(3A) Intermediate Grade	LA	£564-24-612, 684-30-864-36- 972	Such persons as headmasters, supervisors, Grade I teachers and Grade II teachers of outstanding ability who have served for 15 years in that Grade, may be recommended by the Proprietor and selected by the Chief Federal Adviser on Education for promotion to this Scale
(4) Yaba Diploma or equivalent qualification approved by the Chief Federal Adviser on Education	LA	£390-18-444- 24-612, 684, 714	
(5) United Kingdom Teacher Training College Certificate, National Froebel Foundation Diploma, full Domestic Science Course in the United Kingdom or other teaching course approved by the Chief Federal Adviser on Education	LA	£390-18-444- 24-612, 684, 714	A teacher in this category who holds a certificate or diploma awarded after a 3-year course approved by the Chief Federal Adviser on Education will be given two increments and may enter the Scale at £426
(6) Professional Certificate of the Colonial Department of the University of London Institute of Education or successful completion of other courses recognised as comparable by the Chief Federal Adviser on Education	LA	—	(i) A teacher who holds a Grade I Certificate before proceeding on such a course will remain on the Scale applicable to the Grade I Certificate with the addition of five increments on that scale if he successfully completes the course, such increments to be continued beyond the normal maximum of the Scale.

## SCHEDULE—continued

Qualifications 1	Part of the Teachers Register 2	Approved salary scale 3	Special Conditions and Allowance 4
			<p>(ii) A teacher holding a Grade II Certificate will receive an additional five increments on his Scale and will on reaching the maximum of the Grade II Scale, convert to the Grade I Scale.</p> <p>(iii) All teachers who undergo such courses may in addition and at the discretion of the Chief Federal Adviser on Education, be awarded the normal increments accruing during absence on the course.</p>
(7) Teachers' Senior Certificate, (Grade I) recognised by the Chief Federal Adviser on Education	LA	£294, 306, 318, 330-15-390-18-444-24-612	A teacher will enter this Scale at £294 or at a point equivalent to two increments above his salary at the time he obtained the Grade I qualification, whichever is greater
(8) Teachers' Higher Elementary Certificate (Grade II), recognised by the Chief Federal Adviser on Education	LA	£180-9-234-12-270, 294-12-330-15-390, 408	<p>(i) Teachers who undergo an approved 2-year course of training after the successful completion of a full secondary course enter this Scale at £207</p> <p>(ii) Holders of Women's Diploma after one year's course enter the Scale at £189</p> <p>(iii) Teachers who undergo an approved 3-year Women's course enter the Scale at £180 and remain on this point for two years before qualifying for increments</p>
(9) Teachers' Elementary Certificate (Grade III), recognised by the Chief Federal Adviser on Education	LA	£144-6-162, 180-9-234-12-258	—
(10) Completion of a course of training at a Grade II Training Centre with failure to obtain a Grade II Certificate recognised by the Chief Federal Adviser on Education	L/C/TR	£180-9-234	<p>(i) Teachers who complete an approved 2-year course (after successful completion of a full secondary course) but fail to obtain a Grade II Certificate</p> <p>(ii) Teachers who complete an approved 3-or 4-year course</p> <p>(iii) Teachers who hold a Grade III Certificate recognised by the Chief Federal Adviser on Education will remain on the Scale appropriate to the Grade III Certificate but will receive three increments at the discretion of the Chief Federal Adviser on Education</p>

£144-6-162,  
180-9-225

## SCHEDULE—continued

Qualifications 1	Part of the Teachers Register 2	Approved salary scale 3	Special Conditions and Allowance 4
(11) Completion of a course of training at a Grade III Training Centre, but failure to obtain a Grade III Certificate recognised by the Chief Federal Adviser on Education	LC/TR	—	Such a teacher enters the Scale for uncertificated teachers appropriate to his school leaving certificate, but may be awarded three increments at the discretion of the Chief Federal Adviser on Education
(12) A pass in an Intermediate examination of a University approved by the Chief Federal Adviser on Education, or a Higher School Certificate of an Examination Board approved by the Chief Federal Adviser on Education or other qualification deemed equivalent by him	LC	£216-9-324	—
(13) A Cambridge School Certificate, a West African School Certificate or other certificate recognised as equivalent by the Chief Federal Adviser on Education, without a course of teacher training	LC	£156, 162	—
(14) A Secondary IV Pass or a School Leaving Certificate deemed its equivalent by the Chief Federal Adviser on Education, without a course of teacher training	LC	£114-6-126, 138-9-192	Teachers may not enter this Scale until they have completed a probationary period of not less than two years
(15) A Standard VI Pass or a Certificate deemed equivalent by the Chief Federal Adviser on Education	LC	£90-6-102, 114-6-162	<p>(i) Teachers may not enter this Scale until they have completed a probationary period of not less than 2 and not more than 4 years, with the proviso that one year of probationary service count as one year of teaching</p> <p>(ii) A teacher who holds a modern II Pass recognised by the Chief Federal Adviser on Education may enter this Scale at £114</p> <p>(iii) A teacher who holds a Secondary IV pass or an equivalent certificate recognised by the Chief Federal Adviser on Education will enter this scale at £120</p>

## SCHEDULE—continued

Qualifications 1	Part of the Teachers Register 2	Approved salary scale 3	Special Conditions and Allowance 4
(16) Specially selected uncertificated teachers	LC/S	£150-6-162, 180-9-225	Uncertificated teachers selected by the Chief Federal Adviser on Education on the recommendation of the Proprietor of an Approved Voluntary Agency may enter this Scale at £150, or at a point appropriate to their previous salary whichever is greater
(17) A Secondary IV or Modern II Pass or a leaving certificate deemed equivalent by the Chief Federal Adviser on Education	LD	£102 (Secondary IV) £96 (Modern II pass)	Probationary teachers
(18) A Standard VI Pass or a certificate deemed equivalent by the Chief Federal Adviser on Education	LD	£84	Probationary teachers
(19) A Cambridge School Certificate, or other certificate recognised as equivalent by the Chief Federal Adviser on Education, followed by successful completion of a 3-year training course at a Government Technical Institute, or a course of training deemed comparable by him	LB	£291-15-396- 18-576	—
(20) A Secondary IV Pass or a School Leaving Certificate deemed equivalent by the Chief Federal Adviser on Education followed by successful completion of a 2-year course of training at a Government Technical Institute or a course of training deemed comparable by him	LB	£156-12-384	—
(21) Successful completion of training at a Government Trade Training Centre	LB	£156-12-300	Manual training instructors specially trained for primary schools at a course approved for the purpose by the Chief Federal Adviser on Education. Such teachers should be placed on probation for 3 years before earning increments
(22) Successful completion of Articles of Apprenticeship after obtaining a First School Leaving Certificate recognised by the Chief Federal Adviser on Education	LB	£130-9-184	—

## SCHEDULE—continued

Qualifications 1	Part of the Teachers Register 2	Approved salary scale 3	Special Conditions and Allowance 4
(23) A Standard VI Pass or a certificate deemed equivalent by the Chief Federal Adviser on Education and the successful completion of a 2-year course of training at an approved Vocational School	LB	£144-6-162, 180-9-225	—
(24) Successful completion of a 2-year course of training at an approved Vocational School, without a Standard VI Pass or a certificate deemed equivalent by the Chief Federal Adviser on Education.	LB	£78-4-102	—

*Note.*—(1) In the case of teachers not possessing any of the above qualifications, *ad hoc* rates of salary may be fixed by the Chief Federal Adviser on Education.

(2) A Proprietor may withhold an increment either on his own initiative and for a reason deemed satisfactory by the Chief Federal Adviser on Education or if directed to do so by him.

MADE at Lagos this 28th February, 1958.

M. JENKINS,  
*Acting Deputy Secretary to the  
Council of Ministers*

## EXPLANATORY NOTE

These regulations provide a new Table of salaries to be paid to teachers employed in schools receiving grants-in-aid. Regulation 3 makes it possible to pay grants-in-aid based on this new Table in respect of the period beginning 1st January, 1958.

## L.N. 44 of 1958

The following rules which have been published in the United Kingdom as Statutory Instrument No. 2224 of 1957 are re-published for information. The rules which they revoke are published at page 198 of Vol. XI of the Revised Edition:

**Judicial Committee Rules, 1957**

*Made* .. .. . 20th December, 1957

*Coming into Operation* .. .. . 1st February, 1958

At the Court at Buckingham Palace, the 20th day of December, 1957  
Present,

The Queen's Most Excellent Majesty in Council

Whereas there was this day read at the Board a representation from the Judicial Committee of the Privy Council recommending that certain Orders in Council relating to the practice and procedure in accordance with which the general appellate jurisdiction of Her Majesty in Council is exercised, dated respectively the second day of May, 1925, the eighth day of August, 1932, the thirtieth day of April, 1936, and the twenty-fifth day of February, 1944, ought to be revoked as from the first day of February, 1958, and that the several rules thereunto annexed ought to be substituted therefor and ought to come into operation on that date:

Now, therefore, Her Majesty, having taken the said representation into consideration, and in exercise of the powers conferred on Her by section twenty-four of the Judicial Committee Act, 1833, or otherwise in Her vested, is pleased, by and with the advice of Her Privy Council, to approve thereof and to order, as it is hereby ordered, as follows:—

1. The Orders in Council mentioned in the said representation are hereby revoked, and the rules thereunto annexed are substituted therefor, as set out in the Schedule to this Order.

2. This Order shall come into operation on the first day of February, 1958.

Whereof all persons whom it may concern are to take notice and govern themselves accordingly.

W. G. Agnew

**SCHEDULE***Arrangement of Rules***Rule**

1. Interpretation.

*Leave to appeal*

2. Leave to appeal generally.

*Special leave to appeal*

3. Form of Petition for special leave to appeal.

4. Six copies of Petition to be lodged together with Affidavits in support.

5. Time for lodging Petition.

6. Security for costs and transmission of Record.

## Rule

7. General provisions.
8. Petitions for special leave to appeal *in forma pauperis*.
9. Exemption of pauper Appellant from lodging security and paying Office fees.
10. Exemption of unsuccessful Petitioner for leave to appeal *in forma pauperis* from payment of Office fees.

*Record and Appearance by Appellant*

11. Record to be transmitted without delay.
12. Printing and duplicating of Record.
13. Number of copies to be transmitted, where Record printed abroad.
14. One certified copy to be transmitted, where Record to be printed or duplicated in England.
15. Record printed partly abroad.
16. Reasons for judgments to be included.
17. Exclusion of unnecessary documents from Record.
18. Documents objected to to be indicated.
19. Registration and numbering of Records.
20. Inspection of Record by parties.
21. Appearance by Appellant.
22. Times within which a copy of a written Record shall be bespoken.
23. Preparation of copy of Record for printing or duplication.
24. Lodging copy of Record for printing or duplicating.
25. Special Case.
26. Examination of proof of Record and striking off copies.
27. Number of copies of Record for parties.
28. How costs of printing or duplicating Record are to be borne.

*Petition of Appeal*

29. Times within which Petition shall be lodged.
30. Form of Petition.
31. Service of Petition.

*Withdrawal of Appeal*

32. Withdrawal of Appeal before Petition of Appeal has been lodged.
33. Withdrawal of Appeal after Petition of Appeal has been lodged.

*Non-prosecution of Appeal*

34. Dismissal of Appeal where Appellant takes no step in prosecution thereof.
35. Dismissal of Appeal for non-prosecution after Appellant's Appearance and before lodgment of Petition of Appeal.
36. Dismissal of Appeal for non-prosecution after lodgment of Petition of Appeal.
37. Restoring an Appeal dismissed for non-prosecution.

*Appearance by Respondent*

## Rule

38. Time within which Respondent may appear.
39. Notice of Appearance by Respondent.
40. Form of Appearance where all the Respondents do not appear.
41. Separate Appearances.
42. Non-appearing Respondent not entitled to receive notices or lodge Case.
43. Procedure on non-appearance of Respondent.
44. Respondent defending Appeal *in forma pauperis*.

*Petitions generally*

45. Mode of addressing Petitions.
46. Orders on Petitions which need not be drawn up.
47. Form of Petition and number of copies to be lodged.
48. Caveat.
49. Service of Petition.
50. Verifying Petition by Affidavit.
51. Petition for Order of Revivor or Substitution.
52. Petition disclosing no reasonable cause of appeal or containing scandalous matter to be refused.
53. Setting down Petition.
54. Times within which set-down Petitions shall be heard.
55. Notice to parties of day fixed for hearing Petition.
56. Procedure where Petition is consented to or is formal.
57. Withdrawal of Petition.
58. Procedure where hearing of Petition unduly delayed.
59. Only one Counsel heard on a side in Petitions.

*Case*

60. Lodging of Case.
61. Printing or duplicating of Case.
62. Number of copies to be lodged.
63. Form of Case.
64. Separate Cases by two or more Respondents.
65. Notice of lodgment of Case.
66. Case Notice.
67. Setting down Appeal and exchanging Cases.

*Binding Records, &c.*

68. Mode of binding Records, &c., for use of Judicial Committee.
69. Time within which bound copies shall be lodged.

*Hearing*

70. Notice of day on or before which Appeals must be set down for ensuing Sittings.
71. Notice to parties of day fixed for hearing Appeal.
72. Only two Counsel heard on a side in Appeals.
73. Nautical Assessors.

*Judgment**Rule*

74. Notice to parties of day fixed for delivery of Judgment.

*Costs*

75. Taxation of costs.  
 76. What costs taxed in England.  
 77. Order to tax.  
 78. Power of Taxing Officer where taxation delayed through the fault of the party whose costs are to be taxed.  
 79. Appeal from decision of Taxing Officer.  
 80. Amount of taxed costs to be inserted in Her Majesty's Order in Council.  
 81. Taxation on the pauper scale.  
 82. Security to be dealt with as Her Majesty's Order in Council determining Appeal directs.

*Miscellaneous*

83. Power of Judicial Committee to excuse from compliance with Rules.  
 84. Amendment of documents.  
 85. Affidavits may be sworn before the Registrar of the Privy Council.  
 86. Change of Agent.  
 87. Scope of application of Rules.  
 88. Mode of citation.

Schedule A. Rules as to printing and duplicating.

Schedule B.—I. Fees allowed to Agents.

II. Council Office Fees.

*Interpretation.*

- 1.—(1) In these Rules, unless the context otherwise requires :

"Appeal" means an Appeal to Her Majesty in Council ;

"Judgment" includes decree, order, sentence, or decision of any Court, Judge, or Judicial Officer ;

"Record" means the aggregate of papers relating to an Appeal (including the pleadings, proceedings, evidence and judgments) proper to be laid before Her Majesty in Council on the hearing of the Appeal ;

"Registrar" means the Registrar or other proper officer having the custody of the records in the Court appealed from ;

"Abroad" means the country or place where the Court appealed from is situate ;

"Agent" means a person qualified by virtue of Her late Majesty's Order in Council of the 6th March, 1896 to conduct proceedings before Her Majesty in Council on behalf of another ;

"Party" and all words descriptive of parties to proceedings before Her Majesty in Council (such as "Petitioner," "Appellant," "Respondent") mean, in respect of all acts proper to be done by an Agent, the Agent of the party in question where such party is represented by an Agent ;

"Respondent" includes Intervener ;

"Month" means calendar month ;

Words in the singular shall include the plural, and words in the plural shall include the singular.

(2) Where by these Rules any step is required to be taken in England in connection with proceedings before Her Majesty in Council, whether in the way of lodging a Petition or other document, entering an Appearance, lodging security, or otherwise, such step shall be taken in the Registry of the Privy Council, Downing Street, London.

### *Leave to appeal*

2. All Appeals shall be brought either in pursuance of leave obtained from the Court appealed from, or, in the absence of such leave, in pursuance of special leave to appeal granted by Her Majesty in Council upon a Petition in that behalf presented by the intending Appellant.

Leave to appeal generally.

### *Special leave to appeal*

3. A Petition for special leave to appeal to Her Majesty in Council shall state succinctly and clearly all such facts as it may be necessary to state in order to enable the Judicial Committee to advise Her Majesty whether such leave ought to be granted, and shall be signed by the Counsel who attends at the hearing or by the party himself if he appears in person. The Petition shall deal with the merits of the case only so far as is necessary for the purpose of explaining and supporting the particular grounds upon which special leave to appeal is sought.

Form of Petition for special leave to appeal.

4. The Petitioner shall lodge at least six copies of his Petition for special leave to appeal together with the Affidavit in support thereof prescribed by Rule 50 hereinafter contained, and also six copies of the Judgment from which leave to appeal is sought, and, unless a Caveat as prescribed by Rule 48 has been lodged by the other parties who appeared in the Court below, an Affidavit of service of notice of the intended application upon such parties or their Solicitors or Agents, either abroad or in England.

Six copies of Petition to be lodged together with Affidavits in support.

5. A Petition for special leave to appeal shall in every case be lodged with the least possible delay after the date of the judgment from which leave to appeal is sought.

Time for lodging Petition.

6. Where the Judicial Committee agree to advise Her Majesty to grant special leave to appeal, they shall, in their Report, specify the amount of the security for costs (if any) to be lodged by the Petitioner, and shall, unless the circumstances of a particular case render such a course unnecessary, provide for the transmission of the Record by the Registrar to the Registrar of the Privy Council and for such further matters as the justice of the case may require. Unless otherwise ordered the security shall be lodged at any time before the Appellant enters an Appearance.

Security for costs and transmission of Record.

7. Save as by the four last preceding Rules otherwise provided, the provisions of Rules 47. to 50 and 52 to 59 (all inclusive) hereinafter contained shall apply *mutatis mutandis* to Petitions for special leave to appeal.

General provisions.

8. Rules 3 to 7 (both inclusive) shall apply *mutatis mutandis* to Petitions for leave to appeal *in forma pauperis*, but in addition to the Affidavits referred to in Rule 4 every such Petition shall be accompanied by an Affidavit from the Petitioner stating that he is not worth £100 in the world excepting his wearing apparel and his interest in the subject-matter of the intended Appeal, and that he is unable to provide surties, and also by a certificate of Counsel that the Petitioner has reasonable ground of appeal.

Petitions for special leave to appeal *in forma pauperis*.

Exemption  
of pauper  
Appellant  
from lodging  
security and  
paying  
Office fees.

Exemption of  
unsuccessful  
Petitioner  
for leave to  
appeal in  
*forma  
pauperis* from  
payment of  
Office fees.

9. Where a Petitioner obtains leave to appeal *in forma pauperis*, he shall not be required to lodge security for the costs of the Respondent or to pay any Council Office fees.

10. A Petitioner whose Petition for leave to appeal *in forma pauperis* is dismissed may, notwithstanding such dismissal, be excused from paying the Council Office fees usually chargeable to a Petitioner; in respect of a Petition for leave to appeal, if Her Majesty in Council, on the advice of the Judicial Committee, shall think fit so to order.

### Record and Appearance by Appellant

Record to be  
transmitted  
without  
delay.

11. As soon as the Appeal has been admitted, whether by an Order of the Court, appealed from or by an Order of Her Majesty in Council granting special leave to appeal, the Appellant shall without delay take all necessary steps to have the Record transmitted to the Registrar of the Privy Council, and the Registrar shall, with all convenient speed, certify to the Registrar of the Privy Council that the Respondent has received notice, or is otherwise aware, of the Order of the Court appealed from admitting the Appeal, or of the Order of Her Majesty in Council giving the Appellant special leave to appeal, and has also received notice, or is otherwise aware, of the dispatch of the Record to England. Where an Appellant who has obtained special leave to appeal by an Order of Her Majesty in Council fails to have the Record transmitted to the Registrar of the Privy Council with due diligence, the Registrar of the Privy Council shall call upon the Appellant to explain his default, and if no explanation is offered, or if the explanation offered is, in the opinion of the said Registrar insufficient, the said Registrar may issue a Summons to the Appellant calling upon him to show cause before the Judicial Committee at a time to be named in the said Summons why the special leave to appeal granted should not be rescinded. The Respondent shall be entitled to be heard before the Judicial Committee in the matter of the said Summons and to ask for his costs and such other relief as he may be advised. The Judicial Committee may, after considering the matter of the said Summons, recommend to Her Majesty to rescind the grant of special leave to appeal or give such other directions therein as the justice of the case may require.

Printing or  
duplicating  
of Record.

12.—(a) The Record may be printed either abroad or in England.

(b) When a written Record is received from abroad it shall, unless the parties agree to its being printed, be duplicated by a process approved by the Registrar of the Privy Council, and Rules IV to XI contained in Schedule A hereto shall apply.

(c) If the Record is printed it shall be printed in accordance with the Rules contained in Schedule A hereto.

(d) When the Record is printed abroad the parties in England shall, upon perusal, consider whether the order of the documents is in accordance with these Rules, and if it is not, they shall agree upon the proper order. The Appellant shall then rearrange copies of the Record for the use of the Judicial Committee and the other parties. In the event of the parties being unable

to agree, the matter shall be referred to the Registrar of the Privy Council who, if he thinks fit, may require the parties to attend before the Judicial Committee for directions.

13. Where the Record is printed abroad, the Registrar shall, at the expense of the Appellant, transmit to the Registrar of the Privy Council 40 copies of such Record, one of which copies he shall certify to be correct by signing his name on, or initialling, every eighth page thereof and by affixing thereto the seal, if any, of the Court appealed from.

Number of copies to be transmitted, where Record printed abroad.

14. Where the Record is to be printed or duplicated in England, the Registrar shall, at the expense of the Appellant, transmit to the Registrar of the Privy Council one certified copy of such Record, together with an index of all the papers and exhibits in the case. No other certified copies of the Record shall be transmitted to the Agents in England by or on behalf of the parties to the Appeal.

One certified copy to be transmitted, where Record to be printed in England.

15. Where part of the Record is printed abroad and part is to be printed or duplicated in England, Rules 13 and 14 shall, as far as practicable, apply to such parts as are printed abroad and such as are to be printed or duplicated in England respectively.

Record printed partly abroad.

16. The reasons given by the judge, or any of the judges, for or against any judgment pronounced in the course of the proceedings out of which the Appeal arises, shall by such judge or judges be communicated in writing to the Registrar and shall be included in the Record.

Reasons for judgments to be included.

17. The Registrar, as well as the parties and their Agents, shall endeavour to exclude from the Record all documents (more particularly such as are merely formal) that are not relevant to the subject-matter of the Appeal, and, generally, to reduce the bulk of the Record as far as practicable, taking special care to avoid the unnecessary repetition of documents and headings and other merely formal parts of documents; but the documents omitted to be printed or copied shall be enumerated in a typewritten list to be transmitted with the Record.

Exclusion of unnecessary documents from Record.

18. Where in the course of the preparation of a Record one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant, and the other party nevertheless insists upon its being included, the Record, as finally printed abroad or printed or duplicated in England, shall, with a view to the subsequent adjustment of the costs of and incidental to such document, indicate, in the index of papers, or otherwise, the fact that, and the party by whom, the inclusion of the document was objected to.

Documents objected to to be indicated.

19. As soon as the Record is received in the Registry of the Privy Council, it shall be registered in the said Registry, with the date of arrival; the names of the parties, and the description whether "printed" or "written." A Record, or any part of a Record, not printed in accordance with the Rules contained in Schedule A hereto shall be treated as written. Appeals shall be numbered consecutively in each year in the order in which the Records are received in the said Registry.

Registration and numbering of Records.

20. The parties shall be entitled to inspect the Record and to extract all necessary particulars therefrom for the purpose of entering an Appearance.

Inspection of Record by parties.

Appearance  
by Appellant.

21. The Appellant shall enter an Appearance before taking any step in the prosecution of the Appeal, and after entering such Appearance, shall forthwith give notice thereof to the Respondent, if the latter has entered an Appearance.

Times within  
which a copy  
of a written  
Record shall  
be bespoken.

22. Where the Record arrives in England either wholly written, or partly written and partly printed, the Appellant shall, within a period of two months from the date of such arrival, enter an Appearance and bespeak a typewritten copy of the Record, or of such parts thereof as it may be necessary to have copied, and shall engage to pay the cost of preparing such copy at the current rate; and shall also engage to pay at such price as shall be fixed by the Registrar of the Privy Council the cost of printing or duplicating at least 40 copies thereof.

Preparation  
of copy of  
Record for  
printing or  
duplication.

23. As soon as the Appellant has obtained the typewritten copy of the Record bespoken by him, he shall proceed, with due diligence, to arrange the documents in suitable order, to check the index, to insert marginal notes and check the same with the index, and, generally, to do whatever may be required for the purpose of preparing the copy for printing or duplication in accordance with the Rules contained in Schedule A hereto, and shall, if the Respondent has entered an Appearance, submit the copy, as prepared for printing or duplication, to the Respondent for his approval. In the event of the parties being unable to agree, the matter shall be referred to the Registrar of the Privy Council who, if he thinks fit, may require the parties to attend before Judicial Committee for directions.

Lodging  
copy of  
Record for  
printing or  
duplicating.

24. As soon as the typewritten copy of the Record is ready, the Appellant shall lodge it in the Registry of the Privy Council for printing or duplication by a person or firm selected by the Registrar of the Privy Council, and at the same time shall lodge the amount of the estimated cost of printing or duplicating the Record.

Special Case.

25. Whenever it shall be found that the decision of a matter on appeal is likely to turn exclusively on a question of law, the parties, with the sanction of the Registrar of the Privy Council, may submit such question of law to the Judicial Committee in the form of a Special Case, and print or duplicate such parts only of the Record as may be necessary for the discussion of the same: Provided that nothing herein contained shall in any way prevent the Judicial Committee from ordering the full discussion of the whole case, if they shall so think fit, and that, in order to promote such arrangements and simplification of the matter in dispute, the said Registrar may call the parties before him, and having heard them, and examined the Record, may report to the Judicial Committee as to the nature of the proceedings.

Examination  
of proof of  
Record and  
striking off  
copies.

26. The Registrar of the Privy Council shall, as soon as the proofs of the Record are ready, give notice to all parties who have entered an Appearance requesting them to attend at the Registry of the Privy Council at a time to be named in such notice in order to examine the said proofs and compare the same with the certified Record, and shall, for that purpose, furnish each of the said parties with one proof. After the examination has been completed, the Appellant shall, without delay, lodge his proof, duly corrected and (so far as necessary) approved by the Respondent, and the Registrar of the Privy Council shall thereupon cause the copies of the Record to be struck off from such proof.

27. Each party who has entered an Appearance shall be entitled to receive, for his own use, six copies of the Record.

Number of copies of Record for parties.

28. Subject to any special direction from the Judicial Committee to the contrary, the costs of an incidental to the printing or duplicating of the Record shall form part of the costs of the Appeal, but the costs of and incidental to the printing or duplicating of any document objected to by one party, in accordance with Rule 18, shall, if such document is found on the taxation of costs to be unnecessary or irrelevant, be disallowed to, or borne by, the party insisting on including the same in the Record.

How costs of printing or duplicating Record, are to be borne.

### *Petition of Appeal*

29. The Appellant shall lodge his Petition of Appeal—

Times within which Petition shall be lodged.

(a) Where the Record arrives in England printed, within a period of two months from the date of such arrival;

(b) Where the Record arrives in England written, within a period of one month from the date of the completion of the printing or duplicating thereof;

Provided that nothing in this Rule contained shall preclude the Appellant from lodging his Petition of Appeal prior to the arrival of the Record, or the completion of the printing or duplicating thereof, if there are special reasons why, in the opinion of the Registrar of the Privy Council, it should be desirable for him to do so.

30. The Petition of Appeal shall be lodged in the form prescribed by Rule 47 hereinafter contained. It shall recite succinctly and, as far as possible, in chronological order, the principal steps in the proceedings leading up to the Appeal from the commencement thereof down to the admission of the Appeal, but shall not contain argumentative matter or travel into the merits of the case.

Form of Petition.

31. The Appellant shall, after lodging his Petition of Appeal, serve a copy thereof without delay on the Respondent, as soon as the latter has entered an Appearance, and shall endorse such copy with the date of the lodgment.

Service of Petition.

### *Withdrawal of Appeal*

32. Where an Appellant, who has not lodged his Petition of Appeal, desires to withdraw his Appeal, he shall give notice in writing to that effect to the Registrar of the Privy Council, and the said Registrar shall, with all convenient speed after the receipt of such notice, by letter notify the Registrar of the Court appealed from that the Appeal has been withdrawn, and the said Appeal shall thereupon stand dismissed as from the date of the said letter without further Order.

Withdrawal of Appeal before Petition of Appeal has been lodged.

33. Where an Appellant, who has lodged his Petition of Appeal, desires to withdraw his Appeal, he shall present a Petition to that effect to Her Majesty in Council. On the hearing of any such Petition a Respondent who has entered an Appearance in the Appeal shall, subject to any agreement between him and the Appellant to the contrary, be entitled to apply to the Judicial Committee for his costs, but where the Respondent has not entered an Appearance, or, having entered an Appearance, consents in writing to the prayer of the Petition, the Petition may, if the Judicial Committee think fit, be disposed of in the same way *mutatis mutandis* as a Consent Petition under the provisions of Rule 56 hereinafter contained.

Withdrawal of Appeal after Petition of Appeal has been lodged.

*Non-Prosecution of Appeal*

Dismissal of  
Appeal where  
Appellant  
takes no  
step in  
prosecution  
thereof.

34. Where an Appellant takes no step in prosecution of his Appeal within a period of two months from the date of the arrival of the Record in England, the Registrar of the Privy Council shall, with all convenient speed, by letter notify the Registrar of the Court appealed from that the Appeal has not been prosecuted, and the Appeal shall thereupon stand dismissed for non-prosecution as from the date of the said letter without further Order, and a copy of the said letter shall be sent by the Registrar of the Privy Council to any Respondent who has entered an Appearance in the Appeal.

35. Where an Appellant who has entered an Appearance—

Dismissal of  
Appeal for  
non-prose-  
cution after  
Appellant's  
Appearance  
and before  
lodgment of  
Petition of  
Appeal.

(a) fails to bespeak a copy of a written Record, or of part of a written Record, in accordance with, and within the period prescribed by, Rule 22; or

(b) having bespoken such copy within the period prescribed by Rule 22, fails thereafter to proceed with due diligence to take all such further steps as may be necessary for the purpose of completing the printing or duplication of the said Record; or

(c) fails to lodge his Petition of Appeal within the periods respectively prescribed by Rule 29;

the Registrar of the Privy Council shall call upon the Appellant to explain his default, and, if no explanation is offered, or if the explanation offered is, in the opinion of the said Registrar, insufficient, the said Registrar shall, with all convenient speed, by letter notify the Registrar of the Court appealed from that the Appeal has not been effectively prosecuted, and the Appeal shall thereupon stand dismissed for non-prosecution as from the date of the said letter without further Order, and a copy of the said letter shall be sent by the Registrar of the Privy Council to all the parties who have entered an Appearance in the Appeal.

Dismissal of  
Appeal for  
non-prose-  
cution after  
lodgment of  
Petition of  
Appeal.

36. Where an Appellant, who has lodged his Petition of Appeal, fails thereafter to prosecute his Appeal with due diligence, the Registrar of the Privy Council shall call upon him to explain his default, and, if no explanation is offered, or if the explanation offered is, in the opinion of the said Registrar, insufficient, the said Registrar shall issue a Summons to the Appellant calling upon him to show cause before the Judicial Committee at a time to be named in the said Summons why the Appeal should not be dismissed for non-prosecution. Provided that no such Summons shall be issued by the said Registrar before the expiration of one year from the date of the arrival of the Record in England. If the Respondent has entered an Appearance in the Appeal, the Registrar of the Privy Council shall send him a copy of the said Summons, and the Respondent shall be entitled to be heard before the Judicial Committee in the matter of the said Summons at the time named and to ask for his costs and such other relief as he may be advised. The Judicial Committee may, after considering the matter of the said Summons, recommend to Her Majesty the dismissal of the Appeal for non-prosecution, or give such other directions therein as the justice of the case may require.

Restoring an  
Appeal  
dismissed  
for non-  
prosecution.

37. An appellant whose Appeal has been dismissed for non-prosecution may present a Petition to Her Majesty in Council praying that his Appeal may be restored.

### *Appearance by Respondent*

38. The Respondent may enter an Appearance at any time between the arrival of the Record and the hearing of the Appeal, but if he unduly delays entering an Appearance he shall bear, or be disallowed, the costs occasioned by such delay, unless the Judicial Committee otherwise direct.

Time within which Respondent may appear.

39. The Respondent shall forthwith after entering an Appearance give notice thereof to the Appellant, if the latter has entered an Appearance.

Notice of Appearance by Respondent.

40. Where there are two or more Respondents, and only one, or some, of them enter an Appearance, the Appearance Form shall set out the names of the appearing Respondents.

Form of Appearance where all the Respondents do not appear.

41. Two or more Respondents may, at their own risk as to costs, enter separate Appearances in the same Appeal.

Separate Appearances.

42. A Respondent who has not entered an Appearance shall not be entitled to receive any notices relating to the Appeal from the Registrar of the Privy Council, nor be allowed to lodge a Case in the Appeal.

Non-appearing Respondent not entitled to receive notices or lodge Case.

43. Where a Respondent fails to enter an Appearance in an Appeal, the following Rules shall, subject to any special Order of the Judicial Committee to the contrary, apply :—

Procedure on non-appearance of Respondent.

(a) If the non-appearing Respondent was a Respondent at the time when the Appeal was admitted, whether by the Order of the Court appealed from or by an Order of Her Majesty in Council giving the Appellant special leave to appeal, and it appears from the terms of the said Order, or Order in Council, or otherwise from the Record, or from a Certificate of the Registrar of the Court appealed from, that the said non-appearing Respondent has received notice, or was otherwise aware, of the Order of the Court appealed from admitting the Appeal, or of the Order of Her Majesty in Council giving the Appellant special leave to appeal, and has also received notice, or was otherwise aware, of the dispatch of the Record to England, the appeal may, if all other conditions of its being set down are satisfied, be set down *ex parte* as against the said non-appearing Respondent at any time after the expiration of two months from the date of the lodging of the Petition of Appeal ;

(b) if the non-appearing Respondent was made a Respondent by an Order of Her Majesty in Council subsequently to the admission of the Appeal, and it appears from the Record, or from a Supplementary Record, or from a Certificate of the Registrar of the Court appealed from, that the said non-appearing Respondent has received notice, or was otherwise aware, of any intended application to bring him on the record as a Respondent, the Appeal may, if all other conditions of its being set down are satisfied, be set down *ex parte* as against the said non-appearing Respondent at any time after the expiration of two months from the date on which he shall have been served with a copy of Her Majesty's Order in Council bringing him on the Record as a Respondent :

Provided that where it is shown to the satisfaction of the Registrar of the Privy Council, by Affidavit or otherwise, either that an Appellant has made every reasonable endeavour to serve a non-appearing Respondent with the notices mentioned in clause (a) and (b) respectively and has failed to effect such service, or that it is not the intention of the non-appearing Respondent to enter an Appearance to the Appeal, the Appeal may, without further Order in that behalf and at the risk of the Appellant, be proceeded with *ex parte* as against the said non-appearing Respondent.

Respondent  
defending  
Appeal in  
*forma  
pauperis*.

44. A Respondent who desires to defend an Appeal *in forma pauperis* may present a Petition to that effect to Her Majesty in Council, which Petition shall be accompanied by an Affidavit from him stating that he is not worth £100 in the world excepting his wearing apparel and his interest in the subject-matter of the Appeal.

#### *Petitions generally*

Mode of  
addressing  
Petitions.

45. All Petitions for orders or directions as to matters of practice or procedure arising after the lodging of the Petition of Appeal and not involving any change in the parties to an Appeal shall be addressed to the Judicial Committee. All other Petitions shall be addressed to Her Majesty in Council, but a Petition which is properly addressed to Her Majesty in Council may include, as incidental to the relief thereby sought, a prayer for orders or directions as to matters of practice or procedure.

Orders on  
Petitions  
which need  
not be drawn  
up.

46. Where an Order made by the Judicial Committee does not embody any special terms or include any special directions, it shall not be necessary to draw up such Order, unless the Committee otherwise direct, but a Note thereof shall be made by the Registrar of the Privy Council.

Form of  
Petition  
and number  
of copies to  
be lodged.

47. All Petitions shall consist of paragraphs numbered consecutively and shall be written, typewritten, or lithographed, on paper with quarter margin and endorsed with the name of the Court appealed from, the full title and Privy Council number of the Appeal to which the Petition relates or the full title of the Petition (as the case may be), and the name and address of the London Agent (if any) of the Petitioner, but need not be signed, except as provided by Rule 3. Unless the Petition is a Consent Petition within the meaning of Rule 56 at least six copies thereof shall be lodged.

Caveat.

48. Where a Petition is expected to be lodged, or has been lodged, which does not relate to any pending Appeal of which the Record has been registered in the Registry of the Privy Council, any person claiming a right to appear before the Judicial Committee on the hearing of such Petition may lodge a Caveat in the matter thereof, and shall thereupon be entitled to receive from the Registrar of the Privy Council notice of the lodging of the Petition, if at the time of the lodging of the Caveat such Petition has not yet been lodged, and, if and when the Petition has been lodged, to require the Petitioner to serve him with a copy of the Petition, and to furnish him, at his own expense, with copies of any paper lodged by the Petitioner in support of his Petition. The Caveator shall forthwith after lodging his Caveat give notice thereof to the Petitioner, if the Petition has been lodged.

Service of  
Petition.

49. Where a Petition is lodged in the matter of any pending Appeal of which the Record has been registered in the Registry of the Privy Council, the Petitioner shall serve any party who has entered an Appearance in the Appeal with a copy of such Petition, and the party so served shall thereupon be entitled to require the Petitioner to furnish him, at his own expense, with copies of any papers lodged by the Petitioner in support of his Petition.

50. A Petition not relating to any Appeal of which the Record has been registered in the Registry of the Privy Council, and any other Petition containing allegations of fact which cannot be verified by reference to the registered Record or any certificate or duly authenticated statement of the Court appealed from, shall be supported by Affidavit. Where the Petitioner prosecutes his Petition in person, the said Affidavit shall be sworn by the Petitioner himself and shall state that, to the best of the deponent's knowledge, information, and belief, the allegations contained in the Petition are true. Where the Petitioner is represented by an Agent, the said Affidavit shall be sworn by such Agent and shall, besides stating that, to the best of the deponent's knowledge, information, and belief, the allegations contained in the Petition are true, show how the deponent obtained his instructions and the information enabling him to present the Petition.

Verifying  
Petition by  
Affidavit.

51. A Petition for an Order of Revivor or Substitution shall be accompanied by a certificate or duly authenticated statement from the Court appealed from showing who, in the opinion of the said Court, is the proper person to be substituted, or entered, on the Record in place of, or in addition to, a party who has died or undergone a change of status.

Petition for  
Order of  
Revivor or  
Substitution.

52. The Registrar of the Privy Council may refuse to receive a Petition on the grounds that it discloses no reasonable cause of appeal, or is frivolous or contains scandalous matter or fails to comply with the provisions of Rule 3, but the Petitioner may appeal, by way of motion, from such refusal to the Judicial Committee.

Petition  
disclosing no  
reasonable  
cause of  
appeal or  
containing  
scandalous  
matter to be  
refused.

53. As soon as a Petition and all necessary documents are lodged the Petition shall thereupon be deemed to be set down.

Setting down  
Petition.

54. On each day appointed by the Judicial Committee for the hearing of Petitions the Registrar of the Privy Council shall, unless the Committee otherwise direct, put in the paper for hearing all such Petitions as have been set down. Provided that, in the absence of special circumstances of urgency to be shown to the satisfaction of the said Registrar, no Petition, if opposed, shall be put in the paper for hearing before the expiration of ten clear days from the lodging thereof, unless the Opponent consents to the Petition being put in the paper on an earlier day.

Times within  
which set-  
down  
Petitions  
shall be  
heard.

55. Subject to the provisions of the next following Rule, the Registrar of the Privy Council shall, as soon as the Judicial Committee have appointed a day for the hearing of a Petition, notify all parties concerned by Summons of the day so appointed.

Notice to  
parties of  
day fixed for  
hearing  
Petition.

56. Where the prayer of a Petition is consented to in writing by the opposite party, or where a Petition is of a formal and non-contentious character, the Judicial Committee may, if they think fit, make their Report to Her Majesty on such Petition, or make their Order thereon, as the case may be, without requiring the attendance of the parties in the Council Chamber, and the Registrar of the Privy Council shall not in any such case issue the Summons provided for by the last-preceding Rule, but shall with all convenient speed after the Committee have made their Report or Order notify the parties that the Report or Order has been made and of the date and nature of such Report or Order.

Procedure  
where  
Petition is  
consented to  
or is formal.

Withdrawal  
of Petition.

57. A Petitioner who desires to withdraw his Petition shall give notice in writing to that effect to the Registrar of the Privy Council. Where the Petition is opposed, the Opponent shall, subject to any agreement between the parties to the contrary, be entitled to apply to the Judicial Committee for his costs, but where the Petition is unopposed, or where, in the case of an opposed Petition, the parties have come to an agreement as to the costs of the Petition, the Petition may, if the Judicial Committee think fit, be disposed of in the same way *mutatis mutandis* as a Consent Petition under the provisions of the last-preceding Rule.

Procedure  
where  
hearing of  
Petition  
unduly  
delayed.

58. Where a Petitioner unduly delays bringing a Petition to a hearing, the Registrar of the Privy Council shall call upon him to explain the delay, and if no explanation is offered, or if the explanation offered is, in the opinion of the said Registrar, insufficient, the said Registrar may, after notifying all parties interested by Summons of his intention to do so, put the Petition in the paper for hearing on the next following day appointed by the Judicial Committee for the hearing of Petitions for such directions as the Committee may think fit to give thereon.

Counsel  
heard on a  
side in  
Petitions.

59. At the hearing of a Petition not more than one Counsel shall be admitted to be heard on a side.

#### Case

Lodging of  
Case.

60. No party to an Appeal shall be entitled to be heard by the Judicial Committee unless he has previously lodged his Case in the Appeal. Provided that where a Respondent who has entered an Appearance does not desire to lodge a Case in the Appeal, he may give the Registrar of the Privy Council notice in writing of his intention not to lodge any Case, while reserving his right to address the Judicial Committee on the question of costs.

Printing or  
duplicating  
of Case.

61.—(a) The Case may be printed either abroad or in England, and shall, in either event, be printed in accordance with Rules I to III contained in Schedule A hereto.

(b) When the Case is not printed abroad it shall, unless the parties agree to its being printed in England, be duplicated by a process approved by the Registrar of the Privy Council.

(c) Whether the Case is printed or duplicated every tenth line thereof shall be numbered in the margin and it shall be signed by at least one of the Counsel who attends at the hearing of the Appeal or by the party himself if he conducts his Appeal in person.

Number of  
copies to be  
lodged.

62. Each party shall lodge 30 copies of his Case either printed or duplicated.

Form of  
Case.

63. The Case shall consist of paragraphs numbered consecutively and shall state, as concisely as possible, the circumstances out of which the Appeal arises, the contentions to be urged by the party lodging the same, and the reasons of appeal. References by page and line to the relevant portions of the Record as printed or duplicated shall, as far as practicable, be printed or duplicated in the margin, and care shall be taken to avoid, as far as possible, the reproduction in the Case of long extracts from the Record. The Taxing Officer, in taxing the costs of the Appeal, shall,

either of his own motion, or at the instance of the opposite party, inquire into any unnecessary prolixity in the Case, and shall disallow the costs occasioned thereby.

Separate Cases by two or more Respondents.

64. Two or more Respondents may, at their own risk as to costs, lodge separate Cases in the same Appeal.

Notice of lodgment of Case.

65. Each party shall, after lodging his Case, forthwith give notice thereof to the other party.

Case Notice.

66. Subject as hereinafter provided, the party who lodges his Case first may, at any time after the expiration of three clear days from the day on which he has given the other party the notice prescribed by the last-preceding Rule, serve such other party, if the latter has not in the meantime lodged his Case, with a "Case Notice," requiring him to lodge his Case within one month from the date of the service of the said Case Notice and informing him that, in default of his so doing, the Appeal will be set down for hearing *ex parte* as against him, and if the other party fails to comply with the said Case Notice, the party who has lodged his Case may, at any time after the expiration of the time limited by the said Case Notice for the lodging of the Case, lodge an Affidavit of Service (which shall set out the terms of the said Case Notice), and the Appeal shall thereupon, if all other conditions of its being set down are satisfied, be set down *ex parte* as against the party in default. Provided that no Case Notice shall be served until after the completion of the printing or duplication, or re-arrangement under Rule 12, of the Record, and also that nothing in this Rule contained shall preclude the party in default from lodging his Case, at his own risk as regards costs and otherwise, at any time up to the date of hearing.

67. Subject to the provisions of Rule 43 and of the last-preceding Rule, an Appeal shall be set down *ipso facto* as soon as the Cases on both sides are lodged, and the parties shall thereupon exchange Cases by handing one another, either at the Offices of one of the Agents or in the Registry of the Privy Council, ten copies of their respective Cases.

Setting down Appeal and exchanging Cases.

### *Binding Records, &c.*

68. As soon as an Appeal is set down, the Appellant shall attend at the Registry of the Privy Council and obtain seven copies of the Record and Cases to be bound for the use of the Judicial Committee at the hearing. The copies shall be bound in cloth with paper sides. The front cover shall bear a label stating the title and Privy Council number of the Appeal, the contents of the volume, and the names and addresses of the London Agents. The several documents, indicated by incuts, shall be arranged in the following order: (1) Appellant's Case; (2) Respondent's Case; (3) Record (if in more than one part, showing the separate parts by incuts, all parts being paged at the top of the page); (4) Supplemental Record (if any); and the short title and Privy Council number of the Appeal shall also be shown on the back.

Mode of binding Records, &c., for use of Judicial Committee.

69. The Appellant shall lodge the bound copies not less than four clear days before the commencement of the Sittings during which the Appeal is to be heard.

Time within which bound copies shall be lodged.

Notice of day on or before which Appeals must be set down for ensuing Sittings.

Notice to parties of day fixed for hearing Appeal.

Only two Counsel heard on a side in Appeals. Nautical Assessors.

Notice to parties of day fixed for delivery of Judgment.

Taxation of costs.

What costs taxed in England.

Order to tax.

Power of Taxing Officer where taxation delayed through the fault of the party whose costs are to be taxed.

## Hearing

70. The Registrar of the Privy Council shall name a day on or before which Appeals must be set down if they are to be entered in the List of Business for the ensuing Sittings. All Appeals set down on or before the day named shall, subject to any directions from the Committee or to any agreement between the parties to the contrary, be entered in such List of Business and shall, subject to any directions from the Committee to the contrary, be heard in the order in which they are set down.

71. The Registrar of the Privy Council shall, subject to the provisions of Rule 42, notify the parties to each Appeal by Summons, at the earliest possible date, of the day appointed by the Judicial Committee for the hearing of the Appeal, and the parties shall be in readiness to be heard on the day so appointed.

72. At the hearing of an Appeal not more than two Counsel shall be admitted to be heard on a side.

73. In Admiralty Appeals the Judicial Committee may, if they think fit, require the attendance of two Nautical Assessors.

## Judgment

74. Where the Judicial Committee, after hearing an Appeal, decide to reserve their Judgment thereon, the Registrar of the Privy Council shall in due course notify the parties by Summons of the day appointed by the Committee for the delivery of the Judgment.

## Costs

75. All Bills of Costs under the Orders of the Judicial Committee on Appeals, Petitions, and other matters, shall be referred to the Registrar of the Privy Council, or such other person as the Judicial Committee may appoint, for taxation, and all such taxations shall be regulated by the Schedule of Fees set forth in Schedule B. hereto.

76. The taxation of costs in England shall be limited to costs incurred in England.

77. The Registrar of the Privy Council shall, with all convenient speed after the Judicial Committee have given their decision as to the costs of an Appeal, Petition, or other matter, issue to the party to whom costs have been awarded an Order to tax and a Notice specifying the day and hour appointed by him for taxation. The party receiving such Order to tax and Notice shall, not less than 48 hours before the time appointed for taxation, lodge his Bill of Costs (together with all necessary vouchers for disbursements), and serve the opposite party with a copy of his Bill of Costs and of the Order to tax and Notice.

78. The Taxing Officer may, if he think fit, disallow to any party who fails to lodge his Bill of Costs (together with all necessary vouchers for disbursements) within the time prescribed by the last-preceding Rule, or who in any way delays or impedes a taxation, the charges to which such party would otherwise be entitled for drawing his Bill of Costs and attending the taxation.

79. Any party aggrieved by a taxation may appeal from the decision of the Taxing Officer to the Judicial Committee. The Appeal shall be heard by way of motion, and the party appealing shall give three clear days' Notice to Motion to the opposite party, and shall also leave a copy of such Notice in the Registry of the Privy Council.

Appeal from decision of Taxing Officer.

80. The amount allowed by the Taxing Officer on the taxation shall, subject to any appeal from his taxation to the Judicial Committee and subject to any direction from the Committee to the contrary, be inserted in Her Majesty's Order in Council determining the Appeal or Petition.

Amount of taxed costs to be inserted in Her Majesty's Order in Council.

81. Where the Judicial Committee directs costs to be taxed on the pauper scale, the Taxing Officer shall not allow any fees of Counsel, and shall only award to the Agents out-of-pocket expenses and a reasonable allowance to cover office expenses, such allowance to be taken at about three-eighths of the usual professional charges in ordinary Appeals. Such pauper scale shall apply to and include the application upon which leave to appeal in *forma pauperis* was granted.

Taxation on the pauper scale.

82. Where the Appellant has lodged security for the Respondent's costs of an Appeal in the Registry of the Privy Council, the Registrar of the Privy Council shall deal with such security in accordance with the directions contained in Her Majesty's Order in Council determining the Appeal.

Security to be dealt with as Her Majesty's Order in Council determining Appeal directs.

#### Miscellaneous

83. The Judicial Committee may, for sufficient cause shown, excuse the parties from compliance with any of the requirements of these Rules, and may give such directions in matters of practice and procedure as they shall consider just and expedient. Applications to be excused from compliance with the requirements of any of these Rules shall be addressed in the first instance to the Registrar of the Privy Council, who shall take the instructions of the Committee thereon and communicate the same to the parties. If, in the opinion of the said Registrar, it is desirable that the application should be dealt with by the Committee in open Court, he may direct the party applying to lodge in the Registry of the Privy Council, and to serve the opposite party with a Notice of Motion returnable before the Committee.

Power of Judicial Committee to excuse from compliance with Rules.

84. Any document lodged in connection with an Appeal, Petition, or other matter pending before Her Majesty in Council or the Judicial Committee, may be amended by leave of the Registrar of the Privy Council, but if the said Registrar is of opinion that an application for leave to amend should be dealt with by the Committee in open Court, he may direct the party applying to lodge in the Registry of the Privy Council, and to serve the opposite party with a Notice of Motion returnable before the Committee.

Amendment of documents.

85. Affidavits relating to any Appeal, Petition, or other matter pending before Her Majesty in Council or the Judicial Committee may be sworn before the Registrar of the Privy Council.

Affidavits may be sworn before the Registrar of the Privy Council.

86. Where a party to an Appeal, Petition, or other matter pending before Her Majesty in Council changes his Agent, such party, or the new Agent, shall forthwith give the Registrar of the Privy Council and the outgoing Agent notice in writing of the change, and shall amend the Appearance accordingly. Until such notices are given the former Agent shall be considered the Agent of the party until the final conclusion of the Appeal, Petition, or other matter.

87. Subject to the provisions of any Statute or of any Statutory Rule or Order to the contrary, these Rules shall apply to all matters falling within the Appellate Jurisdiction of Her Majesty in Council.

88. These Rules may be cited as the Judicial Committee Rules, 1957.

## SCHEDULE A

(RULE 12)

### *Rules as to Printing and Duplicating*

I. All Records and other proceedings in Appeals or other matters pending before Her Majesty in Council or the Judicial Committee which are required by the above Rules to be printed shall be printed in the form known as Demy Quarto.

II. The size of the paper used shall be such that the sheet, when folded and trimmed, will be 11 inches in height and  $8\frac{1}{2}$  inches in width.

III. The type to be used in the text shall be Pica type, but Long Primer shall be used in printing accounts, tabular matter, and notes. The number of lines in each page of Pica type shall be 47 or thereabouts, and every tenth line shall be numbered in the margin.

IV. Records shall be arranged in two parts in the same volume, where practicable, *viz.* :—

Part I. The pleadings and proceedings, the transcript of the evidence of the witnesses, the Judgments, Decrees, &c., of the Courts below down to the Order admitting the Appeal.

Part II. The exhibits and documents.

V. The Index to Part I shall be in chronological order, and shall be placed at the beginning of the volume.

The Index to Part II shall follow the order of the exhibit mark, and shall be placed immediately after the Index to Part I.

VI. Part I shall be arranged strictly in chronological order, *i.e.*, in the same order as the index.

Part II shall be arranged in the most convenient way for the use of the Judicial Committee, as the circumstances of the case require. The documents shall be as far as suitable in chronological order, mixing Plaintiff's and Defendant's documents together when necessary. Each document shall show its exhibit mark, and whether it is a Plaintiff's or Defendant's document (unless this is clear from the exhibit mark) and in all cases documents relating to the same matter, such as

(a) a series of correspondence, or

(b) proceedings in a suit other than the one under appeal, shall be kept together. The order in the Record of the documents in part II will probably be different from the order of the Index, and the proper page number of each document shall be inserted in the Index.

The parties will be responsible for arranging the Record in proper order for the Judicial Committee, and in difficult cases Counsel may be asked to settle it.

VII. The documents in Part I shall be numbered consecutively.

The documents in Part II shall not be numbered, apart from the exhibit mark.

VIII. Each document shall have a heading which shall consist of the number or exhibit mark and the description of the document in the Index, without the date.

IX. Each document shall have a marginal note which shall be repeated on each page over which the document extends, *viz.* : -

#### Part I

(a) Where the case has been before more than one Court, the short name of the Court shall first appear. Where the case has been before only one Court, the name of the Court need not appear.

(b) The marginal note of the document shall then appear consisting of the number and the description of the document in the Index, with the date, except in the case of oral evidence.

(c) In the case of oral evidence, "Plaintiff's evidence" or "Defendant's evidence" shall appear beneath the name of the Court, and then the marginal note consisting of the number in the Index and the witness's name, with "examination," "cross-examination," "re-examination," as the case may be.

#### Part II

The word "Exhibits" shall first appear.

The marginal note of the exhibit shall then appear consisting of the exhibit mark and the description of the document in the Index, with the date.

X. The parties shall agree to the omission of formal and irrelevant documents, but the description of the document may appear (both in the Index and in the Record), if desired, with the words "not printed" or "not duplicated" against it.

A long series of documents, such as accounts, rent rolls, inventories, &c., shall not be printed or duplicated in full, unless Counsel so advise, but the parties shall agree to short extracts being printed or duplicated as specimens.

XI. In cases where maps sent from abroad are of an inconvenient size or unsuitable in character, the Appellant shall, in agreement with the Respondent, prepare in England, from the materials sent from abroad, maps drawn properly to scale and of reasonable size, showing as far as possible, the claims of the respective parties, in different colours.

## SCHEDULE B

(Rule 75)

## I.

FEES ALLOWED TO AGENTS CONDUCTING APPEALS OR OTHER MATTERS BEFORE  
THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

(50 per cent is added to these fees)

	£	s	d
Retainer fee .. .. .	0	13	4
Drawing Appearance or Caveat .. .. .	0	5	0
Perusing printed Record, for every printed sheet of 8 pages	1	1	0
Perusing written Record, for every 25 folios .. .. .	0	6	8
Drawing Index .. .. . per folio	0	2	0
Drawing Marginal Notes and Headings .. .. . per folio	0	0	6
Attending at the Registry to examine proof of Record with the certified Record .. .. . per day	3	3	0
.. .. . per half-day	1	11	6
Correcting revised print of Record, per sheet of 8 pages..	0	10	6
Correcting revised duplicated copy of Record, per sheet of 10 pages .. .. .	0	10	6
Instruction for Petition or Motion, or to Oppose .. .. .	0	10	0
Instructions for Petition of Appeal .. .. .	0	10	0
Instructions for Case .. .. .	1	0	0
Drawing Petition, Motion, Case or Affidavit .. .. . per folio	0	2	0
Copying Petition, Motion, Case or Affidavit .. .. . per folio	0	0	6
Correcting proof of printed Case, per sheet of 8 pages ..	0	10	6
Correcting proof of duplicated copy of Case per sheet of 10 pages .. .. .	0	10	6
Drawing and fair copy, Case Notice .. .. .	0	10	0
Perusing Petition, Motion, or Affidavit .. .. . per folio	0	2	0
Perusing Petition of Appeal .. .. .	1	1	0
Perusing Case, per printed sheet of 8 pages .. .. .	1	1	0
Perusing Case, per duplicated sheet of 10 pages .. .. .	1	1	0
Instructions for and preparing Retainer to Counsel .. .. .	0	10	0
Instructions to Counsel to argue an Appeal .. .. .	1	0	0
Instructions to Counsel to argue a Petition or Motion .. .. .	0	10	0
Instruction to printer .. .. .	0	10	0
Attending Consultation .. .. .	1	0	0
Attending at the Council Chamber for the hearing of a Petition or Motion .. .. .	1	6	8
Attending at the Council Chamber all day on an Appeal not called on .. .. .	2	6	8
Attending the hearing of an Appeal .. .. . per day	3	6	8
Attending a Judgment .. .. .	1	6	8
Approving draft Order .. .. .	0	10	0
Attendances generally .. .. .	0	10	0
Attendances on Counsel where fee is 30 guineas or over .. .. .	1	0	0
Drawing Bill of Costs .. .. . per folio	0	1	0
Copying Bill of Costs .. .. . per folio	0	0	6
Attending Taxation of Costs of an Appeal .. .. .	2	2	0
Attending Taxation of Costs of a Petition or Motion .. .. .	1	1	0
Sessions Fee for each year or part of a year from the date of Appearance (in Appeals only) .. .. .	3	3	0
Letters, &c. (in Petitions) .. .. .	1	1	0
Letters, &c. (in Appeals) for 1st year .. .. .	2	2	0
For each following year .. .. .	1	1	0

## II.

## Council Office Fees

	£	s	d
Entering Appearance .. .. .	1	5	0
Amending Appearance .. .. .	0	12	6
Examining proof of Record with the certified record at the Registry (chargeable to Appellant only) .. .. .	2	10	0
per day .. .. .	1	5	0
per half-day .. .. .	3	15	0
Lodging Petition of Appeal .. .. .	2	10	0
Lodging Petition for special leave to appeal .. .. .	1	5	0
Lodging any other Petition or Motion .. .. .	2	10	0
Lodging Case or Notice under Rule 60 .. .. .	6	5	0
Setting down Appeal (chargeable to Appellant only) .. .. .	2	10	0
Setting down Petition for special leave to appeal (chargeable to Petitioner only) .. .. .	1	5	0
Setting down any other Petition (chargeable to Petitioner only) .. .. .	1	5	0
Summons .. .. .	2	10	0
Committee Report on Petition .. .. .	3	15	0
Committee Report on Appeal .. .. .	6	5	0
Original Order of Her Majesty in Council determining an Appeal .. .. .	3	15	0
Any other original Order of Her Majesty in Council .. .. .	0	6	6
Plain copy of an Order of Her Majesty in Council .. .. .	2	10	0
Original Order of the Judicial Committee .. .. .	0	6	6
Plain copy of Committee Order .. .. .	0	12	6
Lodging Affidavit .. .. .	0	12	6
Certificate delivered to parties .. .. .	1	5	0
Lodging Caveat .. .. .			
Taxing Fee 6d for each pound allowed or a fraction thereof.			

## EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

These Rules revoke and replace the Judicial Committee Rules, 1925, as amended, with certain modifications. The most important changes are as follows:—

1. Provision is made for the Records and Cases to be duplicated instead of printed.

2. At present a litigant cannot proceed *in forma pauperis* unless he proves he is not worth £25 in the world. £100 is now substituted for £25.

3. (a) The Council Office fees, other than the taxing fee, are increased by 25%.

(b) The taxing fee (which at present is at the rate of 2½% up to £300 and thereafter 1%) is to be at the rate of 2½% throughout.

L.N. 45 of 1958

**EASTERN REGION FINANCE LAW, 1956**  
**(E.R. Law 1 of 1956 as amended by E.R. Law 25 of 1956)**  
**Nomination of Tax Collectors Notice, 1958**

*Commencement : 6th March, 1958*

In pursuance of section 15 (5) of the Finance Law, 1956 of the Eastern Region, as amended, the Governor-General has at the request of the Governor of the Eastern Region appointed the Officers in the public service of the Federation specified in the Schedule to carry out with effect from the 1st October, 1956, in the Eastern Region the functions rereferred to in such section 15 as though each such Officer were an employer within the meaning of that Law.

This notice is supplementary to Legal Notices 147, 161 and 171 of 1956.

**SCHEDULE**

Assistant Director of Marketing and Exports, Port Harcourt.

Air Traffic Control Assistant, Department of Civil Aviation, Enugu.

Air Traffic Control Assistant, Department of Civil Aviation, Port Harcourt.

Air Traffic Control Assistant, Department of Civil Aviation, Calabar.

Senior Produce Inspector, Federal Produce Inspection Service, Department of Marketing and Exports, Calabar.

Shipping Officer, Shipping Section, Department of Marketing and Exports, Calabar.

Boatbuilding Superintendent, Department of Commerce and Industries, Opobo.

Divisional Marine Officer, Inland Waterways Department, Port Harcourt.

DATED this twenty-first day of February, 1958.

A. F. F. P. NEWNS,  
*Secretary to the Governor-General*

10656/S. 6

L.N. 46 of 1958

**LAND REGISTRATION ORDINANCE (CHAPTER 108)**

Lagos Land  
 Registry.

**Lagos Land Registry Notice, 1958**

*Date of Commencement : 6th March, 1958*

In exercise of the powers conferred by section 3 (1) of the Land Registration Ordinance the Governor-General, after consultation with the Council of Ministers, has directed that the land registry for the registration of all instruments affecting land in the Federal Territory of Lagos shall be at the office of the Chief Federal Land Officer.

L.N. 36 of  
 1954.

2. Paragraph 2 of the Land Registration (Directions and Appointments) Notice, 1954 is revoked so far as it affects the Federal Territory of Lagos.

MADE at Lagos the 22nd day of February, 1958.

MAURICE JENKINS,  
*Acting Deputy Secretary to the  
 Council of Ministers*

**EXPLANATORY NOTE**

The notice makes a formal appointment in respect of the Lagos land registry which was previously dealt with by a notice applying to the whole of Nigeria.

(LA.5)

L0021/S. 3