

L.N. 48 of 1958

**DISTRIBUTION OF GERMAN ENEMY PROPERTY
ORDINANCE, 1957 (No. 42 of 1957)**

Distribution of German Enemy Property Order, 1958

Commencement : 28th February, 1958

In exercise of the powers conferred by section 3 of the Distribution of German Enemy Property Ordinance, 1957, the Governor-General, after consultation with the Council of Ministers, has made the following Order—

PART I

TITLE, COMMENCEMENT AND INTERPRETATION

1. This Order may be cited as the Distribution of German Enemy Property Order, 1958, and shall come into operation on the 28th February, 1958,

Citation and
commence-
ment.

2. In this Order, unless the context otherwise requires, the following expressions have the meanings hereinafter respectively assigned to them :—

Interpre-
tation.

"The Administrator" means the Administrator of German Enemy Property appointed under this Order ;

"the Custodian" means the Custodian of Enemy Property appointed under section 9 of the 1939 Ordinance ;

"the Minister" means the Minister for the time being charged with responsibility for matters relating to finance ;

"the 1939 Ordinance" means the Trading with the Enemy Ordinance, 1939.

No. 23 of
1939.

PART II

APPOINTMENT OF THE ADMINISTRATOR

3. (1) The Governor-General shall appoint, on such terms as he may specify, an administrator who, by virtue of subsection (3) of section 3 of the Ordinance, shall be a corporation sole under the name of the Administrator of German Enemy Property.

Appointment
of adminis-
trator.

(2) The Administrator may hold that office together with any other office in the public service of the Federation.

4. The Administrator shall have the powers conferred upon him, and the duties imposed upon him, by this Order and by any other Order in Council made under section 3 of the Ordinance and may do all such things as he may consider necessary or desirable for carrying out the powers and duties so conferred and imposed.

Powers and
duties.

5. The Administrator may sue and be sued in the name of the Administrator of German Enemy Property.

Legal
proceedings.

6. The Administrator shall have a common seal and power to hold land without licence in mortmain.

Common
seal and
land.

7. (1) The Administrator shall be assisted by such officers as the Governor-General may determine.

Appointment
of assistants
and expenses.

(2) The Administrator may appoint, employ and remunerate such agents or other persons and incur such expenses as may be necessary for the purposes of his powers and duties under the Ordinance.

Authenti-
cation of seal.

Instruments
not under
seal.

Presump-
tion as to
authenticity
of seal or
signature.

Appointed
day for
definition of
German
enemy
property.

Transfer
from Custodian
to Adminis-
trator.

Vesting
orders.

Immunity
of persons
complying
with direc-
tions of
Adminis-
trator to
transfer
property.

Adminis-
trator not
bound by
restrictions
upon trans-
fer securities.

8. The seal of the Administrator shall be authenticated by the signature of the Administrator or some other person authorised by the Administrator to Act in that behalf.

9. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed by the Administrator or by any person on his behalf generally or specially authorised by him for the purpose.

10. Every document purporting to be a document duly executed or issued under the seal of the Administrator authenticated as aforesaid or purporting to be signed by the Administrator or any person authorised to act on his behalf shall, until the contrary be proved, be deemed to be a document so executed or issued or so signed as the case may be.

PART III

COLLECTION AND REALISATION OF GERMAN ENEMY PROPERTY

11. The day on which this Order comes into operation is the appointed day for the purposes of the definition of German enemy property contained in subsection (1) of section 2 of the Ordinance.

12. (1) The Custodian shall, on being so required by the Administrator, transfer to the Administrator, or as the Administrator may direct, any German enemy property which, or the right to transfer which, is vested in, or otherwise in the possession or under the control of, the Custodian.

(2) The Administrator shall have power to sell any property so transferred at such price and on such terms as he may think fit.

13. (1) The Minister may by order vest in the Administrator any German enemy property or the right to transfer any German enemy property. Any order so made by the Minister is hereinafter referred to as a "vesting order".

(2) The Administrator shall have such rights, powers, duties and liabilities with regard to the property or the right to transfer the property vested in him by a vesting order as are prescribed by the order.

(3) A vesting order as respects property of any description shall be of like purport and effect as a vesting order as respects property of the same description made by the High Court of Lagos under any enactment relating to trustees, and shall be sufficient to vest in the Administrator any property, or the right to transfer any property, as provided by the vesting order without the necessity for any further conveyance, assurance or document.

(4) A vesting order may be varied or revoked by the Minister.

14. Where any requirement or direction with respect to any property is addressed to any person by the Administrator and accompanied by a certificate of the Administrator that the property is German enemy property which is required to be transferred to the Administrator, or in respect of which a vesting order has been made, the certificate shall be evidence of the facts stated therein, and if that person complies with the requirement or direction he shall not be liable to any action or other legal proceedings by reason only of such compliance.

15. (1) The Administrator shall not be bound by any provision in any article of association, by-law or other rule governing a company or other body which restricts the right to transfer shares, stock or other securities or imposes any conditions as to the price at which, or the person to whom, shares, stock or other securities are to be offered or sold.

(2) Where in the exercise of the powers conferred on him the Administrator executes a transfer of any shares, stock or securities the company or other body in whose book the shares, stock or securities are registered shall, upon the receipt of the transfer so executed by the Administrator and upon being required by him so to do, register the shares, stock or securities in the name of the Administrator or other transferee notwithstanding any regulation or stipulation of the company or other body, and notwithstanding that the Administrator is not in possession of the certificate, scrip or other document of title relating to the shares, stock or securities transferred; but such registration shall be without prejudice to any lien or charge in favour of the company or other body, or to any other lien or charge of which the Administrator or the Custodian has notice.

16. No property which, or the right to transfer which, is transferred to or vested in the Administrator shall be liable to be attached or taken in execution.

Property not liable to execution.

17: (1) Except in accordance with the foregoing provisions of this Part, or with the consent of the Administrator, no person other than the Custodian shall transfer, dispose of or otherwise deal with any German enemy property; and any transfer, disposal or dealing in contravention of this paragraph shall be void.

Prohibition of dealings with German enemy property.

(2) If any person called upon to pay any money or to transfer or deal with any property has reason to suspect that the money or property is German enemy property, he shall, before paying, transferring or dealing with the money or property, furnish particulars thereof to the Administrator and shall comply with any directions that the Administrator may give with respect thereto.

(3) Nothing in this section shall prohibit or restrict the transfer or disposal of or dealing with any property or the payment of any money: -

(a) by or to the Custodian, or

(b) in accordance with any direction, consent, authority or approval given under the 1939 Ordinance.

18. Where any right or interest in the estate of a deceased person is German enemy property, the Court having jurisdiction to grant letters of administration of the estate shall, at the request in writing of the Administrator and upon the production of the certificate of the Administrator specifying the right or interest which is German enemy property and whether or not a previous grant of such letters has been made in respect to that estate, grant such letters as respects such German enemy property to the Administrator by the name of the Administrator of German enemy property without requiring the Administrator or any sureties to enter into an administration bond and thereupon the Administrator shall be exclusively entitled to act in the administration of that estate in so far as such German enemy property is concerned.

Grant of letters of administration to Administrator.

PART IV

MISCELLANEOUS

19. (1) Every person who at or after the coming into operation of this Order, holds, controls or manages property which is, or any right to or interest in which is, German enemy property shall, unless particulars thereof have before the coming into operation of this Order been furnished to the Custodian, within three months from the date on which this Order comes into operation, by notice in writing furnish particulars thereof to the Administrator and shall furnish the Administrator with such further information in relation thereto as the Administrator may require.

Particulars of German enemy property to be furnished to Administrator.

(2) Every company incorporated in Nigeria shall, unless particulars thereof have already been furnished to a Custodian, within three months from the date on which this Order comes into operation by notice in writing communicate to the Administrator full particulars of any shares, stock, debentures and debenture stock, bonds or other securities issued by the company which are German enemy property.

Production
of books and
information
to Adminis-
trator.

20. (1) If it appears to the Administrator expedient so to do for the purpose of collecting German enemy property or discharging any of his other functions, the Administrator may by notice in writing:—

(a) require any person to produce, at a time and place specified in the notice, to the Administrator, or to any person nominated by him for the purpose, any books or documents specified or described in the notice, being books or documents which are in his custody or under his control, or

(b) require any person to furnish to the Administrator such returns, accounts or other information as may be specified or described in the notice and specify the time, the manner and the form in which any such returns, accounts or information are to be furnished.

(2) The Administrator may take copies of any books or documents produced under sub-paragraph (a) of paragraph (1).

Search
Warrants.

21. (1) If a magistrate is satisfied by information on oath that there is reasonable ground for suspecting that there is situate in or on any premises specified in the information any German enemy property or document of title or evidence relating thereto or any strong room, safe, box or other sealed receptacle which may contain any German enemy property or document of title or evidence relating thereto, he may grant a search warrant authorising any constable, together with any other persons named in the warrant, at any time or times within one month from the date of the warrant, to enter the premises specified in the information, if necessary by force, and to search the premises and to open the strong room, safe, box or other sealed receptacle so specified.

(2) A person authorised by any such warrant as aforesaid to enter any premises or to open any strong room, safe, box or other sealed receptacle may take possession of anything therein which he has reasonable grounds for suspecting to be German enemy property or a document of title or evidence relating thereto.

Court order
to attend
and testify
on oath.

22. (1) The Court may on the application of the Administrator require any person known or suspected to have in his possession or under his control any German enemy property, or any person whom the Court may consider capable of giving information with respect to the same, to attend as a witness, subject to payment or tender of reasonable expenses of his attendance, and to give evidence or produce documents before the Court or before such officer as the Court may appoint for the purpose of examining into the matter, who shall have power to take evidence and administer oaths.

(2) The Administrator shall be entitled to appear and be represented and to examine any person required to attend under this section.

(3) For the purposes of this section "the Court" means the High Court of a Region or Lagos or the Southern Cameroons, as the case may be.

Time limit
for dis-
proving
presumed
German
nationality.

23. A person who, having been resident in Germany at any time, seeks under subsection (2) of section 2 of the Ordinance to prove to the satisfaction of the Administrator, that he was not at that time a German national, must do so before the 1st September, 1958, by furnishing to the Administrator a statutory declaration (or, where the person is resident elsewhere than in the United Kingdom or a British possession, either a statutory declaration or, with the consent of the Administrator, such other form of declaration as may be appropriate under the law of that country) made or executed by him of the relevant facts supported by such certificates or other appropriate documents as the Administrator may require: Provided that the Administrator shall, if the Minister so directs in pursuance of subsection (6) of section 3 of the Ordinance, transfer any German enemy property or the proceeds of any German enemy property held by reason of the operation of subsection (2) of section 2 of the Ordinance and this section.

24. (1) Accounts shall be prepared by the Administrator, in such form and manner and at such time as the Minister may direct, of the sums received and the sums paid by him in pursuance of the Ordinance and any Order in Council made under section 3 thereof and the Director of Federal Audit shall examine and certify every such account.

(2) The Director of Federal Audit shall lay copies of every such certified account, together with his report thereon, before the House of Representatives.

MADE at Lagos the 27th day of February, 1958.

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

EXPLANATORY NOTE

This Order provides for the appointment by the Governor-General of an Administrator of German Enemy Property with certain powers and duties, for the transfer to the Administrator of all German Enemy Property under the control of the Custodian of Enemy Property on the 28th February, 1958, and for the collection and realisation by the Administrator of all German enemy property which ought to have been under the control of the Custodian of Enemy Property on that date.

Property in Nigeria acquired by German nationals or residents through any authorised trade has been exempted from Custodian of Enemy Property control and; therefore, is not affected by this Order (see also section 17 (3)). General authorisation and exemption were granted by the Trading with the Enemy (Custodian) (Germany) Order, 1952, and the Trading with the Enemy (Authorisation) (Germany) Order, 1952 (No. 21 and No. 22 of 1952 respectively).

Except with respect to property falling within the definition of German enemy property, which under this Order becomes transferred to the Administrator, the Trading with Enemy Ordinance, 1939, and Orders made thereunder cease for all purposes to apply to Germany by virtue of the Trading with the Enemy (Enemy Territory Cessation) (Germany) Order, 1958, (L.N. 51 of 1958).

For the purposes of the definition of German enemy property (see section 2 (1) of the Ordinance), owners of property subject to Custodian of enemy property control, who were at any time resident in Germany, are presumed to have been of German nationality, and accordingly their property will become transferred to the Administrator for the purposes of the Ordinance. Section 23 of this Order provides that such owners, who wish to prove that they were not of German nationality in order to obtain the release of their property, should normally do so before the 1st September, 1958.

L.N. 49 of 1958

DISTRIBUTION OF GERMAN ENEMY PROPERTY ORDINANCE, 1957

(No. 42 OF 1957)

Distribution of German Enemy Property (No. 2) Order, 1958

Commencement : 1st March, 1958

In exercise of the powers conferred by section 3 of the Distribution of German Enemy Property Ordinance, 1957, the Governor-General, after consultation with the Council of Ministers, has made the following Order—

PART I

TITLE, COMMENCEMENT AND INTERPRETATION

1. This Order may be cited as the Distribution of German Enemy Property (No. 2) Order, 1958, and shall come into operation on the 1st March, 1958.

2. In this Order, unless the context otherwise requires, the following expressions have the meanings hereinafter respectively assigned to them:—

“the Administrator” means the Administrator of German Enemy Property appointed under the Distribution of German Enemy Property Order, 1958;

“British person” means, in relation to any date,

(i) the former Government of Nigeria;

(ii) any British subject, citizen of the Republic of Ireland or British protected person resident or carrying on business on that date in Nigeria;

(iii) any body of persons (whether corporate or un-incorporate) which on that date was a body incorporated or constituted under the laws in force in Nigeria;

(iv) the personal representatives of any British subject, citizen of the Republic of Ireland or British protected person who died on or after the 3rd September, 1939, and before the relevant time and who was resident or carrying on business in Nigeria at the date of his death;

“claimant” in relation to any German enemy debt means the person who under section 4 (1) of this Order makes a claim in respect of that debt;

“German person” means in relation to any date,

(i) the German State;

(ii) any individual who on that date was a German national resident in Germany;

(iii) any body of persons (whether corporate or un-incorporate) which on that date was a body incorporated or constituted under the laws of Germany;

(iv) any individual who on that date was a German national resident or carrying on business in Nigeria;

Citation and
commence-
ment.

Interpreta-
tion.

L.N. of 1958.

(v) any body of persons (whether corporate or unincorporate) which on that date was carrying on business in Nigeria and which on that date or at any time after that date was controlled by any individual or body as is mentioned in paragraph (b), paragraph (c) or paragraph (d) of the definition of "German enemy property" contained in the Ordinance;

"the Minister" means the Minister for the time being charged with responsibility for matters relating to finance;

"relevant time" means on the 1st March, 1958, or, if the debt in respect of which the claim is made has been discharged between the passing of the Ordinance and the said date, immediately before its discharge: Provided that in relation to claims arising out of bonds of the descriptions specified in the first column of the Schedule hereto, "relevant time" means on the 7th November, 1951;

"trade debt" means any sum due in respect of:—

- (i) goods supplied in the course of trade;
- (ii) services incidental to goods so supplied;
- (iii) shipping freight, rebates or fares;

PART II

EXCLUDED CLAIMS

This Order shall not apply:—

Application
3 of Order.

(a) to any claim in respect of a German enemy debt unless (in addition to the conditions prescribed in section 2 (1) of the Ordinance) at the relevant time that debt, or the balance thereof then outstanding, was due to a British person;

(b) to any claim in respect of a German enemy debt (other than a claim in respect of any bond described in section 2 (1) (b) of the Ordinance) if at the relevant time that debt, or the balance thereof then outstanding, was due to a company incorporated in Nigeria whose activities in Nigeria on the 3rd September, 1939 were confined to complying with the requirements of the Companies Ordinance, and to distributing profits earned abroad;

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(c) to any claim in respect of a balance at a bank expressed in a unit of German currency;

(d) to any claim in respect of a bank note expressed in a unit of German currency or any other note so expressed which has at any time been legal tender in Germany;

(e) to any other claim in respect of a German enemy debt expressed in a unit of German currency except:—

- (i) claims in respect of trade debts;
- (ii) claims in respect of loans made to German persons by persons who at the date of the loan were British persons;
- (iii) claims in respect of rent due on the 3rd September, 1939;
- (iv) claims in respect of dividends on shares or stock declared before the 3rd September, 1939; and

(v) claims in respect of the use of inventions, designs, trade marks or industrial processes, or specifications, drawings or documents relating thereto or in respect of the exercise of copyright (as defined in enactments relating to copyright) in literary, dramatic, musical or artistic works;

(f) to any claim by an insurer or an insurance broker in respect of a contract of insurance or re-insurance with a German person ;

(g) to any claim in respect of any bond of the Austrian Government International Guaranteed Loan 1933-1953 or the Austrian Government Guaranteed Conversion Loan 1934-1959 ;

(h) to any claim in respect of a sum which fell due on or before the 3rd September, 1933, not being a claim arising out of credits, advances or other indebtedness which fell under the German Credit Agreements of 1931, 1932, or 1933 (Standstill Agreements) ;

(i) to any claim by the trustees of any loan in respect of sinking fund or amortisation payments ;

(j) to any claim arising out of a bond except by the owner of the bond.

PART III

MAKING OF CLAIMS

Persons who may claim ; manner, time and verification of claims.

4. (1) Claims for payment under this Order may be made only by the person to whom the German enemy debt giving rise to the claim, or the balance thereof then outstanding, was due at the relevant time or by an insurer who at the relevant time was entitled by subrogation to enforce payment thereof : Provided that in the event of death, bankruptcy, winding up, mental incapacity, or absence from Nigeria of any such person or insurer as aforesaid the claim may be made by any person authorised by him in that behalf or by any person entitled to deal with his property.

(2) (a) Where a German enemy debt, or the balance thereof outstanding at the date of sale, together with right to make a claim in respect thereof under this Order, is sold after the relevant time, the Administrator may accept a claim made in accordance with the following provisions of this section from the purchaser, or any subsequent purchaser, instead of from a person mentioned in paragraph (1) of this section : Provided that in the event of death, bankruptcy, winding up, mental incapacity or absence from Nigeria of any such purchaser, the claim may be accepted from any person authorised by the purchaser in that behalf or from a person entitled to deal with his property.

(b) The person from whom a claim is accepted under the foregoing provisions of this paragraph shall be deemed to be the claimant in relation to the German enemy debt in question.

(3) Claims for payment under this Order shall be made to the Administrator within four months from the date on which this Order comes into operation or such further time as the Minister may by order made either generally or in relation to any specified class of claim direct.

(4) Claims shall be made on the appropriate form prescribed by order of the Minister under section 3 (5) of the Ordinance and shall contain the information required on the form and shall be accompanied by such documents as may be so required.

(5) The Administrator may by notice in writing require the claimant to furnish within such time as may be specified in the notice such further information and documents in the claimant's possession or control as the Administrator may require for the verification of the claim.

PART IV

AMOUNT FOR WHICH CLAIMS PERMITTED TO RANK

5. (1) The amount for which claims which are not excluded under Part II of this Order may be admitted for payment shall be ascertained by the Administrator in accordance with the following provisions of this section.

Ranking of
different
claims;
weighting
factors.

(2) In respect of claims arising out of bonds of the descriptions specified in the first column of the Schedule hereto, the amount shall be ascertained by multiplying the capital outstanding on the 3rd September, 1939, in respect of the bond by the figure specified in relation to that bond in the second column of the said Schedule.

(3) In respect of claims arising out of credits, advances or other indebtedness which fell under the German Credit Agreement of 1939 (Standstill Agreement) and similar credits and advances made for the purpose of financing current trade by persons carrying on the business of banking in Nigeria, the amount shall be ascertained by multiplying the amount due in respect of capital by 1.5.

(4) In respect of claims arising out of other loans, the amount shall be the aggregate of:—

(a) the amount due in respect of interest at the passing of the Ordinance;

(b) the amount (if any) attributable to the loan in respect of sinking fund payments due at the passing of the Ordinance; and

(c) the amount (if any) due in respect of capital repayment in accordance with the terms of the loan at the passing of the Ordinance:

Provided that the amount admitted for payment under this paragraph in respect of any loan shall not exceed 125 per cent of the capital outstanding on the 3rd September, 1939. For the purposes of this paragraph no account shall be taken of any reduction in the rate of interest or other alteration of the terms of the loan accepted for the purposes of the Anglo-German Transfer Agreement of July, 1938.

(5) In respect of claims arising out of trade debts, the amount shall be calculated by multiplying the amount due at the passing of the Ordinance (excluding any sum due in respect of interest) by 1.5.

(6) In respect of any claims arising out of any obligation not mentioned in any of the preceding paragraphs of this section, the amount shall be the sum due at the passing of the Ordinance.

6. (1) Where a claim is made in respect of a debt expressed in a foreign currency, the amount calculated in accordance with section 5 of this Order shall be converted into sterling at a rate to be determined by the Minister; and the resulting sterling sum shall be the amount for which the claim may be admitted for payment under this Order.

Conversion
of claims
expressed in
foreign
currencies.

(2) The rate determined by the Minister for any foreign currency under paragraph (1) of this section shall, where possible, be based upon the middle rate or rates for telegraphic transfer ruling in the London market for that currency on the 31st August, 1939, or, if there were no such rates for that foreign currency on the said date, at the middle rate or rates for telegraphic transfers last ruling in the London market for that currency before the said date, and shall, for the purpose of converting into sterling any unit of German currency, be the rate for free marks.

PART V

DETERMINATION AND PAYMENT OF CLAIMS

Determina-
tion of
claims by
Administra-
tor and
right of
appeal.

7. (1) The Administrator shall determine whether any claim is established for the purposes of this Order and the amount for which it may be admitted for payment, and shall serve written notice of the determination on the claimant.

(2) The determination of the Administrator in relation to any claim shall be final: Provided that the claimant, if dissatisfied with the determination as being erroneous in point of law, may by notice in writing given within six weeks after being served with notice of determination as aforesaid and setting out the question or questions of law in respect of which it is alleged that the determination of the Administrator was erroneous, require the Administrator to state and sign a case for the opinion thereon of the High Court of Lagos and the decision of the High Court of Lagos shall be final.

(3) The Administrator shall be entitled to appear and be represented at the hearing of any case stated by him under this section.

Distribu-
tion of
proceeds of
German
enemy pro-
perty to
persons
whose
claims are
admitted.

8. The proceeds of German enemy property collected by the Administrator shall, in so far as they are not distributed in accordance with the provisions of section 9 of this Order, form a general fund and shall, from time to time, be distributed to persons whose claims have been duly established and admitted for payment in accordance with this Order.

Payment
of German
enemy debt
from pro-
ceeds of
property
of debtor.

9. (1) Where, in the case of a claim established for the purposes of this Order, the Administrator holds the proceeds of any German enemy property which belonged to or was held or managed on behalf of any German person from whom the debt was due, such proceeds shall be distributed to the claimant to an extent not exceeding the amount for which the claim is admitted for payment: Provided that the amount so distributed to such claimant shall not exceed the amount of the German enemy debt due to that claimant.

(2) If more than one claim is established for the purposes of this Order in respect of debts due from the same German person and the proceeds of any German enemy property which belonged to him or was held or managed on his behalf are insufficient to make payment to the extent authorised by paragraph (1) to all the claimants, each distribution under paragraph (1) shall be made proportionately to the amount for which each claim is admitted for payment under this Order.

(3) Any payment under this section in respect of any claim shall be in substitution for, and not in addition to, any payment under section 3 in respect of that claim.

(4) For the purposes of this section, German enemy property does not include property or the proceeds of property transferred to the Administrator pursuant to section 6 of the Ordinance.

Treatment
of debts by
way of
collateral
security.

10. If a person establishes separate claims for the purposes of this Order in respect of a principal debt and of any one or more other debts entered into by way of collateral security for or guarantee of the principal debt or any part thereof, he shall only be entitled to receive payment under this Order in respect of the principal debt and not in respect of any of the other debts:

Provided that, if there are proceeds available for distribution under section 9 in the case of any of the other debts, the Administrator shall make payments under this Order separately in respect of those debts and also in respect of the balance of the principal debt, so however, that the total amount paid shall not exceed the amount of the German enemy debt due from the principal debtor.

11. (1) Fees shall be charged to persons whose claims in respect of German enemy debts have been established for the purposes of this Order.

Fees payable by claimant.

(2) The amount of such fees shall be 1s., or such percentage (not exceeding 3 per cent) as the Minister may from time to time determine, of the sum which may be payable to the claimant under this Order, whichever is the greater.

(3) The Administrator shall be entitled to deduct the amount of any fee from any payment which he is authorised to make to a claimant under this Order.

SCHEDULE

<i>Nature of obligation</i>	<i>Weighting factor</i>
Bonds of German External Loan, 1924	1.7
Bonds of German Government International 5½ per cent Loan, 1930	1.5
Konversionskasse 4 per cent Sterling Bonds	1.4
Bonds of Potash Syndicate of Germany 25-year Sinking Fund Gold Loan	1.25
Bond of City of Saarbruecken 6 per cent Sterling Loan of 1928	0.7
Bonds of Austrian Government International Loan, 1930	0.7
Austrian Government Credit Anstalt Bonds 1936	0.3
Bonds of City of Berlin 6 per cent Sterling Loan, 1927	1.14
Bonds of City of Cologne 6 per cent Sterling Loan, 1928	1.04
Bonds of City of Dresden 5½ per cent Sterling Loan of 1927	1.25
City of Munich 6 per cent Sterling Bonds	1.25
Bonds of State of Hamburg 6 per cent Sterling Loan of 1926	0.86
Bonds of Hamburg Waterworks 6 per cent Sterling Loan	1.04
The Free State of Saxony 6 per cent 25-year Sterling Bonds of 1927	1.12
Bonds of Province of Westphalia 7 per cent Sterling Loan of 1926	1.25
Prussian Electric Company 6 per cent 25-year Sterling Bonds	1.1

DATED the 27th day of February, 1958.

MAURICE JENKINS,
Acting Deputy Secretary to the
Council of Ministers

EXPLANATORY NOTE

This Order provides for the distribution of the proceeds of German enemy property to persons who can prove pre-War claims ("German enemy debts" as defined in the Ordinance) which are still owing by German debtors.

Claimants must be British subjects or protected persons who were resident or carrying on business in Nigeria on the 3rd September, 1939, and also on the 1st March, 1958, (section 3 (a) and (b)). In the case of debts represented by bonds of German Sterling loans raised in the United Kingdom before the War, however, claimants must be British subjects or protected persons who were resident or carrying on business in Nigeria on the 7th November, 1951, only (section 3 (a) and (b)); such claimants are thereby permitted to claim to the same extent as all other British subjects and protected persons resident in the United Kingdom on that date were permitted to claim under the corresponding legislation of the United Kingdom.

The Order prescribed the time and manner in which claims must be put forward and verified to the Administrator (section 4), and weighting factors for calculating the amounts for which debts of various kinds may rank for payments (section 5).

Where possible, payments shall be made from the proceeds of the property of the particular German debtor (section 9), rather than from the general fund (section 8).

The Order prescribes certain classes of claims which are excluded from its operation (section 3 (c) to (j)).

Oi.2(510)

L.N. 50 of 1958

**DISTRIBUTION OF GERMAN ENEMY
PROPERTY ORDINANCE, 1957
(No. 42 OF 1957)**

Distribution of German Enemy Property (No. 3) Order, 1958

Commencement : 1st March, 1958

In exercise of the powers conferred by section 3 of the Distribution of German Enemy Property Ordinance, 1957, the Governor-General, after consultation with the Council of Ministers, has made the following Order—

1. This Order may be cited as the Distribution of German Enemy Property (No. 3) Order, 1958, and shall come into operation on the 1st March, 1958.

2. In this Order :—

"the Administrator" means the Administrator of German Enemy Property appointed under the Distribution of German Enemy Property Order, 1958 ;

"the Minister" means the Minister for the time being charged with responsibility for matters relating to finance.

Citation
and
commence-
ment.

Interpre-
tation.

3. Applications for the consideration of the Minister seeking a direction in accordance with section 3 (6) of the Ordinance requiring the Administrator to transfer to or for the benefit of any person any German enemy property to which that person would have been entitled but for the operation of the Trading with the Enemy Ordinance, 1939, shall be put forward to the Administrator before the 1st September, 1958, or within such further time as the Minister may permit.

Return of
German
enemy
property
to persons
entitled;
method of
application.

DATED the 27th day of February, 1958.

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

EXPLANATORY NOTE

By virtue of the Distribution of German Enemy Property Order, 1958 (L.N. 48 of 1958), German enemy property subject to Custodian of Enemy Property control becomes transferable to the Administrator. The proceeds of such property are to be distributed in accordance with the Distribution of German Enemy Property (No. 2) Order, 1958 (L.N. 49 of 1958) towards meeting unpaid pre-War claims against German debtors and the Ordinance provides for the disposal of the surplus for the people of Nigeria. The Paris Agreement on Reparations from Germany, 1946, requires that such property be accounted for and retained as reparations, subject to the discretion of the signatory government in certain limited exceptions, which are defined in the Inter-Allied Reparations Agency Accounting Rules.

This Order prescribes the manner and time in which persons interested in such property, to whom such an exception may relate, may apply for a direction for the return of the proceeds of their property, to be given at the Minister's discretion as provided by the Ordinance.

Oi.2(510)

L.N. 51 of 1958

TRADING WITH THE ENEMY ORDINANCE, 1939 (No. 23 of 1939)

Trading with the Enemy (Enemy Territory Cessation) (Germany) Order, 1958

Commencement : 1st March, 1958

In exercise of the powers conferred by section 2B of the Trading with the Enemy Ordinance, 1939, the Governor-General has made the following Order—

1. This Order may be cited as the Trading with the Enemy (Enemy Territory Cessation) (Germany) Order, 1958, and shall come into operation on the 1st March, 1958.

Citation
and
commence-
ment.

2. This territory comprised in the German State on the 1st March, 1938, shall for all purposes of the Trading with the Enemy Ordinance, 1939, and for the purposes of any Order made thereunder cease to be treated as if it were enemy territory.

Cessation
order.

DATED the 27th February, 1958.

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

EXPLANATORY NOTE

Section 2a of the Trading with the Enemy Ordinance, 1939, which was inserted by the Trading with the Enemy (Amendment) Ordinance, 1948 (No. 14 of 1948), made the whole of the Ordinance and the Orders made thereunder continue to apply to areas under enemy sovereignty on the 20th January, 1944, until the Governor-General otherwise orders.

By virtue of this Order, Germany ceases to be regarded as enemy territory for all purposes of the said Ordinance and Orders.

Ee.1

Oi.2(510)

L.N. 52 of 1958

NIGERIA (CONSTITUTION) ORDERS IN COUNCIL, 1954 TO 1957

Adaptation of Laws Order, 1958

Commencement : 30th August, 1957

In exercise of the powers conferred by section 52 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, the Governor-General has, after consultation with the Council of Ministers, made the following order—

1. This Order may be cited as the Adaptation of Laws Order, 1958, and shall be deemed to have come into operation on the 30th August, 1957.

2. The existing laws specified in the Schedule shall be read and construed with the adaptations and modifications specified in that Schedule.

3. Sections 5, 6, 7 and 8 of the Adaptation of Laws Order, 1957, shall apply in respect of the adaptations and modifications effected hereby as though such modifications and adaptations were set out in the Second Schedule of that Order.

4. The Adaptation of Laws Order, 1957, is amended by the deletion from the First Schedule of the provisions relating to the Deputy Governor of the Western Region and the Deputy Governor of the Eastern Region.

SCHEDULE

(Sec. 2)

BIRTHS, DEATHS AND BURIALS ORDINANCE (CHAPTER 20)

Section 50

After section 49, add the following new section—

"Regulations in respect of territorial waters.

50. The Governor-General in Council may vary or make addition to the provisions of this Ordinance, or regulations made under it, in respect of births and deaths occurring amongst natives or non-natives of Nigeria within the territorial waters of Nigeria."

ESCORTS (REQUISITION OF SUPPLIES) ORDINANCE (CHAPTER 61)

Section 5

Delete "Governor-General" throughout the section and

Substitute "Governor of the Region"

Section 8

After section 7 add the following new section—

"Southern Cameroons. 8. This Ordinance shall apply to and in respect of the Southern Cameroons as though it were a Region."

Citation and commencement.

Miscellaneous adaptations. Schedule.

Application of certain provisions of L.N. 120 of 1957.

Amendment of L.N. 120 of 1957.

HIDES AND SKINS ORDINANCE (CHAPTER 85)

Section 2

Replace paragraph (e) which was deleted by the Adaptation of Laws Order, 1954, and which reads as follows—

"(e) providing for the licensing of premises used for the buying and preparation of hides and skins for export ;".

Section 3

Delete the words "may make regulations providing for the licensing of premises used for the buying and preparation of hides and skins for export, and".

OFFICIAL OATHS ORDINANCE (CHAPTER-163)

Second Schedule

In Part II insert—

"Deputy Governor-General of the Federation".

POST OFFICE ORDINANCE (CHAPTER 48)

Section 22

Delete "Chief Secretary" and substitute—

"Minister charged with responsibility for matters relating to public safety and public order".

SALES BY AUCTION ORDINANCE (CHAPTER 203)

Section 6

Delete paragraph (a) of section 6 and substitute—

"(a) to all parts of the Region in which the licence is granted to which this Ordinance applies ;"

First Schedule

Delete in Forms A and B "Nigeria" and substitute—

"the Region".

Second Schedule

(i) Delete "parts of Nigeria to which the Ordinance applies" and substitute—

"parts of the Region (to which the Ordinance applies)".

(ii) Delete the provisions relating to "Licences extending to all parts of the Protectorate to which the Ordinance applies".

THE DELEGATION OF POWERS NOTICE, 1956 (OF THE NORTHERN REGION)
(N.R.L.N. 80 OF 1956)

Item 11

In paragraph (2), delete "Civil Secretary" and substitute—

"Permanent Secretary to the Minister charged with responsibility for internal affairs".

Item 13

In paragraphs (1) and (2), delete "Civil Secretary" and substitute—

"Deputy Governor".

Item 15

*Delete "Civil Secretary" and substitute—
"Deputy Governor".*

MADE at Lagos this 1st day of February, 1958.

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

EXPLANATORY NOTE

This Order effects miscellaneous adaptations and modifications to Ordinances which are consequential upon constitutional changes.

(NL 20/7)

54555/S. 37

ADAPTATION OF LAWS ORDER, 1958

Notes on the individual adaptations

1. Births, Deaths and Burials Ordinance.

There may be difficulties in the ascertainment of the correct place for registration of births and deaths taking place on board ship. This item permits Federal regulations to be made if such should be necessary.

2. Escorts (Requisition and Supplies) Ordinance.

This Ordinance plainly deals with a Regional matter ; the adaptation will make it such.

3. Hides and Skins Ordinance.

After consultation with the Federal Ministry of Commerce and Industry, it has been agreed that it is expedient to leave to the Regions the power to make regulations licensing premises where skins are dealt with prior to export. This will enable them to make comprehensive regulations without any present need for Federal regulations to be made.

4. Official Oaths Ordinance.

This provides that the Deputy Governor-General shall be added to the list of those required to take the Oath of Allegiance and the Official Oath.

5. Post Office Ordinance.

The appropriate Minister to certify (instead of the Chief Secretary) that an act is done in the interest of public safety or tranquillity would be the Minister charged with responsibility for public safety or order, and not the Minister charged with responsibility for the Post Office.

This adaptation would so provide.

6. Sales by Auction Ordinance.

This is a Regional matter. The adaptation provides that licences shall have effect only within the Region of grant.

7. The Delegation of Powers Notice 1956 of the Northern Region.

Three substitutions are effected at the request of the Northern Region.

L.N. 53 of 1958

SURVEY ORDINANCE (No. 29 of 1952)
Survey (Lagos) (Amendment) Regulations, 1958

Date of Commencement : 13th March, 1958

Commence-
ment.

In exercise of the powers conferred by section 38 of the Survey Ordinance, 1957, the Governor-General, after consultation with the Council of Ministers, has made the following regulations—

1. These regulations may be cited as the Survey (Lagos) (Amendment) Regulations, 1958.

Citation.

2. Regulation 1 of the Survey (Western Region) Regulations, 1953 (hereinafter referred to as the principal regulations) is revoked in respect of the Federal Territory of Lagos and replaced by the following—

Replace-
ment of
Regulation 1
W.R. Ann.
Vol. 1953,
p. B116.

"1. These regulations may be cited as the Survey (Lagos) Regulations, 1953."

3. Regulation 32 of the principal regulations is amended by the insertion after paragraph (2) of the following new paragraph—

Amendment
of reg. 32.

"(2A) The original field notes, computations and any other records or observations made by a surveyor in respect of a plan submitted in accordance with paragraph (1) or (2) shall at the same time be deposited by such surveyor with the Director for retention."

4. Regulation 34 of the principal regulations is amended by the insertion after the expression "licensed surveyor" where it appears for the second time of the following—

Amendment
of reg. 34.

"other than in a case where such materials have already been deposited with the Director in accordance with regulation 32."

5. Regulation 35 of the principal regulations is amended by the insertion after the expression "Survey Department" of the following—

Amendment
of reg. 35.

"and any materials deposited in accordance with paragraph (2A) of regulation 32".

MADE at Lagos this 3rd March, 1958.

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

EXPLANATORY NOTE

Certain survey plans are deposited with the Survey Department for certification in connection with public records. The amendment provides that field records made in respect of the survey shall be deposited at the same time and shall be available for inspection, as these are of great value for the purpose of elucidating any errors in the survey.

L.N. 54 of 1958

LAND REGISTRATION ORDINANCE (CHAPTER 108)

Registrar and Assistant Registrars (Appointment) Notice, 1958

Date of Commencement : 13th March, 1958

In exercise of the powers conferred by section 4 of the Land Registration Ordinance the Governor-General has made the following appointments to be held during his pleasure—

Registrar
and Assist-
ants.

(a) to be Registrar for the purpose of the Land Registration Ordinance in respect of the Federal Territory of Lagos: The Registrar of Titles from time to time appointed for the purpose of the Registration of Titles Ordinance (Chapter 197), Federal Land Department, Lagos :

(b) to be Assistant Registrars for the same purpose: the Assistant Registrars of Titles from time to time appointed for the purpose of the Registration of Titles Ordinance aforesaid and the Legal Assistant, Federal Land Department, Lagos.

L.N. 36 of
1954.

2. Paragraphs 6 (2) and (3) of the Land Registration (Directions and Appointments) Notice 1954 are revoked so far as they affect the Federal Territory of Lagos.

DATED at Lagos the 5th March, 1958.

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

EXPLANATORY NOTE

The notice repeats the formal appointment of Registrar and Assistant Land Registrars in respect of the Federal Territory of Lagos, as previous appointments were contained in a notice relating to the whole of Nigeria.

La.5
L0021/S. 3