

L.N. 87 of 1958

INCOME TAX ORDINANCE (CHAPTER 92)

Income Tax (Exemption) (Ohio University Employees) Order, 1958

Commencement : 1st May, 1958

In exercise of the powers conferred by subsection (4) of section 9 of the Income Tax Ordinance, the Governor-General, after consultation with the Council of Ministers, has made the following Order—

1. This Order may be cited as the Income Tax (Exemption) (Ohio University Employees) Order, 1958.

2. Any person who is employed in Nigeria in connection with the Western Regional Government's Teacher Training Scheme by the Ohio University of Athens, Ohio, as agent for the International Co-operation Administration, being an administration or agency formed and directed by the Government of the United States of America, is while so employed in connection with such Scheme exempted from the provisions of sections 26 and 45 of the Income Tax Ordinance.

Citation.

Exemption
of Ohio
University
of Athens
personnel.

MADE at Lagos this 17th day of April, 1958.

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

EXPLANATORY NOTE

The I.C.A. who are extending technical aid in Nigeria have arranged with the Ohio University of Athens, Ohio, to provide a team of American personnel under contract with the Western Regional Government to work in Nigeria on a Teacher Training Project. The I.C.A. will ultimately pay American personnel employed here, but it is agreed that they should be exempted from income tax levied in Nigeria. This Order so provides.

F52410/S29/C5

L.N. 88 of 1958

EDUCATION (LAGOS) ORDINANCE, 1957

(No. 26 of 1957)

Education (Lagos) (Relaxation of Building Bye-Laws) (No. 2)
Order, 1958*Commencement : 1st May, 1958*

In exercise of the powers conferred by section 27 of the Education (Lagos) Ordinance, 1957, the Federal Minister of Education has made the following order—

1. This Order may be cited as the Education (Lagos) (Relaxation of Building Bye-laws) (No. 2) Order, 1958.

Citation.

Relaxation
of
Townships
(Lagos)
Bye-laws,
and Lagos
Building
Regulations
1957.
(Vol. X
p. 211, and
L.N. 165 of
1957).

2. The provisions of the Townships (Lagos) Bye-laws set out in the second column of the Schedule hereto, and the provisions of the Lagos Building Regulations, 1957 set out in the third column of the said Schedule shall not apply in relation to the buildings set out in the first column of the said Schedule, plans of which have been approved in accordance with section 27 of the Education (Lagos) Ordinance, 1957.

SCHEDULE

<i>Name and Address of School</i>	<i>Numbers of the Townships (Lagos) Bye-laws not to apply</i>	<i>Numbers of the Lagos Building Regulations, 1957 not to apply</i>
(1) Anglican Girls' Primary Secondary School, Akinhanmi Street, Surulere	15, 16, 17, 22, 35, 37, 54, 55, 57, 66, 71, 93, 124, 126 and 128.	6, 8, 10 and 12
(2) Yaba Model School, Nathan Street, Suru- lere		
(3) Lagos Town Council School, Okesuna		
(4) Christ Church Cathed- ral School, Broad Street, Lagos		

MADE at Lagos the 24th day of April, 1958.

SME63/S. 3/C. 1

AJA NWACHUKU,
Federal Minister of Education

L.N. 89 of 1958

THE NIGERIAN NAVY ORDINANCE, 1956

(No. 28 OF 1956)

Nigerian Navy Ordinance, 1956 (Transitional Amendment of
Schedule) Order, 1958

Commencement : 1st May, 1958

In exercise of the powers conferred by section 12 of the Nigerian Navy Ordinance, 1956, the Governor-General, after consultation with the Council of Ministers, has made the following order—

Citation.

1. This Order may be cited as the Nigerian Navy Ordinance, 1956 (Transitional Amendment of Schedule) Order, 1958.

Amendment
of
Schedule.

2. For the Schedule to the Nigerian Navy Ordinance, 1956, there shall be substituted the following Schedule—

SCHEDULE

APPLICATION OF THE NAVAL DISCIPLINE ACT, AS AMENDED BY THE
REVISION OF THE ARMY AND AIR FORCE ACTS (TRANSITIONAL
PROVISIONS) ACT, 1955, AND OF QUEEN'S REGULATIONS
AND ADMIRALTY INSTRUCTIONS

Part I—The following provisions of the Naval Discipline Act shall not
apply :—

- sections 1, 56 (3), 57, 57A, 58, 59, 65, 90AA, 90AB and 98A ; and
- the Schedule.

Certain
provisions
not to
apply.

Part II—(1) The Naval Discipline Act, Queen's Regulations and Admiralty Instructions and all other laws and regulations for the time being in force for the government of Her Majesty's ships, vessels and naval forces shall, in their application to members of the Nigerian Navy by virtue of section 12 of the Ordinance, be read and construed with such formal alterations as to names, ranks, localities, courts, offices, persons, moneys, penalties and otherwise as may be necessary to make the same applicable to the circumstances.

(2) Without prejudice to the generality of paragraph (1), in the construction of the Naval Discipline Act, Queen's Regulations and Admiralty Instructions and the other laws and regulations aforesaid, unless the context or subject matter otherwise requires—

(i) references to "the Admiralty" and "the Lords of the Admiralty" shall be construed as references to the Governor-General;

(ii) references to "the Commander-in-Chief" shall be construed as references to the Director;

(iii) references to "a court-martial" shall be construed as references to a court-martial constituted under Part III of this Schedule.

(3) The Courts-Martial (Appeals) Act, 1951, to which reference is made in Queen's Regulations and Admiralty Instructions, shall not be deemed to be applied to members of the Nigerian Navy in respect of convictions and sentences by a court-martial constituted under Part III of this Schedule.

Part III—The application of the Naval Discipline Act, Queen's Regulations and Admiralty Instructions and the other laws and regulations aforesaid to members of the Nigerian Navy shall be subject to the following modifications:—

(1) The powers of summary trial and punishment, which in section 56 and Part V of the Naval Discipline Act are expressed to be conferred upon a commanding officer, shall be exercised by the Governor-General acting in his discretion or by the Director, to the extent that such powers are delegated to him, but not otherwise.

(2) Without prejudice to the provisions of section 101 of the Naval Discipline Act with respect to the powers of any ordinary court of civil or criminal jurisdiction, when a member of the Nigerian Navy is alleged to have committed any offence punishable under that Act, the charge shall, in the case of an officer or warrant rank, and may in the case of a rating, be determined by a court-martial constituted and regulated as follows:—

(a) the Governor-General, or the Director, to the extent that such power is delegated to him, shall have power to order a court-martial to be held for the trial of such offence;

(b) a court-martial shall consist of not less than three officers, who shall be officers of the Nigerian Navy or the Royal Navy;

(c) in the case of a court-martial ordered by the Director, the Director shall not sit thereon;

(d) the president and members of every court-martial shall be named by the authority ordering the same.

(3) No sentence of death or of imprisonment for a period exceeding twelve months shall be imposed by a court-martial constituted under this Part.

(4) Every sentence of dismissal with disgrace or of imprisonment for a period exceeding six months imposed by a court-martial constituted under this Part shall be subject to confirmation by the Governor-General acting in his discretion.

(5) Every conviction and sentence by a court-martial constituted under this Part in respect of an officer or warrant rank, who has been admitted to the Special List of Her Majesty's Overseas Civil Service, shall be subject to confirmation by the Secretary of State in accordance with the provisions of the Special List Agreement made the 25th day of June, 1957, between Her Majesty's Government in the United Kingdom and the Government of the Federation of Nigeria.

(6) The provisions of section 90B of the Naval Discipline Act shall apply to members of the Nigerian Navy, modified as follows:—

"90B. Provisions respecting members of the Nigerian Navy in ships of the Royal Navy and self-governing Dominions.—Any member of the Nigerian Navy who by order of the Governor-General is serving in a ship of or belonging to the Royal Navy or a ship of or belonging to the naval forces of a self-governing Dominion (provided such ship is not at the time placed at the disposal of the Governor-General), or in an establishment of the Royal Navy or of a self-governing Dominion or who is on board any such ship or in any such establishment as aforesaid awaiting passage or conveyance to any destination, shall, for all purposes of command and discipline, be subject to the laws and customs for the time being applicable to the ships and persons in or belonging to the Royal Navy or to the ships and persons in or belonging to the naval forces of such self-governing Dominion as the case may be."

MADE at Lagos this 17th April, 1958.

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

EXPLANATORY NOTE

The purpose of the new Schedule to the Nigerian Navy Ordinance, 1956, which is substituted by this Order, is to provide simpler rules for the application of the disciplinary laws of the Royal Navy to members of the Nigerian Navy under section 12 of the Ordinance and to give effect to transitional amendments of the Naval Discipline Act, 1866, until the coming into force of the Naval Discipline Act, 1957.

L.N. 90 of 1958

APPENDIX III

THE NIGERIAN NAVY ORDINANCE, 1956 (No. 28 of 1956)

Nigerian Navy Regulations, 1958

Commencement : 1st May, 1958

In exercise of the powers conferred by sections 18 and 19 of the Nigerian Navy Ordinance, 1956, the Governor-General, after consultation with the Council of Ministers and with the approval of the Secretary of State, has made the following regulations—

PART I.—PRELIMINARY

1. These regulations may be cited as the Nigerian Navy Regulations, 1958, and shall come into operation on the 1st May, 1958.

2. In these regulations unless the context otherwise requires—

"Able Seaman" includes Artificer, Mechanic, Recorder, Writer, Supply Assistant, Senior Cook, Cook, Assistant Cook, Senior Steward, Steward, Assistant Steward, Senior Patrolman, Patrolman, Senior Assistant Patrolman and Craftsman ;

"Chief Petty Officer" includes Chief Artificer, Chief Mechanic, Chief Recorder and Chief Petty Officer Writer ;

"Leading Seaman" includes Leading Artificer, Leading Mechanic, Leading Recorder, Leading Writer, Leading Supply Assistant and Leading Craftsman ;

"permanent commission" means a commission granted to an officer engaged to serve for a period qualifying for pension, but does not include a short service commission ;

"permanent warrant" means a warrant granted to a warrant rank engaged to serve for a period qualifying for pension, but does not include a short service warrant ;

"Petty Officer" includes a Petty Officer Artificer, Petty Officer Mechanic, Petty Officer Recorder and Petty Officer Writer ;

"petty officer" means a Chief Petty Officer or a Petty Officer ;

"Senior Warrant Officer" includes a Senior Warrant Engineer, Senior Warrant Surveyor, Senior Warrant Writer and Senior Warrant Instructor ;

"short service commission" means a commission granted to an officer for a specific term of years, whether with an option to extend the term or otherwise ;

"short service warrant" means a warrant granted to a warrant rank for a specific term of years, whether with an option to extend the term or otherwise ;

"superior officer" includes an officer, a warrant rank and a petty officer ;

"the constitution" means the Nigeria (Constitution) Orders in Council, 1954 to 1958, and any enactment for the time being amending or replacing the same ;

"the Paymaster" means the senior officer of the Supply and Secretariat Branch of the Nigerian Navy ;

"the Special List Agreement" means the Special List Agreement made the 25th June, 1957, between Her Majesty's Government in the United Kingdom and the Government of the Federation ;

"Warrant Officer" includes a Warrant Engineer, Warrant Surveyor, Warrant Writer and Warrant Instructor ;

"warrant rank" means a Senior Warrant Officer or a Warrant Officer.

PART II.—PRECEDENCE OF MEMBERS OF THE NIGERIAN NAVY

3. (1) The precedence of officers and warrant ranks of the Nigerian Navy shall be—

Captains
Commanders

Lieutenant-Commanders

Lieutenants
Sub-Lieutenants and Senior
Warrant Officers
Warrant Officers

Precedence
of officers
and
warrant
ranks.

(2) Officers of the same rank shall take precedence according to the order in which their names stand in the official list of officers of the Nigerian Navy : Provided that the officer for the time being executing the duties of Director of Naval Services shall take precedence of all Captains.

(3) Warrant ranks of the same rank shall take precedence according to the order in which their names stand in the official list of warrant ranks of the Nigerian Navy.

(4) Sub-Lieutenants and Senior Warrant Officers shall take precedence according to the dates of their appointment to such ranks.

(5) Officers on the Active List of the Royal Navy serving with the Nigerian Navy shall take precedence of officers of the Nigerian Navy who are of the same rank.

Precedence
of ratings.

4. (1) The precedence of ratings of the Nigerian Navy shall be—
- | | |
|----------------------|-----------------|
| Chief Petty Officers | Able Seamen |
| Petty Officers | Ordinary Seamen |
| Leading Seamen | |

(2) Ratings of the same rate shall take precedence according to their dates of appointment or advancement to such rate or, if such dates are the same, according to the order of publication of such appointment or advancement.

(3) For the purposes of paragraph (2), the dates of first appointment of ratings who are seconded or transferred to the Nigerian Navy under sections 8 or 9 of the Ordinance shall be deemed to be the dates on which they were appointed or promoted to the office held by them in the public service of the Federation immediately before such secondment or transfer.

PART III.—OFFICERS AND WARRANT RANKS: APPOINTMENT, RETIREMENT AND RESIGNATION

Nationality
of officers.

5. Candidates for commissions in the Nigerian Navy must be British subjects, British protected persons or citizens of the Republic of Ireland who are sons of British subjects, British protected persons or citizens of the Republic of Ireland, and shall be required to produce satisfactory proof of such nationality.

Persons
eligible
for com-
missions.

6. The Governor-General may grant permanent or short service commissions to—

- (a) any rating of the Nigerian Navy; or
(b) any person who has been engaged to serve as an officer in the Nigerian Navy.

Appoint-
ment to
warrant
ranks.

7. Warrant ranks of the Nigerian Navy shall be appointed by warrant of the Governor-General acting in his discretion.

Persons
eligible
for
warrants.

8. The Governor-General may grant permanent or short service warrants to—

- (a) any rating of the Nigerian Navy; or
(b) any person who has been engaged to serve as a Senior Warrant Officer in the Nigerian Navy.

Retirement
and resig-
nation, etc.,
of officers
and warrant
ranks.

9. (1) Every application from an officer or warrant rank to retire or resign his commission or warrant shall be made to the Governor-General through the Director, who shall certify on any such application that he is satisfied with the conduct of such officer or warrant rank, or state any grounds that may exist for dissatisfaction.

(2) Subject to section 7 of the Pensions Ordinance, 1951, the constitution, and the provisions of any scheme of compensation for loss of career, applications to retire or resign a commission or warrant shall be considered by the Governor-General with reference to the urgency of each individual case and to the exigencies of the service.

(3) When an officer or warrant rank retires or resigns, he shall be superseded or discharged as soon as possible, but shall be retained in the ship in the rank in which he has been serving and shall otherwise continue to do duty until superseded or until instructions for his discharge are issued by the Director.

PART IV.—RATINGS: ENLISTMENT, SERVICE ENGAGEMENTS AND DISCHARGE

10. In pursuance of subsection (3) of section 5 of the Ordinance, the Governor-General hereby delegates to the Director all powers of engaging and discharging ratings of the Nigerian Navy in accordance with these regulations.

Delegation
to Director:
the engage-
ment and
discharge
of ratings.

11. The provisions of regulations 12 to 23 of these regulations shall not apply to ratings serving on transfer to the Nigerian Navy under section 9 of the Ordinance.

Application
of regula-
tions 12
to 23.

12. (1) The qualifications of a person applying to enlist in the Nigerian Navy shall be as follows—

Qualifi-
cations for
enlistment
in the
Nigerian
Navy.

(a) he must be not less than eighteen and not more than thirty years of age;

(b) he shall conform with the physical standards prescribed by the Governor-General from time to time;

(c) he shall be certified by a medical board appointed by the Governor-General to be physically and mentally fit for service in the Nigerian Navy;

(d) he must be literate in the English language and must have reached a standard of education equivalent to that of the First School Leaving Certificate approved by or on behalf of the Federal Ministry of Education; and

(e) he shall be of good character and shall not within a period of three years immediately before his application have been sentenced by a court in any part of Her Majesty's Dominions to imprisonment (by whatever name called) for a term exceeding six months.

(2) The Governor-General may vary or dispense with any of these qualifications if he considers that it will be in the interests of the Nigerian Navy to do so.

13. A person applying to enlist in the Nigerian Navy shall answer the questions and make the declarations contained in the prescribed form of attestation. If such attestation is considered to be true and satisfactory, and if such person is certified to be physically and mentally fit for service and he is in other respects qualified and desirable, he may, after making the declaration on oath prescribed by regulation 19 of these regulations, be enlisted in the lowest rate of the branch which he enters or in such other rate for which he may be qualified and shall serve for six months on probation.

Procedure
upon enlist-
ment.

14. (1) When a rating who has completed six months of service is found to have made a false statement as to his fitness or as to his previous service in Her Majesty's forces in any document relating to his enlistment, a report shall be forwarded by the Director to the Governor-General for a decision as to the disposal of such rating.

Fraudulent
enlistment.

(2) When a rating who has not completed six months of service is found to have made a false statement as to his fitness or as to his previous service in any of Her Majesty's forces in any document relating to his enlistment, the Director may order the discharge of such rating and may cause criminal proceedings to be instituted in a civil court having jurisdiction in the place where such false statement was made :

Provided that if such rating is found to have entered the Nigerian Navy whilst serving in some other part of Her Majesty's forces, the Director shall ascertain from the officer commanding the unit to which such rating belonged whether it is desired to claim such rating under his original engagement before deciding to discharge such rating or to institute criminal proceedings as aforesaid.

Periods of
service and
of liability
to serve.

15. (1) Every rating shall upon enlistment be engaged to serve for a period of six years from the date of his enlistment and to remain liable for a period of three years from the date of his discharge to be recalled to serve in the event of an emergency declared by the Governor-General.

(2) A rating of good character who has completed or is within six months of completing a first period of service of six years may, with the approval of the Director, re-engage to serve for a second period of six years.

(3) A rating of good character who has completed or is within six months of completing a second period of service of six years may, with the approval of the Director, re-engage to serve for a third period of three years and thereafter may similarly re-engage for a further period or periods of three years.

(4) The period for which a rating engaged under this regulation can be compelled to serve is to be reckoned from the date upon which he entered into his engagement without regard to any break in its continuity that may have been occasioned by desertion, invaliding, imprisonment or any other cause.

(5) When a rating re-engages to serve, the period or unexpired portion of the period of his liability to serve in the event of an emergency in accordance with regulation 15 (1) shall be postponed until the date of his discharge :

Provided that a rating who has served for a total of fifteen years shall not remain liable to serve in the event of an emergency by reason only of this regulation, and the period or unexpired portion of the period of his liability so to serve shall be cancelled.

Maximum
permissible
service.

16. No rating shall serve for more than a total of thirty-six years, except with the approval of the Governor-General.

Re-engagement
after
discharge.

17. A rating may within six months from the date of his discharge, with the approval of the Director, re-engage to serve for a further period reckoned in accordance with regulation 15 of these regulations.

Re-enlistment.

18. (1) After six months from the date of his discharge, a rating shall not be permitted to re-engage, but may apply to re-enlist and, if re-appointed, his previous periods of service and of liability to serve in the event of an emergency shall be taken into account in determining the period for which he shall be engaged to serve and the period for which he shall remain liable to serve in the event of an emergency.

(2) A re-enlisted rating may, if the Director in his discretion sees fit, be reinstated to the rank which he held before his discharge.

Oath upon
engagement.

19. (1) Every person applying to enlist, re-enlist, or re-engage shall make the following declaration and shall confirm such declaration by oath in such manner as he may declare to be binding on his conscience—

I, _____, do hereby solemnly and sincerely declare and promise that I shall be faithful and bear true allegiance to Her Majesty the Queen, Her Heirs and successors, and the Government of the Federation of Nigeria for the period of my engagement so long as Her Majesty may require my services, and will obey all orders of Her Majesty and of the officers placed over me, and subject myself to all statutes, regulations, rules and orders in force for the time being within the said period.

Signature

Declared at
day ofthis
19

Signature of officer

(2) The declaration and oath shall be made before an officer authorised by the Director to administer the oath and attest the declaration and shall be signed by the person making the declaration and by the officer before whom it is made.

20. A rating shall not be allowed to resign from the Nigerian Navy during a period of service without the approval of the Governor-General.

Resignation
during
service.

21. A rating whose period of service expires during time of war, insurrection or hostilities may be compulsorily retained in the Nigerian Navy for such further period as the Governor-General may direct.

Expiration
of period
of service
in time of
war.

22. Subject to the provisions of these regulations, a rating who has completed the period of service of his engagement or been permitted to resign shall be discharged by the Director, except that, if upon the completion of the period of service of his engagement a rating is undergoing punishment for or stands charged with the commission of any offence under any enactment with respect to the government of the Nigerian Navy, the service of such rating shall be prolonged and his discharge deferred until he has undergone his punishment or until he has stood his trial and undergone any punishment then awarded to him.

Duty of
Director to
discharge
upon termi-
nation of
period of
service.

23. (1) A rating may be discharged by the Director at any time—

(a) when certified by a medical board appointed by the Governor-General to be physically or mentally unfit for further service;

(b) when sentenced to be dismissed from the Nigerian Navy; .

(c) when, with less than six months of service, he is considered by the Director unlikely to become an efficient member of the Nigerian Navy.

Powers of
Director to
discharge
in certain
circum-
stances.

(2) Subject to the provisions of regulation 14 of these regulations, a rating may be discharged by the Director if he has been irregularly enlisted.

(3) Upon a reduction of establishment prescribed by order of the Governor-General, any rating may, subject to such order, be discharged by the Director.

(4) A rating with more than six months of service who is considered by the Director to be inefficient may be discharged by the Director by order of the Governor-General at any time.

(5) A rating may be discharged by the Director by order of the Governor-General if at any time his services are no longer required.

(6) A rating may be discharged by the Director by order of the Governor-General if at any time his services are dispensed with by virtue of subsection (4) of section 5 of the Ordinance.

(7) Nothing contained in this regulation shall affect the period or unexpired portion of the period for which under the terms of his engagement a rating remains liable to serve in the event of an emergency.

Retirement
and
resignation
of ratings
transferred
to the
Nigerian
Navy.

24. (1) Every application to retire or resign made by a rating transferred to the Nigerian Navy under section 9 of the Nigerian Navy Ordinance, who immediately before such transfer was holding a pensionable office in the public service of the Federation, shall be made to the Governor-General through the Director, who shall certify on any such application that he is satisfied with the conduct of such rating, or state any grounds that may exist for dissatisfaction.

(2) Subject to section 7 of the Pensions Ordinance, 1951, and the constitution, applications to retire or resign made in accordance with paragraph 1 shall be considered by the Governor-General with reference to the urgency of each individual case and to the exigencies of the service.

Certificate
of
discharge.

(25). (1) Every rating at the time of his discharge from the Nigerian Navy shall receive a certificate of discharge signed by the Director or by an officer authorised by the Director certifying that he has been discharged with effect from the date specified therein.

(2) Every rating, until he has received a certificate of discharge, shall remain subject to the Ordinance in all respects.

(3) No rating shall be entitled to a certificate of discharge unless he shall have delivered up all public funds, clothing, equipment and other stores whatsoever which may have been issued or entrusted to him.

(4) Upon the issue of a certificate of discharge to a rating, all powers and authorities vested in him shall cease.

PART V.—CUSTODY AND CONTROL OF PUBLIC FUNDS AND STORES

Paymaster
to be
responsible
for control
of public
funds.

26. The Paymaster shall be responsible for the receipt, custody, control and disbursement of all public funds of the Nigerian Navy, but he shall obtain the authority of the Director for any purchase, payment or issue which is not specifically authorised by these regulations or by any other regulations or instructions of the Governor-General.

Paymaster
to be
responsible
for control
of stores.

27. The Paymaster shall be responsible for the receipt, custody, control and issue of all equipment, clothing and other stores whatsoever of the Nigerian Navy, but he shall obtain the authority of the Director for any issue which is not specifically authorised by these regulations or by any other regulations or instructions of the Governor-General.

Superior
officers to
be charged
with issued
public funds
and stores.

28. Every superior officer in command of any vessel or shore establishment of the Nigerian Navy shall be charged with all the public funds, equipment, clothing and other stores whatsoever issued and delivered for the use of such vessel or shore establishment and shall account for such public funds, equipment, clothing and other stores to his superior officer.

PART VI.—DISCIPLINE

29. In pursuance of subsection (2) of section 4 of the Ordinance and of Part III of the Schedule thereto, the Governor-General hereby delegates to the Director all the powers of summary trial and punishment, which in the Naval Discipline Act are expressed to be conferred upon a commanding officer.

Delegation to Director: powers of summary trial and punishment.

PART VII.—PENSIONS AND OTHER BENEFITS

30. (1) The Pensions Ordinance, 1951, shall apply to all persons in the public service of the Federation transferred to the Nigerian Navy under section 9 of the Ordinance, to the same extent as that Ordinance applied to such persons before such transfer, and to such further extent, if any, as that Ordinance with modifications applies to members of the Nigerian Navy by virtue of regulation 31 of these regulations.

Saving of existing benefits of persons transferred to the Nigerian Navy No. 29 of 1951.

(2) The rules of the public service of the Federation known as the Superannuation Allowances and Gratuities Rules, 1947, and any other rules and instructions for the time being amending or replacing the same shall apply to persons in the public service of the Federation transferred to the Nigerian Navy under section 9 of the Ordinance, to the same extent as those rules applied to such persons before such transfer.

(3) When a person in the public service of the Federation holding a pensionable office in which he has not been confirmed is transferred to the Nigerian Navy under section 9 of the Ordinance, he shall, for the purposes of the application of the Pensions Ordinance, 1951, under paragraph (1), be deemed to have been confirmed in a pensionable office after three years from the date of his first appointment to the service of the Federation.

31. In pursuance of section 7 of the Ordinance (which provides for the application of the Pensions Ordinance, 1951, to members of the Nigerian Navy) and of section 10 of the Ordinance (which enables a more comprehensive application to be given to the provisions of the Pensions Ordinance, 1951, with respect to death and permanent injury occurring as a result of service in the Nigerian Navy), the provisions of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 16 and 17 of the Pensions Ordinance, 1951, and of regulations 2, 4, 5, 14, 15, 16, 17, 18, 21, 23, 24, 25 and 26 of the Pensions Regulations, 1951, modified as set out in the Schedule to these regulations, are hereby applied to members of the Nigerian Navy: Provided that in their application to persons in the public service of the Federation transferred to the Nigerian Navy under section 9 of the Ordinance, the aforesaid provisions shall have effect subject to paragraph (1) of regulation 30 of these regulations.

Application of Pensions Ordinance, 1951, with modifications. Schedule.

32. It is hereby declared that the Widows' and Orphans' Pensions Ordinance, which is applied in relation to members of the Nigerian Navy by the Ordinance, shall so apply without modifications.

Application of Widows' and Orphans' Pensions Ordinance, Cap. 231.

33. (1) Subject to the provisions of these regulations and of the Schedule hereto, there shall be granted to a rating (other than a rating transferred to the Nigerian Navy under section 9 of the Ordinance) upon discharge after continuous service in the Nigerian Navy extending over a period of not less than six years a gratuity of one-half of the monthly basic pay enjoyed by him at the date of his discharge for each completed year of reckonable service, and in addition there shall be paid to him—

Gratuities and annual allowances for ratings.

(i) on completion of twelve or more years' continuous service, an annual allowance at the annual rate of one-nine hundred and sixtieth of the annual basic pay enjoyed by him at the date of his discharge for each completed month of reckonable service; or

(ii) on completion of twelve or more years' continuous service, a gratuity of one-twentieth of the monthly basic pay enjoyed by him at the date of his discharge for each completed month of reckonable service: or

(iii) on completion of six or more years' continuous service, a gratuity of one-twentieth of the monthly basic pay enjoyed by him at the date of his discharge for each completed month of reckonable service.

(2) If a rating who has been discharged subsequently re-enters the Nigerian Navy within a period of five years from the date of his discharge, he may be granted the gratuities and annual allowance for which he would have been eligible under this regulation if any break in his service in the Nigerian Navy immediately prior to such re-entry had not occurred, such gratuities and annual allowance to be in lieu of—

(a) any gratuities previously granted to him under this regulation, which are required to be refunded as a condition of the application to him of this regulation, but additional to any gratuity so granted which is not required to be refunded as aforesaid; and

(b) any annual allowance previously granted under this regulation, which shall be suspended during the period of service upon re-entry.

(3) For the purpose of computing the gratuities or annual allowance of a rating, the following periods of service shall not be taken into account as reckonable service—

(a) any period in respect of which a rating shall have forfeited the whole of his basic pay;

(b) periods of imprisonment or detention, whether awarded summarily or by sentence of a court-martial, or confinement in cells;

(c) periods of reckonable service forfeited in accordance with the procedures prescribed in any regulations for the time being in force in the Nigerian Navy or any instructions of the Governor-General providing for the forfeiture of wages and time or of basic pay and reckonable service in consequence of an offence which is found proved by a civil court;

(d) time spent in desertion and any service preceding desertion: Provided that such service may be restored by the Governor-General.

(4) The Governor-General may in his discretion restore any period of time (other than time spent in desertion up to a maximum of twenty-eight days, which otherwise would not be taken into account as reckonable service by reason of paragraph (3).

34. If a rating is discharged as unfit for further service or in consequence of a reduction in the establishment of the Nigerian Navy, he shall be granted on discharge such gratuities and annual allowance as the Governor-General may deem just.

35. (1) If a rating who has completed six or more years' continuous service in the Nigerian Navy, the gratuities for which he would otherwise have been eligible under the provisions of this regulation shall be calculated up to the date of death upon the basic pay enjoyed by him at that date, and the Governor-General may cause such gratuities to be paid to his legal personal representative, or in a case where there is no legal personal representative, to any person being a relative or dependant of such rating.

Benefits upon discharge for unfitness or on reduction of establishment.

Accrued gratuities where rating dies in the service.

(2) If a rating who has completed less than six years' continuous service dies while serving in the Nigerian Navy, the Governor-General may cause to be paid to the persons mentioned in paragraph (1), gratuities calculated upon the basic pay enjoyed by such rating at the date of death bearing such proportion to the gratuities for which he would otherwise have been eligible if he had completed six years' service at the said basic pay as the number of years of service bears to six years.

36. A pension, gratuity or annual allowance granted under any provision of these regulations or the Schedule hereto shall not be assignable or transferable except for the purpose of satisfying—

Pensions,
etc., not
to be
assignable,

(1) a debt due to the Government of the Federation ; or

(2) an order of any Court for the payment of periodical sums of money towards the maintenance of the wife or former wife or minor child of the member of the Nigerian Navy to whom the pension, gratuity or annual allowance has been granted,

and shall not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatever except a debt due to the Government of the Federation.

37. (1) If any member of the Nigerian Navy to whom a pension or annual allowance has been granted under any provision of these regulations or the Schedule hereto is adjudicated bankrupt or is declared insolvent by judgment of any competent Court, then such pension or annual allowance shall forthwith cease.

Pensions
and annual
allowances
to cease on
bankruptcy.

(2) If any member is adjudicated bankrupt or declared insolvent as aforesaid, either

(a) after retirement or discharge from the Nigerian Navy in circumstances in which he is eligible for a pension or annual allowance under any provision of these regulations or the Schedule hereto, but before the pension or annual allowance is granted, or

(b) before such retirement or discharge from the service, and he shall not have obtained his discharge from bankruptcy or insolvency at the date of retirement or discharge from the Nigerian Navy,

then in the former case any pension or annual allowance eventually granted to him shall cease as from the date of adjudication or declaration as the case may be and, in the latter case, the pension or annual allowance may be granted, but shall cease forthwith and not become payable.

(3) Where a pension or annual allowance ceases by reason of this regulation, it shall be lawful for the Governor-General, from time to time during the remainder of such member's life, or during such shorter period or periods, either continuous or discontinuous, as the Governor-General shall think fit, to direct all or any part of the moneys to which such member would have been entitled by way of pension or annual allowance, had he not become bankrupt or insolvent, to be paid to, or applied for the maintenance or benefit of, all or any to the exclusion of the other or others, of the following, that is to say, such member and any wife, child or children of his, in such proportions and manner as the Governor-General thinks proper, and such moneys shall be paid or applied accordingly.

(4) Moneys applied for the payment of the debts of the member whose pension or annual allowance has so ceased shall, for the purposes of this regulation, be regarded as applied for his benefit.

(5) When a member whose pension or annual allowance has so ceased obtains his discharge from bankruptcy or insolvency, it shall be lawful for the Governor-General to direct that the pension or annual allowance shall be restored as from the date of such discharge from bankruptcy or insolvency or any later date, and the pension or annual allowance shall be restored accordingly.

Pensions and annual allowances may cease on sentence of imprisonment.

38. (1) If any member of the Nigerian Navy to whom a pension or annual allowance has been granted under any provision of these regulations or the Schedule hereto is sentenced to a term of imprisonment by any competent Court for any offence, such pension or annual allowance shall, if the Governor-General so directs, cease as from such date as the Governor-General determines.

(2) If any member is sentenced as aforesaid after his retirement or discharge from the Nigerian Navy in circumstances in which he is eligible for a pension or annual allowance under any provision of these regulations or the Schedule hereto, but before the pension or annual allowance is granted, then the provisions of paragraph (1) of this regulation shall apply as respects any pension or annual allowance which may be granted to him.

(3) Where a pension or annual allowance ceases by reason of this regulation it shall be lawful for the Governor-General to direct all or any part of the moneys to which such member would have been entitled by way of pension or annual allowance had he not been sentenced as aforesaid to be paid, or applied, in the same manner in all respects as prescribed in regulation 37, and such moneys shall be paid or applied accordingly.

(4) If such member after conviction at any time receives a free pardon, the pension or annual allowance shall be restored with retrospective effect; but in determining whether arrears of such pension or annual allowance are payable to such member and in computing the amount thereof, account shall be taken of all moneys paid or applied under paragraph (3) of this regulation.

PART VIII.—MISCELLANEOUS

39. Deductions may be made from the salary or basic pay of any member of the Nigerian Navy in respect of sums owing and due to the Government of the Federation.

Deductions from salary or basic pay.

SCHEDULE

(Regs. 31, 33, 37, 38)

MODIFICATIONS TO THE PENSIONS ORDINANCE, 1951

Definitions.

1. Section 2. In this Ordinance unless the context otherwise requires :—
“pensionable emoluments”—

(a) in respect of an officer or warrant rank, means salary and inducement allowance, but does not include any other emoluments whatsoever;

(b) in respect of a rating means basic pay, but does not include any other emoluments whatsoever;

“permanent commission” means a commission granted to an officer engaged to serve for a period qualifying for pension, but does not include a short service commission;

“permanent warrant” means a warrant granted to a warrant rank engaged to serve for a period qualifying for pension, but does not include a short service warrant;

"salary" means the salary in respect of service upon a permanent commission or permanent warrant or, where provision is made for taking other service into account as pensionable service, the salary in respect of such service ;

"short service commission" means a commission granted for a specific term of years, whether with an option to extend the term or otherwise ;

"short service warrant" means a warrant granted for a specific term of years whether with an option to extend the term or otherwise ;

"the Nigerian Navy Regulations" means the Nigerian Navy Regulations, 1957, and any enactment for the time being amending or replacing the same.

2. Section 3. (1) Pensions and gratuities may be granted by the Governor-General in accordance with the regulations contained in the Schedule hereto to officers, warrant ranks and ratings who have served in the Nigerian Navy. The said regulations may from time to time be amended, added to, or revoked by regulations made by the Governor-General with the sanction of the Secretary of State, and all regulations so made shall be laid before the House of Representatives and published in the *Official Gazette*.

Pensions
Regulations.

(2) All regulations made under this section shall have the same force and effect as if they were contained in the Schedule and the expression "this Ordinance" shall, wherever it occurs in this Ordinance, be construed as including a reference to the said Schedule.

(3) Whenever the Governor-General is satisfied that it is equitable that any regulation made under this section should have retrospective effect in order to confer a benefit upon or remove a disability attaching to any person, that regulation may be given retrospective effect for that purpose.

3. Section 4. Subject to the provisions of this Ordinance, any pension or gratuity granted under this Ordinance shall be computed in accordance with the law or regulations in force at the date of retirement of the officer, warrant rank or rating.

Law
applicable
to grant
of pension
or
gratuity.

4. Section 5. There shall be charged on and paid out of the revenue of the Federation all such sums of money as may from time to time be granted by the Governor-General by way of pension or gratuity in accordance with this Ordinance.

Pensions,
etc., to be
charged on
revenue of
the
Federation.

5. Section 6. (1) No officer, warrant rank or rating shall have an absolute right to compensation for past services or to pension or gratuity ; nor shall anything in this Ordinance affect the right of the Crown to dismiss any officer, warrant rank or rating at any time without compensation.

Pensions,
etc., not
of right.

(2) Where it is established to the satisfaction of the Governor-General that an officer, warrant rank or rating has been guilty of negligence, irregularity or misconduct, the pension or gratuity may be reduced or altogether withheld.

6. Section 7. No pension or gratuity shall be granted under this Ordinance to an officer or warrant rank except upon his retirement from the Nigerian Navy in one of the following cases :—

Circum-
stances in
which
pension
may be
granted.

(1) on or after attaining the age of forty-five years, subject, unless the officer or warrant rank has attained the age of fifty, to six months notice in writing of desire to retire having been given by the officer or warrant rank to the Governor-General, unless the Governor-General sees fit to waive this condition ;

(2) on compulsory retirement under the provisions of section 9;

(3) on compulsory retirement for the purpose of facilitating improvements in the organisation of the Nigerian Navy by which greater efficiency or economy may be effected;

(4) on medical evidence to the satisfaction of the Governor-General that he is incapable by reason of any infirmity of mind or body of discharging his duties in the Nigerian Navy and that such infirmity is likely to be permanent;

(5) in the case of removal on the ground of inefficiency as provided in this Ordinance.

Retirement
for
inefficiency.

7. Section 8. Where an officer holding a permanent commission or a warrant rank holding a permanent warrant is removed from the service of the Nigerian Navy on the ground of his inability to discharge his duties efficiently, and a pension or gratuity cannot otherwise be granted to him under the provisions of this Ordinance, the Governor-General may, if he considers it justifiable having regard to all the circumstances of the case, grant such proportionate pension or gratuity as he thinks just and proper, not exceeding in amount that for which such officer or warrant rank would be eligible if he retired from the Nigerian Navy in the circumstances described in subsection (4) of section 7.

Compulsory
retirement.

8. Section 9. It shall be lawful for the Governor-General to require an officer holding a permanent commission or a warrant rank holding a permanent warrant to retire from the Nigerian Navy at any time after he attains the age of forty-five years, subject to six months' notice in writing of such requirement being given to such officer or warrant rank by the Governor-General.

Maximum
pension.

9. Section 10. (1) A pension granted to an officer or warrant rank under this Ordinance shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service with the Nigerian Navy.

(2) For the purposes of this section an additional pension granted in respect of injury shall not be taken into account; but where the officer or warrant rank is granted such an additional pension under this Ordinance, the amount thereof together with the remainder of his pension under this Ordinance shall not exceed five-sixths of his highest pensionable emoluments at any time in the course of his service with the Nigerian Navy.

Gratuity
where an
officer or
warrant
rank dies
in the
Nigerian
Navy.

10. Section 16. (1) Where an officer holding a permanent commission or a warrant rank holding a permanent warrant dies while serving in the Nigerian Navy, it shall be lawful for the Governor-General to grant to his legal personal representative, or in a case where there is no legal personal representative, to any person being a relation or dependant of such officer or warrant rank a gratuity of an amount not exceeding his annual pensionable emoluments.

(2) For the purpose of this section, "annual pensionable emoluments" means the emoluments which would be taken for the purpose of computing any pension or gratuity granted to such officer or warrant rank if he had retired at the date of his death in the circumstances described in subsection (4) of section 7.

11. Section 17. (1) Where a member of the Nigerian Navy is killed or dies as a result of wounds or injuries received on actual service without his own default or as a result of illness directly traceable to fatigue or exposure incidental to such service, it shall be lawful for the Governor-General to grant, in addition to the grant, if any, made under section 16 of this Ordinance or the Nigerian Navy Regulations or in accordance with the rules of the public service of the Federation known as the Superannuation Allowances and Gratuities Rules, 1947, and any rules and instructions for the time being amending or replacing the same—

Pensions to dependants when a member of the Nigerian Navy is killed on service.

(i) if the deceased member leaves a widow, a pension to her, while unmarried and of good character, at a rate not exceeding ten-sixtieths of his annual pensionable emoluments at the date of such wounds, injuries, fatigue or exposure, or fifteen pounds a year, whichever is the greater ;

(ii) if the deceased member leaves a widow to whom a pension is granted under paragraph (i) of this subsection and a child or children, a pension in respect of each child, until such child attains the age of twenty-one years, of an amount not exceeding one-eighth of the pension prescribed by that paragraph ;

(iii) if the deceased member leaves a child or children, but does not leave a widow or no pension is granted to the widow, a pension in respect of each child, until such child attains the age of twenty-one years, of double the amount prescribed by paragraph (ii) of this subsection ;

(iv) if the deceased member leaves a child or children and a widow to whom a pension is granted under paragraph (i) of this subsection and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow until such child attains the age of twenty-one years, of double the amount prescribed by paragraph (ii) of this subsection ;

(v) if the deceased member does not leave a widow, or if no pension is granted to his widow, and if his mother was wholly or mainly dependent on him for her support, a pension to the mother, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow.

Provided that :

(a) pension shall not be payable under this subsection at any time in respect of more than six children ; and

(b) in the case of a pension granted under paragraph (v) of this subsection, if the mother is a widow at the time of the grant of the pension and subsequently remarries such pension shall cease as from the date of re-marriage ; and if it appears to the Governor-General at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Governor-General may determine ;

(c) a pension granted to a female child under this section shall cease upon the marriage of such child under the age of twenty-one years ;

(d) where a deceased member leaves more than one widow, the Governor-General may grant a pension or pensions to one or more of such widows not exceeding in the aggregate the total value of the pension which might be granted to a sole widow under the preceding provisions of this section.

(2) In the case of an officer holding a short service commission or a warrant rank holding a short service warrant, the expression "pensionable emoluments" shall mean the emoluments enjoyed by him which would have been pensionable emoluments if he had held a permanent commission or a permanent warrant.

(3) For the purposes of this section, the word "child" shall include—

(a) a posthumous child ;

(b) a step-child or illegitimate child born before the date of death and wholly or mainly dependent upon the deceased member for support; and

(c) an adopted child, adopted in a manner recognised by law, before the date of the injuries, and dependent as aforesaid.

(4) If a member proceeding by a route approved by the Governor-General to or from Nigeria at the commencement or termination of his service in the Nigerian Navy, or for the purpose of a period of leave or duty, dies as the result of damage to the vessel, aircraft or vehicle in which he is travelling, or of any act of violence directed against such vessel, aircraft or vehicle, and the Governor-General is satisfied that such damage or act is attributable to circumstances arising out of war in which the Federation may be engaged, such member shall be deemed, for the purposes of this section, to have died in the circumstances described in subsection (1) of this section.

SCHEDULE—continued

MODIFICATIONS TO SCHEDULE TO THE PENSIONS ORDINANCE, 1951

REGULATIONS FOR THE GRANTING OF PENSIONS AND GRATUITIES TO MEMBERS OF THE NIGERIAN NAVY

Definitions.

12. Regulation 2. In these regulations, unless the context otherwise requires—

“pensionable service” means service in the Nigerian Navy which may be taken into account in computing pension under these regulations;

“qualifying service” means service in the Nigerian Navy which may be taken into account in determining whether an officer or warrant rank is eligible by length of service for pension or gratuity;

“the Ordinance” means the Pensions Ordinance, 1951.

To whom
and at
what rates
pensions
to be
granted.

13. Regulation 4. (1) Subject to the provisions of the Ordinance and of these regulations every officer holding a permanent commission or warrant rank holding a permanent warrant, who has served in the Nigerian Navy for ten years or more, may be granted on retirement a pension at the annual rate of one six-hundredth of his pensionable emoluments for each complete month of his pensionable service.

(2) A member of the Nigerian Navy who has been granted a gratuity under the Nigerian Navy Regulations in respect of any period of service shall not be permitted to draw a pension under this regulation in respect of the same period of service, unless he shall have refunded any such gratuity.

(3) A pension granted to a member of the Nigerian Navy under this regulation shall be in lieu of any annual allowance payable to such member under the Nigerian Navy Regulations.

Gratuities
for officers
and warrant
ranks where
length of
service does
not qualify
for pension.

14. Regulation 5. Every officer or warrant rank, otherwise qualified for a pension, who has not completed the minimum period of service qualifying him for a pension, may be granted on retirement a gratuity not exceeding one-eighth of a month's pensionable emoluments for each complete month of service in the Nigerian Navy.

General
rules as to
qualifying
service.

15. Regulation 14. (1) Subject to the provisions of these regulations, qualifying service shall be the inclusive period between the date on which an officer or warrant rank begins to draw salary or basic pay in respect of service in the Nigerian Navy and the date of his leaving such service without deduction of any period during which he has been absent on leave.

(2) No period during which a member of the Nigerian Navy was not serving in the Nigerian Navy shall be taken into account as qualifying service.

(3) No period which is not qualifying service by virtue of the foregoing paragraphs shall be taken into account as pensionable service.

16. Regulation 15. (1) Except as otherwise provided in these regulations only continuous service in the Nigerian Navy shall be taken into account as qualifying service or as pensionable service,

Continuity
of service
in the
Nigerian
Navy.

Provided that any break in service caused by temporary suspension of service not arising from mis-conduct or voluntary resignation shall be disregarded for the purposes of this paragraph.

(2) If an officer holding a permanent commission, a warrant rank holding a permanent warrant or a rating, being a rating transferred to the Nigerian Navy under section 9 of the Nigerian Navy Ordinance, 1956, has retired and has subsequently re-entered the Nigerian Navy within a period of five years from the date of his retirement, he may be granted the pension or gratuity for which he would have been eligible if any break in his service in the Nigerian Navy immediately prior to such re-entry had not occurred, such pension or gratuity to be in lieu of—

(i) any pension previously granted from the funds of Nigeria to any such officer, warrant rank or rating, which shall be suspended during the period of further service;

(ii) any gratuity previously granted to any such officer, warrant rank or rating, which is required to be refunded as a condition of the application to him of this regulation, but additional to any gratuity as granted which is not required to be refunded as aforesaid.

(3) In calculating a pension granted in accordance with the provisions of this regulation, no account shall be taken for any purpose of the period during which the officer, warrant rank or rating was not serving in the Nigerian Navy.

17. Regulation 16. No period during which an officer or warrant rank shall have been absent from duty on leave without salary or basic pay shall be taken into account as pensionable service unless such leave shall have been granted on grounds of public policy with the approval of the Governor-General.

Service not
reckonable
as pension-
able service.

18. Regulation 17. For the purpose of computing the pension or gratuity of an officer holding a permanent commission or a warrant rank holding a permanent warrant—

Emoluments
to be taken
for compu-
tation of
pensions,
etc.

(a) in the case of an officer or warrant rank who has held the same rank for a period of three years immediately preceding the date of his retirement, the annual pensionable emoluments enjoyed by him at that date in respect of that rank shall be taken;

(b) in the case of an officer or warrant rank who has held a commission or warrant for less than three years, the annual pensionable emoluments enjoyed by him at the date of his retirement shall be taken;

(c) in other cases one-third of the aggregate pensionable emoluments enjoyed by the officer or warrant rank in respect of his service in the Nigerian Navy during the three years of such service immediately preceding the date of his retirement shall be taken;

Provided that for the purpose of calculating pensionable emoluments under this paragraph the officer or warrant rank shall subject to the provisions of regulation 18 be deemed to have been on duty on full pensionable emoluments throughout the said three years.

Service upon a short service commission or short service warrant, or otherwise.

19. Regulation 18. Subject to the provisions of these regulations, only service upon a permanent commission or permanent warrant shall be taken into account as pensionable service :

Provided that—

(1) where a period of other service in the Nigerian Navy is immediately followed by service upon a permanent commission or permanent warrant, one-half of such period of other service may, with the approval of the Governor-General, be so taken into account, but an officer or warrant rank to whom the provisions of this proviso apply shall not be entitled to any gratuity which would otherwise be payable to him in respect of such period of other service and, if he has received any sum of money by way of gratuity, he shall refund the same within the period of six months from the date of the grant of a permanent commission or permanent warrant or such longer period as may be determined by the Governor-General ;

(2) a break in service in the Nigerian Navy which may be disregarded under the provisions of regulations 15, or under the provisions of the Nigerian Navy Regulations may likewise be disregarded in determining for the purposes of proviso (1) above whether one period of service in the Nigerian Navy immediately follows another period of such service.

20. Regulation 21. There shall not be taken into account as pensionable service any period of service in the Nigerian Navy while a member was under the age of eighteen years.

21. Regulation 23. If an officer holding a permanent commission or a warrant rank holding a permanent warrant retires for the purpose of facilitating improvements in the organisation of the Nigerian Navy by which greater efficiency or economy may be effected—

(a) he may be granted an additional pension at the annual rate of one-sixtieth of his pensionable emoluments for each complete period of three years' pensionable service :

Provided that—

(i) the addition shall not exceed ten-sixtieths ; and

(ii) the addition together with the remainder of his pension shall not exceed the pension for which he would have been eligible if he had continued to hold the rank held by him at the date of his retirement, and had retired on reaching the age of fifty-five, having received all increments for which he would have been eligible by that date ;

(b) he may, if he has not completed the minimum period of service in the Nigerian Navy qualifying him for pension, be granted, at his choice, in lieu of any gratuity under regulation 5, either :—

(i) a special gratuity at the rate of one month's pensionable emoluments for each complete six months of service in the Nigerian Navy ; or

(ii) a pension under regulation 4 as if the words "for ten years or more" were omitted from regulation 4.

22. Regulation 24. (1). If an officer holding a permanent commission, a warrant rank holding a permanent warrant or a rating is permanently injured as a result of wounds or injuries received on actual service without his own default or as a result of illness directly traceable to fatigue or exposure incidental to such service—

(a) he may, in the case of an officer or warrant rank, if his retirement is thereby necessitated or materially accelerated and he has not completed the minimum period of service in the Nigerian Navy qualifying him for a pension, be granted, in lieu of any gratuity under regulation 5, a pension under regulation 4, as if the words "for ten years or more" were omitted from regulation 4 ;

Service not qualifying for pension.

Reorganisation of the Nigerian Navy.

Members of the Nigerian Navy retiring on account of injuries.

(b) he may, in addition to any pension, annual allowance or gratuity granted to him under regulations 4 or 5, or the Nigerian Navy Regulations or in accordance with the rules of the public service of the Federation known as the Superannuation Allowances and Gratuities Rules, 1947, and any rules and instructions for the time being amending or replacing the same, be granted an additional pension at the annual rate of the proportion of his actual pensionable emoluments at the date of his injury appropriate to his case as shown in the following table:—

Where his capacity to contribute to his own support is—

Slightly impaired	..	..	..	five-sixtieths
Impaired	..	..	..	ten-sixtieths
Materially impaired	..	..	..	fifteen-sixtieths
Totally destroyed	..	..	..	twenty-sixtieths :

Provided that the amount of the additional pension may be reduced to such an extent as the Governor-General shall think reasonable where the injury is not the sole cause of retirement or where such officer, warrant rank or rating has continued to serve for not less than one year after the date of the injury in respect of which he retires :

Provided further that the total annual value of his pension or the total annual value of his annual allowance and pension shall not exceed fifty-sixtieths of his pensionable emoluments at the date of the injury.

(2) If an officer holding a short service commission or a warrant rank holding a short service warrant is injured as aforesaid, he may be granted on retirement a pension of the same amount as the additional pension which might be granted to him under paragraph (1) (b) of this regulation if he held a permanent commission or a permanent warrant as the case may be.

(3) The provisions of regulation 26 shall not apply to an additional pension granted under paragraph (1) (b) or to a pension granted under paragraph (2) of this regulation.

(4) If a member of the Nigerian Navy proceeding by a route approved by the Governor-General to or from Nigeria at the commencement or termination of his service in the Nigerian Navy, or for the purposes of a period of leave or duty, is permanently injured as the result of damage to the vessel, aircraft or vehicle in which he is travelling or of any act of violence directed against such vessel, aircraft or vehicle, and the Governor-General is satisfied that such damage or act is attributable to circumstances arising out of war in which the Federation may be engaged, such member shall be deemed for the purposes of this regulation to have been injured in the circumstances described in paragraph (1) of this regulation.

23. Regulation 25. An officer holding a permanent commission or a warrant rank holding a permanent warrant who retires from the Nigerian Navy in the circumstances set out in subsection (4) of section 7 of the Ordinance and at the date of retirement has completed ten but not more than twenty years' service in the Nigerian Navy may be granted, in addition to the pension which he may be granted under these regulations, a pension at the rate of one six-hundredth of his pensionable emoluments on retirement for each period of three months by which his said service at the date of retirement falls short of twenty years, or by which his age at such date falls short of fifty years, whichever is the less.

Officers and warrant ranks retiring on account of ill-health.

Gratuity
and
reduced
pension.

(2) No addition under this regulation shall be granted in the case of an officer or warrant rank to whom an award on account of injury is made in accordance with regulation 24.

24. Regulation 26. (1) Any officer or warrant rank to whom a pension is granted under the Ordinance may, at his option exercisable on or before the date of his retirement, be paid in lieu of such pension a pension at the rate of three-fourths of such pension together with a gratuity equal to twelve and one half times the amount of the reduction so made in the pension.

(2) If such officer or warrant rank has exercised his option his decision shall be irrevocable.

(3) Where an officer or warrant rank has failed, owing to circumstances outside his control to exercise his option under this regulation, it shall be lawful for the Governor-General to grant either a pension or a reduced pension and a gratuity as if such officer or warrant rank had elected therefor under this regulation.

MADE at Lagos this 17th April, 1958.

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

EXPLANATORY NOTE

The purpose of these regulations is to prescribe in detail the status, seniority, general conditions of service and retiring benefits of members of the Nigerian Navy and generally to give effect to the Nigerian Navy Ordinance, 1956. The Pensions Ordinance, 1951 is modified in its application to the Nigerian Navy, the modifications being those set out in the Schedule to these Regulations.

L.N. 91 of 1958

ELECTRICITY CORPORATION OF NIGERIA

ORDINANCE No. 15 OF 1950

Electricity Corporation (Tenure of Office of Members) Regulations, 1958

Commencement : 1st May, 1958

In exercise of the powers conferred by section 7 of the Electricity Corporation of Nigeria Ordinance, No. 15 of 1950, as amended by the Electricity Corporation of Nigeria (Amendment) Ordinance, No. 15 of 1955, the Governor-General, after consultation with the Council of Ministers, has made the following regulations—

Citation.

1. These regulations may be cited as the Electricity Corporation (Tenure of Office of Members) Regulations, 1958.

Tenure of
office of
members.

2. Subject to the provisions of the Ordinance, members of the Corporation other than the Chairman shall hold office for a term of three years from the dates of their respective appointments, or until any earlier resignation which shall be notified to the Minister in writing by the member concerned.

MADE at Lagos the 23rd day of April, 1958.

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

M00202/Vol. IV.

L.N. 92 of 1958

NIGERIAN NAVY ORDINANCE, 1956
(No. 28 of 1956)

Notice of Commencement

Approval has been given by Her Majesty the Queen to the provisions of the Nigerian Navy Ordinance, 1956, made in accordance with the Colonial Naval Defence Acts, 1931 and 1949, and in accordance with section 1 of the said Ordinance the Governor-General has appointed the 1st May, 1958, as the day on which the Ordinance shall come into operation.

DATED the 17th April, 1958.

DEF/S/5002/T/1

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

L.N. 93 of 1958

NIGERIAN NAVY ORDINANCE, 1956
(No. 28 of 1956)

Nigerian Navy (Establishment of Force) Notice, 1958

Commencement : 1st May, 1958

In exercise of the powers conferred by section 3 (1) of the Nigerian Navy Ordinance the Governor-General has established the Nigerian Navy with effect from the 1st day of May, 1958.

DATED the 17th April, 1958.

DEF/S/5002/T/1

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

L.N. 94 of 1958

IMMIGRATION ORDINANCE (CHAPTER 89)

Pius Congo—Deportation Order

Commencement : 1st May, 1958

WHEREAS on the 25th day of February, 1958, before the Magistrate's Court of the Abeokuta Magisterial District Pius Congo was charged with entering into Nigeria being a prohibited immigrant contrary to the Immigration Ordinance and was convicted under section 14 (1) of the said Ordinance, as amended by the Immigration (Amendment) Ordinance, 1956;

AND WHEREAS the Governor-General has considered the facts of the case and deemed it fit to make a deportation order;

NOW, THEREFORE, in exercise of the powers conferred by section 14 (1) of the Immigration Ordinance, as amended by the Immigration (Amendment) Ordinance, 1956, the Governor-General hereby makes a deportation order requiring the said Pius CONGO, upon the expiration of any sentence of imprisonment which he is now serving, or as soon as arrangements have been made for his earlier deportation, to leave and remain out of Nigeria.

DATED the 15th day of April, 1958.

PM25800/S. 160.

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