

The following Bills, which will in due course be presented to the House of Representatives for enactment, are published for general information.

THE CIVIL AVIATION (FIRE AND SECURITY MEASURES) ORDINANCE, 1958

ARRANGEMENT OF SECTIONS

PART I—PRELIMINARY

Section

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A BILL FOR

Title.

AN ORDINANCE TO PROVIDE FOR FIRE-FIGHTING AND SECURITY MEASURES AT AERODROMES AND FOR PURPOSES CONNECTED THEREWITH.

Commencement.

[By notice, see section 1]

Enactment.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows—

PART I—PRELIMINARY

Short title and commencement.

1. This Ordinance may be cited as the Civil Aviation (Fire and Security Measures) Ordinance, 1958, and shall come into operation on a day to be appointed by the Governor-General by notification in the Gazette.

2. In this Ordinance, unless the context otherwise requires—

"aerodrome" includes any airport or landing strip and any building upon an airport, aerodrome or landing strip;

"aircraft" means any machine that can derive support in the atmosphere from the reactions of the air or any wreckage of such machine;

"Director" means the Director of Civil Aviation;

"Minister" means the member of the Council of Ministers for the time being charged with responsibility for aviation;

"Service" means the Civil Aviation Fire and Guard Service established by section 3;

"superior officer of the Service" means any officer of or above the rank of Assistant Aerodrome Fire Officer.

Interpreta-
tion.

PART II—ESTABLISHMENT AND FUNCTIONS OF THE SERVICE

3. There shall be established in Nigeria a Service to be known as the Civil Aviation Fire and Guard Service.

Establish-
ment of
Civil Avia-
tion Fire and
Guard
Service.

4. The Service shall be employed at Government aerodromes and at any premises for the time being under the control of the Director for—

Functions
of Service.

(a) the prevention and extinguishing of fires which threaten persons or property within any such aerodrome or premises or any aircraft;

(b) the rescue of persons and property involved in any accident or fire affecting any such aerodrome or premises or any aircraft;

(c) the prevention of crime, the apprehension of offenders, the preservation of law and order, the protection of persons and property and the due enforcement of all laws and regulations with which they are directly charged within or in relation to any such aerodrome or premises or any aircraft.

(See clause
12).

5. The Service shall consist of an Aerodrome Fire Superintendent and such aerodrome fire officers, assistant aerodrome fire officers, chief patrolmen, senior patrolmen, patrolmen and other members as the Governor-General may appoint.

Constitution
of Service.

6. (1) Members of the Service shall be under the command, direction and (subject to any necessary delegation by the Governor-General) disciplinary control of the Director and of such superior officers of the Service as the Director may from time to time assign.

Command,
direction and
disciplinary
control of
service.

(2) Whenever members of the Service are stationed at a place where there is no superior officer of the Service, the Director may assign an airport-commandant, air traffic control officer, air traffic control assistant or any other officer of the Department of Civil Aviation to have charge of the members of the Service for such purposes as the Director shall specify with respect to distribution, duties, pay and (subject to any necessary delegation by the Governor-General) disciplinary control.

(3) Without prejudice to any other provision of this Ordinance, the Director may by an order in writing and under arrangements to be made with the Inspector-General of Police place any member or members other

than superior officers of the Service under the charge of a police officer not below the rank of assistant superintendent of police with respect to such of the following matters as shall be specified in such order—

(a) maintenance of good order and discipline in relation to general conduct, smartness, cleanliness, clothing, kit and accommodation;

(b) disciplinary control (subject to any necessary delegation by the Governor-General) in accordance with regulations made under section 22 concerning any matter specified as aforesaid.

Terms and
conditions of
service.

7. The terms and conditions of service of members of the Service shall be prescribed by the Governor-General under section 22 of this ordinance.

Secondment
of members
of the
Service to
police force
for training.

8. (1) Members of the Service may by an order in writing of the Director and under arrangements to be agreed between the Director and the Inspector-General of Police be seconded for training to the Nigeria Police Force.

Cap. 172.

(2) During the period of any such secondment for training, a member of the Service shall for the purposes of discipline, rank and training in accordance with the ordinance and the regulations made thereunder be deemed to hold the rank of recruit in the Nigeria Police Force, or such other rank as may be agreed with the Inspector-General of Police and specified in the order of the Director as aforesaid, and, subject to any necessary delegation by the Governor-General shall be subject to be dealt with by a superior police officer accordingly, save that any punishment of dismissal which may be imposed under such ordinance or regulations shall be subject to the approval of the Director and not of the Inspector-General of Police or a Commissioner.

(3) During the period of any such secondment for training a member of the Service shall be entitled to the same exemptions in respect of any enactment relating to arms and ammunition as is applicable in respect of a recruit in the Nigeria Police Force (or in respect of such other rank as may be specified as aforesaid).

Prevention
of fires.

9. (1) Any member of the Service authorised in writing by the Aerodrome Fire Superintendent may enter any premises within an aerodrome for the purposes of investigating such premises with respect to the risk of fire and of examining the fire-fighting equipments, facilities and instructions within such premises.

(2) Whenever it appears that there is a risk of fire within any such premises or that the fire-fighting equipments facilities or instructions within any such premises are inadequate or inefficient, the Director may by notice in writing require the owner or occupier within a specified period of not less than seven days to take such measures as shall be specified to remove the risk or provide adequate and efficient equipments, facilities and instructions.

(3) Such notice may be served either personally or by post, or by affixing it in some conspicuous place upon the premises to which it relates.

(4) If the requirements contained in such notice are not complied with within the time specified therein, any person authorised in writing by the Aerodrome Fire Superintendent may enter such premises and take such measures as are reasonably necessary, doing no unnecessary damage, to remove any risk or provide adequate and efficient equipments, facilities and instructions and any expenses incurred under this section may be recovered from the person on whom the notice was served.

10. Whenever fire threatens or breaks out within any aerodrome, any premises for the time being under the control of the Director or any aircraft, any member of the Service may—

Powers in
relation to
fires.

(a) without the consent of the owner or occupier enter any premises in which the fire has or is reasonably believed to have broken out and any premises which it is necessary to enter for the purposes of fire-fighting or of protecting persons or property from fire or from acts done for the purposes of fire-fighting;

(b) do all such things as may seem necessary for extinguishing the fire or for protecting persons or property from fire or acts done for the purposes of fire-fighting or for rescuing any person or property;

(c) break down, destroy, cut or remove any building, structure, tree, crop, vehicle or other thing which impedes the extinguishing of the fire or which might assist the spread of the fire;

(d) enter any premises where a supply of water is believed to exist and do all such things as may seem necessary to obtain a supply of water;

(e) close any area or place and remove therefrom any person or property whose presence seems likely to impede the extinguishing of the fire.

11. Any damage occasioned by a member of the Service in the execution of his duties under the last foregoing section shall be deemed to be damage by fire.

Damage.

12. Any member of the Service on duty and in uniform or any Police Officer carrying out his lawful duties for the prevention and detection of crime and the maintenance of law and order may in respect of offences within or in relation to any aerodrome, any premises or property for the time being under the control of the Director or any aircraft, without an order from a magistrate, and without a warrant, arrest—

Arrest by
members of
the Service
without
warrant.

(a) any person whom he finds committing any felony, misdemeanour or simple offence, or whom he reasonably suspects of having committed or of being about to commit any felony, misdemeanour or breach of the peace;

(b) any person who commits any offence in his presence;

(c) any person who obstructs a member of the Service while in the execution of his duty;

(d) any person found taking precautions to conceal his presence in circumstances which afford reason to believe that he is taking such precautions with a view to committing a felony or misdemeanour.

13. Any member of the Service upon arresting any person shall without unnecessary delay make over the person so arrested to a police officer, or in the absence of a police officer shall take such person to the nearest police station.

Disposal of
persons
arrested.

14. (1) Whenever a person is arrested by a member of the Service or a private person, the member of the Service making the arrest or to whom the private person makes over the arrested person may search such arrested person, using such force as may be reasonably necessary, shall place in safe custody all articles other than necessary wearing apparel found upon such arrested person.

Search of
arrested
persons.

(2) Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman.

(3) When a member of the Service has taken any property from an arrested person under this section, he shall without unnecessary delay cause the property so taken to be delivered to a police officer to be dealt with in accordance with section 6 of the Criminal Procedure Ordinance.

Cap. 43.

PART III—OFFENCES

Neglect to
aid in
arresting
offenders.

15. Any person who, having reasonable notice that he is required to assist any member of the Service in arresting any person, or in preserving the peace, without reasonable excuse, omits to do so, shall be liable on conviction to imprisonment for one year.

Obstructing
members of
the Service.

16. Any person who assaults, resists, or wilfully obstructs a member of the Service while acting in the execution of his duty, or a person acting in aid of a member of the Service while so acting shall be liable on conviction to imprisonment for three years.

Interference
with aero-
dromes or
aircraft.

17. Any person who wilfully and unlawfully destroys, damages, removes or interferes with any works or thing acquired for or belonging to any aerodrome or aircraft shall be liable on conviction to imprisonment for three years.

Obstructing
aircraft.

18. Any person who, by any unlawful act obstructs, causes an alteration to be made in the course of or in any way whatsoever hinders or impedes the movement of any aircraft, which is in motion on or in flight over any aerodrome, shall be liable on conviction to imprisonment for two years.

Trespass
upon aero-
dromes.

19. Any person who commits any nuisance or trespasses in or upon any aerodrome shall be liable on conviction to imprisonment for three months or to a fine of twenty pounds.

Causing
disaffection
among
members of
the Service.

20. Any person who, by any means whatever, causes or attempts to cause, or does any act calculated to cause disaffection amongst members of the Service, or does any act calculated to induce any member of the Service to withhold his services or to commit breaches of discipline, shall be liable on conviction to imprisonment for three years or to a fine of three hundred pounds or to both such imprisonment and fine and, if a member of the Service, shall forfeit all retiring benefits and be disqualified from being a member of the Service.

PART IV—MISCELLANEOUS

Regulations
prescribing
fire and
security
measures.
12 and 13
Geo. 6 c. 67,
S.I. 1952/
868.

21. Subject to the provisions of any Order of Her Majesty in Council made in pursuance of the powers conferred upon her by the Civil Aviation Act, 1949 and the Colonial Civil Aviation (Application of Act) Order, 1952, the Minister may make regulations prescribing measures for the prevention and extinguishing of fires and generally for ensuring security at aerodromes.

Service
regulations.

22. (1) The Governor-General may make regulations relating to all or any of the following matters—

(a) the qualifications of persons seeking enlistment in the Service, the form and method of their appointment (including appointment on promotion and transfer) and the dismissal of and exercise of disciplinary control over members of the service;

(b) the duties of members of the Service and their guidance in the performance of such duties ;

(c) the training and discipline of the Service ;

(d) offences against discipline ;

(e) the general government of members of the Service with respect to their classification and rank, the services required of them and their conduct in the performance thereof ;

(f) the grant of pensions, gratuities or other like benefits to members of the Service, their widows, children dependants or personal representatives ;

(g) generally for the good order and good government of the Service and the well-being of the members of the Service.

(2) Such regulations when made shall be published in the Gazette and shall be binding upon all members of the Service and all officers having charge of members of the Service.

23. (1) The Director, with the approval of the Governor-General, may make such standing orders as he may think fit and proper for the good order, discipline and welfare of the Service and such standing orders shall be binding on all members of the Service and all officers having charge of members of the Service, but need not be published in the Gazette.

Service
Standing
Orders.

(2) Without prejudice to the generality of subsection (1), such standing orders may provide for—

(a) organisation, administration, enlistment and training ;

(b) dress, clothing and equipment ;

(c) general Service duties ;

(d) management and good government of Service premises ;

(e) distribution, posting and removal of members of the Service for purposes of service and residence.

24. Nothing in this Ordinance shall be deemed to derogate from the powers conferred upon any person under the customs laws as defined in the Customs Ordinance.

Saving of
powers
under
customs
laws
Cap. 48.

25. (1) Section 3 of the Trade Unions Ordinance (which declares that that Ordinance shall not apply to any combination of persons in the police forces and prison services) is hereby amended by the insertion after the word "prison" in the fourth line of the words "or in the Civil Aviation Fire and Guard Service."

Amend-
ments.
Cap. 218.

(2) Subsection (2) of section 1 of the Trades Dispute (Arbitration and Inquiry) Ordinance (which provides that that Ordinance shall not apply to the police forces) is hereby, amended by the insertion before the word "but" in the third line of the words "or in the Civil Aviation Fire and Guard Service".

Cap. 219.

26. Section 459A and 459B of the Criminal Code (which respectively provide penalties for obstructing aircraft and trespass upon aerodromes) are hereby repealed.

Repeals.
Cap. 4.

Objects and Reasons

The objects of this Bill are to establish a disciplined Service to be known as the Civil Aviation Fire and Guard Service for Fire-fighting and security duties at Government aerodromes, to enable regulations to be made for ensuring fire precautions and security measures at all aerodromes and to make provision for certain criminal offences in relation to the security of aerodromes and aircraft.

Ayo Rosiji,
Minister of Communications and Aviation
Federation of Nigeria
(Temporarily charged with such
responsibility within Nigeria)

A BILL FOR

AN ORDINANCE TO REPEAL THE NIGERIA CENTRAL MARKETING BOARD ORDINANCE, 1955 (No. 1 OF 1955), AND TO MAKE NEW PROVISIONS FOR THE EXPORT OF NIGERIAN PRODUCE.

[By notice, see section 1]

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows—

1. This Ordinance may be cited as the Export of Nigerian Produce Ordinance, 1958, and shall come into operation on a date (hereinafter referred to as the appointed day) to be appointed by the Governor-General by notice in the Gazette.

2. In this Ordinance, unless the context otherwise requires—

“the Board” means the Nigeria Central Marketing Board, constituted under the provisions of the Nigeria Central Marketing Board Ordinance, 1955;

Title.

Commencement.

Enactment.

Short title and commencement.

Interpretation.

No. 1 of 1955.

Cap. 38.

"the company" means the Nigerian Produce Marketing Company Limited, a private company of that name registered or to be registered under the provisions of the Companies Ordinance;

"export" with its grammatical variations and cognate expressions means to take or cause to be taken out of Nigeria;

"local processing" means any process or operation which has the effect of altering the character, nature or composition of any produce subject to a Regional Marketing Law from the state in which such produce would customarily be offered for sale for export;

"the Minister" means the Minister charged with responsibility for matters relating to external trade;

"produce" includes produce subject to a Regional Marketing Law and any product derived from such produce by local processing;

"produce subject to a Regional Marketing Law" means produce of a kind which any Regional Marketing Board is by a Regional Marketing Law empowered to purchase for export;

"product derived by local processing" means any product derived by local processing of any produce subject to a Regional Marketing Board for processing in Nigeria;

"purchase" with its grammatical variations and cognate expressions includes exchange or barter and any agreement or contract to purchase, exchange or barter;

"Regional Marketing Board" means the Eastern Regional Marketing Board, the Northern Regional Marketing Board, the Southern Cameroons Marketing Board or the Western Region Marketing Board;

"Regional Marketing Law" means the Eastern Regional Marketing Board Law, 1954, the Northern Regional Marketing Board Law, 1954, the Southern Cameroons Marketing Board Law, 1954, or the Western Region Marketing Board Law, 1954.

E.R. No. 5
of 1954.
N.R. No. 7
of 1954.
S. Cam.
No. 1 of
1954.
W.R. No. 10
of 1954.

Power of
Minister.

3. The Minister shall have power—

(a) to prescribe grades and standards of quality for produce purchased by the Regional Marketing Boards for export;

(b) in his discretion, but after such consultation as is prescribed by subsection (2) of section 4, to grant, withhold or cancel licences—

(i) to acquire, subject to the provisions of any Regional Marketing Law, any produce for export; and

(ii) to export any produce; and

(c) to require any holder of a licence for the export of produce and any Regional Marketing Board and the servants or agents of any such holder or Board to furnish him with such statistics, estimates, returns or other information relating to produce as in his opinion are necessary for the discharge of his functions under this Ordinance.

Duty of
consultation.

4. (1) Before exercising the powers conferred on him by paragraph (a) of section 3, the Minister shall consult with, and obtain the advice of, the Company, the Produce Inspection Board and the Regional Marketing Boards.

(2) Before first exercising any of the powers conferred on him by paragraphs (b) and (c) of section 3, and as often as he shall deem necessary thereafter, the Minister shall consult with the Government of any Region from which produce with respect to which the power is to be exercised is derived as to the general principles on which the Minister is to act in the exercise of the said powers.

5. It shall be lawful for the Minister—

Powers relating to grant of licences to export produce.

(a) to grant to the Company an exclusive licence to acquire from a Regional Marketing Board for export and to export any kind of produce purchased by such Regional Marketing Board, other than produce derived by local processing;

(b) to attach to a licence to export produce such conditions as he may think fit, and in particular to specify the territory or territories to which the licence shall authorise produce to be exported.

6. (1) From and after the appointed day no person shall export any produce except under and in accordance with the terms of a licence granted by the Minister.

Prohibition of export of produce without licence.

(2) Any person who contravenes or attempts to contravene the provisions of subsection (1) shall be liable on conviction to a fine of five hundred pounds or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(3) Where an offence mentioned in subsection (2) is committed by a body corporate and such offence has been committed on the direction or with the consent or approval of any director, manager, secretary or other officer of such body corporate, that individual, as well as such body corporate, shall be guilty of that offence and may be proceeded against and, if convicted, be punished accordingly.

7. (1) The Minister may depute any of the following officers by name or office, subject to such conditions, exceptions and qualifications as the Minister may prescribe, to sign any licence or other document issued in exercise of the powers conferred upon the Minister by section 3—

Power of delegation.

(a) the Permanent Secretary having supervision over the departments of government which are under the control of the Minister;

(b) any officer who comes directly under the authority of such Permanent Secretary;

(c) any officer of any of such departments of Government.

(2) Any delegation made under the provisions of subsection (1) shall be revocable at will and no delegation shall prevent the exercise of any power by the Minister.

8. The Minister may make regulations prescribing—

Power to make regulations.

(a) the form of application for a licence to acquire or export produce;

(b) the form of a licence to acquire or export produce;

(c) the statistics, estimates, returns or other information to be furnished to him in accordance with paragraph (c) of section 3; and

(d) any other matter which is by this Ordinance required to be prescribed.

Transfer of
assets and
liabilities of
Board.

9. (1) Upon the appointed day all the assets and liabilities of the Board, wherever situate, other than the assets referred to in subsection (2), shall be transferred to and shall vest in the Company by virtue of this section and without further assurance.

(2) Any records or other assets maintained or acquired by the Board for purposes which will hereafter be the responsibility of the Minister under the provisions of this Ordinance shall be transferred to and vest in the Government of the Federation by virtue of this section and without further assurance.

(3) All deeds, bonds, instruments and contracts subsisting immediately before the appointed day to which the Board is a party shall be of as full force and effect against or in favour of the Company, and enforceable as fully and effectually as if, instead of the Board, the Company had been a party thereto.

Repeal No. 1
of 1955.

10. (1) The Nigeria Central Marketing Board Ordinance, 1955, is repealed with effect from the appointed day, with the exception of Part VII thereof and the Fourth Schedule thereto (hereinafter referred to as the Winding-up Provisions).

(2) When a notice has been published in the Gazette in accordance with section 16 of the said Fourth Schedule in respect of each of the old Boards therein referred to, the Winding-up Provisions shall be repealed.

Objects and Reasons

In accordance with the recommendations of the Constitutional Conference held in February, this Bill provides for the winding-up of the Central Marketing Board. It enables the Minister to prescribe grades and standards for produce purchased for export, and to give licences for the purchase and export of such produce. Exclusive licences in respect of acquisition and export of such produce may be given to the Nigerian Produce Marketing Company Limited.

(Bill 526)

K. O. MBADIWE,
*Minister of Commerce and Industry,
Federation of Nigeria*

A BILL FOR

AN ORDINANCE TO MAKE CERTAIN PROVISION IN RESPECT OF THE REMUNERATION
OF PERSONS WHO ARE MEMBERS OF MORE THAN ONE STATUTORY CORPORATION,
AND FOR SUCH PURPOSE TO EFFECT AMENDMENTS TO VARIOUS
ORDINANCES ESTABLISHING SUCH CORPORATIONS.

Title.

Commence-
ment.

Enactment.

[]

BE IT ENACTED by the Legislature of the Federation of Nigeria
as follows—

1. This Ordinance may be cited as the Corporate Bodies (Members' Emoluments) Ordinance, 1958.

Short title
and
commence-
ment.

2. (i) The ordinances specified in the first column of the Schedule are amended in the manner specified in the second column of such Schedule.

Amendment
of various
ordinances.
Schedule.

(ii) The amendments effected hereby shall be deemed to have been made with effect from the 30th August, 1957.

3. In accordance with subsection (3) of section 6 of the Revised Edition (Laws of the Federation and Lagos) and subject to the provisions of that section, the amendments effected hereby shall be taken into account in the preparation of the revised edition of the laws.

SCHEDULE

(Section 2)

1. Lagos Town Planning Ordinance (Chapter 103), as amended by the Lagos Town Planning (Amendment) Ordinance, 1957 (No. 7 of 1957)

In the proviso to section 4A, *add* at the end thereof the following—"Otherwise than as a member of the Board or as a member of a body corporate incorporated directly by a law enacted by any legislature in Nigeria".

2. Electricity Corporation of Nigeria Ordinance 1950 (No. 15 of 1950), as amended by the Electricity Corporation of Nigeria (Amendment) Ordinance, 1955 (No. 15 of 1955).

In the proviso to subsection (8) of section 6 *add* at the end thereof the following—"otherwise than as a member of the Corporation or as a member of a body corporate incorporated directly by a law enacted by any legislature in Nigeria".

3. Nigeria Coal Corporation Ordinance, 1950 (No. 29 of 1950).

In para. (i) of the proviso to subsection (4) of section 3 *delete* "to any person who is in receipt of emoluments from the Government" and *substitute*—"to any person who holds an office of profit under the Crown otherwise than as a member of the Corporation or as a member of a body corporate incorporated directly by a law enacted by any legislature in Nigeria".

4. Ports Ordinance 1954 (No. 27 of 1954).

In the proviso to subsection (5) of section 8 *add* at the end thereof the following—"otherwise than as a member of a body corporate incorporated directly by a law enacted by any legislature in Nigeria".

5. Nigerian Railway Corporation Ordinance, 1955 (No. 20 of 1955).

In the proviso to section 7 *add* at the end thereof the following—"otherwise than as a member of the Corporation or as a member of a body corporate incorporated directly by a law enacted by any legislature in Nigeria".

6. Industrial Loans (Lagos and Federation) Ordinance, 1956 (No. 17 of 1956).

In subsection (3) of section 4 *add* at the end thereof, the following—"otherwise than as a member of the Board or as a member of a body corporate incorporated directly by a law enacted by any legislature in Nigeria".

7. Nigerian Broadcasting Corporation Ordinance, 1956 (No. 39 of 1956).

(a) In section 2 *delete* the definition of "public office".

(b) In section 7, *delete* "to any person who holds a public office" and *substitute*—"to any person who holds an office of profit under the Crown otherwise than as a member of the Corporation or as a member of a body corporate incorporated directly by any legislature in Nigeria".

Objects and Reasons

On the termination of present appointments, no Member of the House of Representatives can draw emoluments as a member of a statutory Corporation, but in respect of persons other than Members of the House it would not be appropriate that the receipt of emoluments as a member of statutory corporation should prevent the payment of emoluments in respect of time and energy expended as a member of another statutory body. The terms of certain present Ordinances do create this obstacle, and the object of this Ordinance is to substitute more appropriate provision. It would be convenient that these amendments should be taken into account in the revised edition of the laws now in preparation, and clause 3 so provides.

S. L. AKINTOLA,
Minister of Communications
and Aviation

A BILL

FOR

AN ORDINANCE FURTHER TO AMEND THE SHIPPING AND NAVIGATION ORDINANCE
(CHAPTER 206).

[By notice, see section 1]

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows—

1. This Ordinance may be cited as the Shipping and Navigation (Amendment) (Deck Passengers) Ordinance, 1958, and shall come into operation upon a date to be notified in the Gazette after the pleasure of Her Majesty has been signified.

2. The Shipping and Navigation Ordinance is amended by the insertion after Part IV of the following new Part—

Title.

Commence-
ment.

Enactment.

Short title
and com-
mencement.

New part
IVA to
Cap. 206.

"PART IV—CARRIAGE OF DECK PASSENGERSInterpre-
tation.**42A. In this Part—**

"deck passenger" means a passenger, or any member of the crew, or any person taken on board a vessel for the performance of any service thereon or for the purpose of loading or unloading the same—

(a) for whom cabin or dormitory accommodation is not provided, and

(b) who is carried in a steam vessel to a port in Nigeria from a port of embarkation which is within the West African area or from a port in Nigeria to a port of disembarkation which is within such area ;

"deck passenger certificate" means a deck passenger certificate issued in accordance with this Part, or deemed so to be issued in accordance with the provisions of section 42G ;

"Safety Convention certificate" bears the meaning attributed thereto by subsection (2) of section 22 ;

"West African area" means any portion of the Coast of West Africa between Cape Verde in the north-west and the mouth of the River Congo in the south-east.

Savings.

42B. Nothing in this Part contained shall apply to any vessel of war in the service of Her Majesty or the Government of any foreign state or of the Government of any independent Commonwealth country or British possession.

Exemption
of certifi-
cated ves-
sels from
certain
require-
ments in
respect of
deck
passengers.

42C. A steam vessel in respect of which there is in force a deck passenger certificate shall be exempt in the territorial waters of Nigeria from the requirements of section 209 of the Merchant Shipping Act, 1894, relating to the carriage of a medical practitioner and from any requirements of the rules for life-saving appliances made under section 427 of that Act, or of any rules or regulations made under the Merchant Shipping (Safety Convention) Act, 1949, in so far as such requirements apply to or are necessitated by the carriage of deck passengers.

Production
of deck
passenger
certificate.

42D. The owner, agent or master of any steam vessel carrying deck passengers to or from any port in Nigeria shall produce a deck passenger certificate to the proper officer of customs and excise on entry and clearance, and shall produce the same to the shipping master on opening articles of agreement.

Penalty.

42E. The owner, agent or master of any steam vessel carrying deck passengers to or from any port in Nigeria without a deck passenger certificate, or contrary to the terms of or without compliance with the requirements of such certificate, shall be liable to a fine of two hundred pounds, and if carrying a number of deck passengers in excess of the number permitted by any deck passenger certificate in force shall in addition be liable to a fine of ten pounds in respect of each such deck passenger in excess.

Vessel without certificate deemed an unsafe ship.

42F. A steam vessel carrying deck passengers to or from any port in Nigeria without a deck passenger certificate, or contrary to the terms of or without compliance with the requirements of such certificate, shall be deemed to be an unsafe ship for the purpose of Part III of this Ordinance, and shall be liable to detention accordingly by reason of defective equipment.

Certificates issued elsewhere in West African area, and U.K. and foreign passenger certificates.

42G. (1) The Governor-General may by notice in the Gazette declare that the provisions of this Part shall take effect in relation to a certificate issued by any authority in the West African area specified in such notice and under the provisions of a law to be so specified and thereupon any such certificate shall be deemed to be a deck passenger certificate issued in accordance with the provisions of this Part.

(2) A steam vessel carrying fourth-class passengers in accordance with all the requirements of a United Kingdom passenger certificate shall be deemed to be in possession of a deck passenger certificate issued in accordance with the provisions of this Part.

(3) For passenger ships in respect of which a Safety Convention certificate exists which has been issued by a country which has an agreement with the United Kingdom for the reciprocal recognition of certificates showing the number of passengers the ship is fit to carry, such certificates as to number shall be accepted in respect of the number of passengers specified therein.

(4) Notwithstanding the provisions of subsections (2) and (3) a deck passenger certificate shall be necessary in respect of any deck passengers who by reason of being employed or engaged in any capacity on board the ship on the business of the ship, or for any other reason, would not be within the definition of passenger for the purposes of a United Kingdom passenger certificate.

Contents of certificate.

42H. A deck passenger certificate—

(a) shall state the permissible number of—

- (i) crew, other than crew carried as deck passengers ;
- (ii) passengers having cabin or dormitory accommodation ;
- (iii) deck passengers ;

(b) shall detail what life saving appliances are prescribed ;

(c) shall detail what deck passenger space is prescribed ;

(d) shall certify that such vessel has the facilities and is properly equipped for the carriage of deck passengers to the permissible number in accordance with regulations made under section 42K.

Equipment and specifications.

42I. The safety equipment required to be carried by ships carrying deck passengers shall comply with the specifications for such equipment provided for by regulations under section 26 or, in the case of equipment not provided for thereunder, then in accordance with rules applicable to the issue of Safety Convention certificates.

Applicability of certain provisions of Part IV. 42j. Sections 23, 24, 27, 29A, 30 to 33 and 38 of Part IV (relating to the survey of a steam vessel, issue of a certificate thereof, and matters ancillary thereto) shall apply in respect of a survey for the issue of a deck passenger certificate, and to the issue of such certificate and matters ancillary thereto.

Regulations. 42k. The Governor-General may make regulations, which shall be in addition to any other relevant requirements applying to the carriage of deck passengers, to prescribe and provide for the following matters—

(a) the scale of and marking of approved life-boats, surf-boats, buoyancy apparatus, life-buoys and life-jackets;

(b) the specifications of construction, capacity and freeboard of surfboats;

(c) the means to be provided for the utilisation of life-saving apparatus;

(d) efficient lighting of such apparatus and emergency lighting of any adjacent area of deck;

(e) the scale of and types of firefighting appliances to be carried;

(f) sanitary requirements, ventilation, lighting access, shelter, screens, cooking and toilet facilities for deck passengers;

(g) what areas shall be deemed to be deck passenger space and the scale of such space which shall be available for passengers collectively and individually;

(h) the conduct of surveys, rights of surveyors and responsibilities of the master to surveyors;

(i) the fees to be paid in respect of surveys and issue of deck passenger certificate;

(j) the form and method of display of deck passenger certificates."

Objects and Reasons

The object of the amendment is to provide a method of regulating the carriage of deck passengers on cargo and passenger vessels between West African ports. Such carriage provides an inexpensive method and often the only method of communication between coastal towns and in addition to such passengers "kroo-boys" are frequently carried who assist in loading and unloading or other work on the ship without the need for recruiting shore labour.

2. It is possible to dispense with some of the facilities that are by law required for the carriage of passengers in more exposed northern waters, but at the same time the necessity exists for some means of stipulating a scale of and type of life-saving appliances, and for ensuring the provision of shelter and similar facilities. These are the matters with which the Ordinance deals, and while it can only deal with circumstances in Nigerian waters, it is hoped that complementary legislation will be enacted in other West African territories.

3. The Ordinance deals with coasting trade in accordance with a provision in the Merchant Shipping Act, 1894, and therefore in accordance with that Act *Clause 1* suspends the operation of the Ordinance until the consent of Her Majesty is notified. *Clause 2* introduces a new Part IVA to the Shipping and Navigation Ordinance, to carry out the purposes of the Bill.

4. The new section 42A contains definitions and has the effect of applying the new Part to passengers or crew for whom cabin or dormitory accommodation is not provided and who are carried only between Cape Verde and the mouth of the Congo or on part only of that carry.

Section 42B exempts vessels of war.

Vessels which have a certificate under the new Part are exempted by *section 42C* from provisions of the Merchant Shipping Acts and regulations thereunder in respect of deck passengers, as the certificate will contain the necessary requirements.

Sections 42D, 42E and 42F provide for penalties, for production of the certificate and for detention of a ship without a certificate.

Section 42G is a provision whereby a certificate issued in another West African territory may be accepted in lieu of a Nigerian certificate, and *Section 42H* specifies the contents of a certificate. *Section 42G* however also provides that in respect of passenger ships the certificates known as number certificates and issued by the United Kingdom and reciprocally by some other Safety Convention countries are acceptable to the extent of the permitted number. This is not a provision which applies in respect of "kroo-boys" but only in respect of true passengers.

Section 42I provides for the specifications with which equipment must comply, *section 42J* applies some of the provisions of Part IV which deals with survey of and certificates for all steam vessels, and *section 42K* is a power to make regulations to deal with the details of deck passenger space, life-saving appliances and facilities, and similar necessary matters.

R. AMANZE NJOKU,
*Minister of Transport,
Federation of Nigeria*

Lagos.
(Bills 490)

FINANCE (CONTROL AND MANAGEMENT) ORDINANCE, 1958

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.

PART I—GENERAL SUPERVISION AND CONTROL

3. Legislative control, and management of the public finances.
4. Minister's instructions to be complied with, and powers to inspect, etc.

PART II—THE CONSOLIDATED REVENUE FUND

5. Management of Consolidated Fund.
6. Authorised issues from the Fund.
7. Erroneous receipts.
8. Losses.

PART III—INVESTMENTS

9. Authorisation of investments.
10. Investments General. Procedure concerning these.
11. Income of Investments General.
12. Fluctuation in value of Investments General.

PART IV—LEGISLATIVE AUTHORISATION OF EXPENDITURE

13. Annual Estimates in appropriation Bill.
14. Supplementary provision.
15. Contingencies Fund.
16. Unexpended votes to lapse.
17. Provision if appropriation Ordinance not in force.

PART V—OTHER PUBLIC FUNDS OF THE FEDERATION

18. Specification of certain public funds allocated by law.
19. Carrying forward of annual balance.
20. Interest and investment fluctuation to accrue to certain funds.
21. Interest and investment fluctuation to accrue to Consolidated Revenue Fund in certain cases.
22. Fluctuation in value of investments.
23. Rules for management of funds.

PART VI—MISCELLANEOUS

24. Annual accounts of all funds.
25. Transfer of General Revenue Balance.

SCHEDULES

- First Schedule—Public Funds of the Federation.
 Second Schedule—Development Fund Rules.
 Third Schedule—Contingencies Fund Rules.

A BILL FOR

Title. AN ORDINANCE TO PROVIDE FOR THE CONTROL AND MANAGEMENT OF THE PUBLIC FINANCES OF THE FEDERATION AND FOR MATTERS CONNECTED THEREWITH.

Comencement. (31st July, 1958)

Enactment. BE IT ENACTED by the Legislature of the Federation of Nigeria as follows—

Short title and commencement. 1. This Ordinance may be cited as the Finance (Control and Management) Ordinance, 1958, and shall be deemed to have come into operation on the 31st day of July, 1958.

Interpretation. 2. (1) In this Ordinance, unless the context otherwise requires—
 "Accountant-General" means the Accountant-General of the Federation;
 "appropriation Ordinance" means the Ordinance enacted in each year the principal purpose of which is the appropriation of public moneys for such services as are specified in such Ordinance;

"Consolidated Revenue Fund" means the Consolidated Revenue Fund of the Federation established by section 154A of the Constitution Order ;

"Constitution Order" means the Nigeria (Constitution) Order in Council, 1954, as the same may have been amended from time to time, and a reference to any provision thereof shall be construed as a reference to such provision as the same may be re-enacted, if it has been revoked and re-enacted without substantial modification ;

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

"public moneys" include—

(a) the public revenues of the Federation, and,

(b) any moneys held in his official capacity, whether temporarily or otherwise, and whether subject to any trust or specific allocation or not, by any officer in the Public Service of the Federation or any Region on behalf of the Government of the Federation, or by any agent of the Government, either alone or jointly with any other person ;

"statutory expenditure" has the meaning assigned thereto by subsection (4) of section 154B of the Constitution Order, and having regard to subsection (2) of this section accordingly means—

(a) the expenditure charged on the Consolidated Revenue Fund by any provision of that Order, and,

(b) such other expenditure as shall from time to time be charged by law on the Consolidated Revenue Fund or the general revenue and assets of the Federation or on the other public funds of the Federation, and shall include expenditure which constitutes such a charge by virtue of the provisions of this Ordinance ;

"supplementary appropriation Ordinance" means any Ordinance the principal purpose of which is the appropriation of moneys in supplementation of the appropriation already made by an appropriation Ordinance.

(2) The expenditure of moneys appropriated or granted by an appropriation Ordinance or a supplementary appropriation Ordinance shall not by virtue only of such appropriation Ordinance or supplementary appropriation Ordinance be deemed to amount to a charge on the fund out of which such expenditure is authorised to take place, and such expenditure shall accordingly not be comprised within the definition of statutory expenditure hereinbefore contained.

(3) A reference to the Minister in this Ordinance in relation to the signing or issue of a warrant shall imply a similar authority enabling the Governor-General to sign or issue such warrant if he shall think fit.

PART I—GENERAL SUPERVISION AND CONTROL

3. The Minister shall so supervise the expenditure and finances of the Federation as to ensure that a full account is made to the Legislature and its financial control is maintained and for such purposes shall, subject to the provisions of the Constitution Order and of this Ordinance, have the management of the Consolidated Revenue Fund and the supervision, control and direction of all matters relating to the financial affairs of the Federation which are not by law assigned to any other Minister.

Legislative
control, and
management
of the public
finances.

Minister's
instructions
to be com-
plied with,
and powers
to inspect,
etc.

4. (1) Every person concerned in or responsible for the collection, receipt, custody, issue or payment of public moneys, stores, stamps, investments, securities, or negotiable instruments, whether the property of Government or on deposit with or entrusted to Government or any public officer in his official capacity either alone or jointly with any public officer or any other person, shall obey all instructions that may from time to time be issued by the Minister or by direction of the Minister in respect of the custody and handling of the same and accounting therefor.

(2) The Permanent Secretary exercising supervision over any department of Government for which the Minister is charged with responsibility, and any other officer subordinate to such Permanent Secretary, shall be entitled to inspect all offices and shall be given access at all times thereto and shall be given all available information he may require with regard to the moneys and property specified in subsection (1) and to all documents and records in respect thereof, so far as may in any way be necessary in the opinion of the Minister for the purpose of compliance with the provisions of section 3 and subsection (1) of this section.

PART II—THE CONSOLIDATED REVENUE FUND

Management
of Consoli-
dated Fund.

5. The management of the Consolidated Revenue Fund shall be conducted in accordance with the provisions of the Constitution Order and in particular section 154A thereof and this Ordinance.

Authorised
issues from
the Fund.

6. (1) It shall be lawful for the Minister to authorise by warrant the issue from the Consolidated Revenue Fund of moneys necessary to meet statutory expenditure or to meet the cost of any purpose for which any sum has been appropriated in accordance with any Ordinance.

(2) In respect of the issue of moneys other than statutory expenditure, no authority shall be given under subsection (1) in excess of the sum appropriated for the purpose concerned.

(3) Notwithstanding the issue of a warrant, the Governor-General or the Minister may limit or suspend expenditure (not being statutory expenditure) with or without cancellation of the warrant if in his opinion financial exigencies or the public interest require.

Erroneous
receipts.

7. The repayment of any moneys received in error by the Consolidated Revenue Fund is hereby charged on the Fund, and the Minister may by warrant authorise an issue to effect such repayment.

Losses.

8. Where a loss has occurred of any moneys forming part of the Consolidated Revenue Fund, or it is necessary to make a further issue therefrom in respect of moneys already issued therefrom which have been misappropriated or lost, or it is necessary to make an issue therefrom to effect the replacement of any Government property which has been misappropriated or lost, then subject to any express provision of this or any other Ordinance an adjustment of the Fund or an issue from the Fund for such purpose shall only be effected by the issue of a warrant by the Minister under the authority of an appropriation or supplementary appropriation Ordinance.

PART III—INVESTMENTS

9. (1) The Consolidated Revenue Fund, and any other public fund of the Federation subject to any express provisions of law regulating any such public fund, may in part consist of deposits with a bank, or with the Joint Consolidated Fund, either at call or subject to notice not exceeding six months, or of any investments in which a trustee in Nigeria may lawfully invest trust funds, and the disposition of moneys of the Consolidated Revenue Fund or of such other public fund (subject as aforesaid) for any such purpose shall need no legislative authority other than that contained in this section and may be made by the Accountant-General or the Crown Agents for Oversea Governments and Administrations in accordance with any general or special instructions issued by the Minister.

Authorisation of investments.

(2) No moneys deposited or invested otherwise than in accordance with subsection (1) may form part of the Consolidated Revenue Fund, or of any other public fund of the Federation, and the disposition of any moneys from that Fund or those funds for any purpose other than the form of deposit or investment specified in that subsection shall be made in accordance with the procedure prescribed in this Ordinance or in accordance with the provisions of law regulating the fund in question.

10. (1) The Accountant-General shall maintain under the designation of Investments General a record of certain investments.

Investments General. Procedure concerning these.

(2) Investments General shall consist of—

(a) those investments forming part of Consolidated Revenue Fund by virtue of section 9;

(b) any investments held in respect of moneys being part of the Contingencies Fund referred to in section 15;

(c) such investments held in respect of the public funds of the Federation specified in the First Schedule that the Minister shall designate in writing: Provided that the Minister shall not designate any fund in respect of which by virtue of the provisions of law regulating such fund neither the receipts and outgoings nor the appreciation and depreciation of the investments forming part of the fund may accrue or does accrue to the Consolidated Revenue Fund.

11. (1) All income accruing to Investments General shall accrue to the Consolidated Revenue Fund and shall be included in the annual statement of revenue of the Federation for each financial year.

Income of Investments General.

(2) This section shall come into operation in respect of investments included in the record of Investments General at any time during the period of twelve months ending the 31st day of March, 1959, and in respect of all interest accruing within such period.

12. (1) The Accountant-General shall in each year value any securities forming part of Investments General by assigning thereto the mean market price of such securities at the close of business on the last day in the year for which such information is available.

Fluctuation in value of investments of Investments General.

(2) Any appreciation or depreciation arising from the valuation of such securities, together with any profits or losses arising from the sale or redemption of such securities, shall be credited or debited direct to the Consolidated Revenue Fund, and be shown as an addition to or deduction from the opening balance of the Consolidated Revenue Fund in the annual statement of assets and liabilities of the Federation.

PART IV—LEGISLATIVE AUTHORISATION OF EXPENDITURE

Annual
Estimates in
appropriation
Bill.

13. (1) In accordance with the provisions of the Constitution Order, the Minister shall cause to be prepared in each financial year estimates of the revenues and expenditure of the Federation for the next following financial year, which shall be presented to the Governor-General for approval and when approved by him shall be laid before the House of Representatives at a meeting commencing before the 1st day of April of the financial year to which they relate.

(2) The proposals for all expenditure to be made out of the Consolidated Revenue Fund contained in such estimates (other than statutory expenditure as defined in section 2) shall be submitted to the vote of the House at that meeting by means of an appropriation Bill, which shall contain estimates under appropriate Heads for the several services required.

Supplemen-
tary
provision.

14. When it is necessary in respect of any financial year to provide for expenditure to be made out of the Consolidated Revenue Fund (other than statutory expenditure as aforesaid) upon any service not already provided for by the appropriation Ordinance or any supplementary appropriation Ordinance relating to that year or which is in excess of the provision made in respect of that service by that appropriation Ordinance or any supplementary appropriation Ordinance, proposals for such expenditure shall be submitted to the vote of the House of Representatives by means of a supplementary appropriation Bill which shall contain that expenditure under appropriate Heads.

Contingen-
cies Fund.

15. (1) There shall be provided out of the Consolidated Revenue Fund upon the coming into operation of this Ordinance the sum of One Million Pounds for the establishment of a Fund to be known as the Contingencies Fund.

(2) The Contingencies Fund may be utilised for making moneys available to meet expenditure (other than statutory expenditure as aforesaid) which is not provided for in the appropriation Ordinance for the current year, and which although otherwise falling to be met out of the Consolidated Revenue Fund cannot be postponed, or cannot without serious injury to the public interest be postponed, until a supplementary appropriation Ordinance providing for it can be passed into law.

Unexpended
votes to
lapse.

16. Subject to any express provision of an appropriation Ordinance or supplementary appropriation Ordinance, moneys appropriated thereby and not expended shall lapse and accrue to the Consolidated Revenue Fund at the expiration of the year in respect of which they are appropriated.

Provision if
appropriation
Ordinance not in
force.

17. (1) If the appropriation Ordinance has not come into operation at the commencement of any financial year, the Minister may authorise by warrant the issue from the Consolidated Revenue Fund of such moneys as are necessary for carrying on the services of the Government at a level not exceeding the level of those services prevailing in the previous financial year for a period of four months or until the appropriation Ordinance comes into operation which ever is shorter.

(2) Any moneys so authorised to be issued shall not exceed the sum specified for such service in the estimates presented for the current year and shall be set off against the amounts respectively provided in the appropriation Ordinance upon the same coming into operation.

PART V—OTHER PUBLIC FUNDS OF THE FEDERATION

18. (1) The public funds specified in Part I of the First Schedule shall be deemed to have been established with effect from the 1st day of April, 1958, and subject to the provisions of sections 20 and 21 and the express provisions of law regulating any such fund, the balances in such funds on that date, and the receipts and earnings and other items respectively accruing to such funds since that date, shall be deemed to be allocated by law for the purposes therein specified in respect of each such fund.

Specification of public funds allocated by law. First Schedule, Part I.

(2) Whenever moneys are allocated by law to establish a fund or whenever it shall appear to the Minister that any public fund which is the property of the Federation or which comes into the possession of the Federation or of any public officer on behalf of the Federation, but which is not specified in the First Schedule, is by the provisions of law regulating such fund allocated for a specific purpose, and that for that reason such fund should not form part of the Consolidated Revenue Fund, the Minister shall by order amend part II of the First Schedule by the addition of the title of such fund and a reference to the specific purpose to which it is allocated.

First Schedule. Part II.

(3) The Treasury funds specified in Part III of the First Schedule shall with effect from the 1st day of April, 1958, be deemed to have been established and to be public funds of the Federation allocated by law for the specific purposes therein specified in respect of each such fund.

First Schedule. Part III.

(4) Moneys coming into the possession of the Federation since the 1st day of April, 1958, which are held on behalf of other persons or bodies and which do not accrue to any other fund specified in the First Schedule shall be deemed to have accrued to and shall be credited to the Treasury Clearance Fund specified in Part III of such Schedule.

(5) The Minister may by Order amend the First Schedule by the deletion therefrom of the particulars relating to any fund which may lawfully be absorbed into and form part of the Consolidated Revenue Fund or which has otherwise ceased to exist.

19. Subject to the provisions of any law regulating any public fund, the balance remaining in such fund at the end of each financial year shall during the continuance of the existence of such fund be carried forward to the credit of that fund at the beginning of the next financial year.

Carrying forward of annual balance.

20. Unless by the provisions of law regulating any fund specified in the First Schedule it is provided that interest earned by that fund shall accrue to the Consolidated Revenue Fund, that interest, and all receipts, earnings and other items accruing in respect of such fund, shall be credited to the fund itself, and any appreciation or depreciation in the value of any investments of such fund arrived at in accordance with section 22 shall similarly be taken to the account of that fund.

Interest and investment fluctuation to accrue to certain funds.

21. (1) Where by the provisions of law regulating any fund specified in the First Schedule it is provided that interest earned by that fund shall accrue to the Consolidated Revenue Fund, any depreciation in the value of investments of that fund and any losses on the sale or redemption of such investments shall be borne by the Consolidated Revenue Fund and any appreciation in the value of investments of such fund, and any profit on the sale or redemption of such investments, shall similarly accrue to the Consolidated Revenue Fund, save that any appreciation or depreciation in the

Interest and investment fluctuation to accrue to Consolidated Revenue Fund in certain cases.

value of investments and profit or loss on the sale or redemption of investments forming a part of the Reserve Fund referred to in that Schedule shall be taken to the account of the Reserve Fund itself.

(2) Interest earned by the following funds specified in the First Schedule shall accrue to the Consolidated Revenue Fund—

- (a) Marine Renewals Fund ;
- (b) Stock Transfer Stamp Duty ;
- (c) Reserve Fund ;
- (d) Development Fund ;
- (e) University College Capital Account ;
- (f) Nigerian College of Arts, Science and Technology Capital Account ;
- (g) University College Endowment Fund ;
- (h) Contingencies Fund.

Fluctuation
in value of
investments.

22. (1) The Accountant-General shall in each year value any securities, other than those forming part of Investments General as provided for in section 10, held by any of the funds specified in the First Schedule by assigning thereto the mean market price of such securities at the close of business on the last day in the year for which such information is available.

(2) Any appreciation or depreciation in the valuation of such securities so assigned, together with any profits or losses arising from the sale or redemption of such securities, shall be credited or debited direct to the Consolidated Revenue Fund or to the fund in question in accordance with the provisions of section 20 or section 21 as the case may be.

Rules for
management
of funds.

23. (1) Disbursement from any funds specified in the First Schedule (other than the Development Fund and the Contingencies Fund) shall be made in accordance with rules to be made by the Governor-General and approved by Resolution of the House of Representatives.

(2) Until the approval of such rules by the House of Representatives or until the 31st day of March, 1959, whichever shall be the sooner, disbursements may be made in accordance with instructions issued by the Minister and any disbursements made before the coming into operation of this Ordinance shall be deemed to have been so made.

(3) All rules made under subsection (1) and all instructions issued under subsection (2) in respect of any fund shall be consistent with the provisions of law regulating that fund.

(4) The Development Fund and the Contingencies Fund referred to in the First Schedule shall be operated in accordance with the rules set out in the Second and Third Schedules respectively. The provisions of the Second and Third Schedules may be amended by further rules made by the Governor-General and published in the Gazette :

Provided that such further rules shall cease to have effect if a Resolution at the next meeting of the House of Representatives thereafter shall so require.

PART VI—MISCELLANEOUS

Annual
accounts of
all funds.

24. The Accountant-General shall sign and present to the Director of Federal Audit accounts showing fully the financial position on the last day of each financial year of the Consolidated Revenue Fund and of the funds specified in the First Schedule and such accounts shall form part of the

accounts referred to in sections 13, 14 and 15 of the Audit Ordinance, 1956, but notwithstanding the provisions of section 13 of that Ordinance, the accounts relating to the University College Capital Account referred to in the First Schedule shall be signed and presented as soon as may be practicable to do so after the close of the financial year.

(No. 38 of 1956).

25. There shall be deemed to have been paid into the Consolidated Revenue Fund from the General Revenue Balance shown in the accounts of the Government of the Federation on the 1st day of April, 1958, the sum of Two Million Four Hundred Thousand Pounds, being the balance of the General Revenue Balance account at the close of such account on the 31st day of March, 1958, after deducting therefrom—

Transfer of
General
Revenue
Balance.

(a) the sum of money appropriated by Resolution of the House of Representatives on the 14th day of March, 1958, for payment into the Development Fund, and

(b) the sums totalling Two Million Six Hundred Thousand Pounds provided for the purpose of the Treasury funds established by subsection (3) of section 18 of this Ordinance.

FIRST SCHEDULE

(Section 18)

PUBLIC FUNDS OF THE FEDERATION

PART I—FUNDS ESTABLISHED WITH EFFECT FROM THE 1ST APRIL, 1958

(1) Marine Renewals Fund :

To provide for the replacement of Government marine vessels.

(2) Water Supply Renewals Fund :

To provide for the replacement of plant and equipment for water supplies.

(3) Stock Transfer Stamp Duty Fund :

To meet stamp duties on transfer of Nigerian Government stock.

(4) Widows' and Orphans' Pensions Fund :

To provide for the payment of benefits in accordance with the Widows' and Orphans' Pensions Ordinance.

Cap. 231.

(5) Reserve Fund :

To provide a reserve for use in major emergency.

(6) Development Fund :

To finance the general capital expenditure of the Government, including non-recurrent statutory expenditure not suitable for inclusion in the Estimates of Recurrence Expenditure.

(7) Deceased Officers' Children's Education Grant :

To make grants towards the cost of educating the children of deceased officers.

(8) Sir Alfred Jones' Bequest :

To provide technical education for Nigerians.

- (9) K. W. Marchant Memorial Fund :
To provide prizes for students at King's College, Lagos.
- (10) University College Capital Account :
To provide for approved schemes of capital expenditure on the University College, Ibadan.
- (11) Nigerian College of Arts, Science and Technology Capital Account.
To provide for approved schemes of capital expenditure on the Nigerian College of Arts, Science and Technology.
- (12) University College Endowment Fund :
To provide for anticipated deficits in the University College's recurrent expenditure.

PART II—FUNDS ESTABLISHED UPON OR AFTER COMMENCEMENT OF ORDINANCE

- (1) Contingencies Fund :
The Fund established by section 15 of this Ordinance for the purposes therein specified.

PART—III TREASURY FUNDS DEEMED TO BE PUBLIC FUNDS

- (1) Personal Advances Fund :
An amount of One Million Pounds, to provide for advances lawfully made to members of the House of Representatives and to members of the public service.
- (2) Nigerian Governments Clearance Fund :
An amount of Seven Hundred and Fifty Thousand Pounds, to provide for the balance from time to time on current account in respect of transactions between the Government and the Governments of the Regions and of the Southern Cameroons.
- (3) Treasury Clearance Fund :
An amount of One Hundred Thousand Pounds, to provide for acceptance and repayment of deposits and for non-personal advances and to provide for payments on behalf of other administrations.
- (4) Southern Cameroons Minimum Guarantee Fund :
An amount of Seven Hundred and Fifty Thousand Pounds, to implement Resolutions of the House of Representatives dated 5th April, 1955 relating to the provision of minimum revenue for the Southern Cameroons in the three financial years ending the 31st day of March, 1958.

SECOND SCHEDULE

(section 23)

RULES FOR THE OPERATION OF THE DEVELOPMENT
FUND

1. The Development Fund will be used to finance general capital expenditure of the Government of the Federation and the accounts relating thereto shall be kept by the Accountant-General.

2. The receipts of the Development Fund shall consist of—

(a) the product of loans raised by the Government of the Federation for purposes for which the Fund is set up unless allocated by or under this or some other law to some other purpose :

(b) development grants made to the Government of the Federation by Her Majesty's Government :

(c) development grants made to the Government of the Federation by any other government or body :

(d) sums from time to time authorised by law.

3. (1) No moneys shall be withdrawn from the Fund for the purpose of meeting any expenditure except upon the authority of a Warrant under the hand of the Minister.

(2) Subject to the provisions of rules 5 and 7, no such Warrant shall be issued (except in respect of statutory expenditure) unless that expenditure has been authorised by a Resolution of the House of Representatives, under the authority of these rules.

4. (1) The Minister shall cause to be prepared in each financial year estimates of the receipts and expenditure in respect of the Development Fund for the next following financial year which shall be laid before the House of Representatives.

(2) The proposals for all expenditure contained in the estimates (other than statutory expenditure) shall be submitted to the vote of the House of Representatives by means of a motion which shall seek to authorise expenditure under appropriate Heads for the several services required.

5. (1) When in any financial year the capital estimates or supplementary capital estimates for that year show a figure for the estimated total cost of any item of any sub-head over any period which is in excess of the total sum appropriated for that item for the current year, the Minister of Finance may by Warrant authorise the expenditure of any sum which when added to the expenditure incurred on the same item in previous years and to the expenditure already authorised for the same item for the current year does not cause to be exceeded the latest estimated expenditure for that item included in the capital estimates or supplementary capital estimates approved by the House of Representatives for that year.

(2) When in any financial year the provisions included for any item in the capital estimates or supplementary capital estimates of the immediately preceding year was not fully expended, the Minister may by Warrant authorise the expenditure of the unspent balance of the sum or sums authorised for that item in the immediately preceding financial year, provided that the amount so authorised shall not when added to the expenditure incurred in previous years and to the provision already made in the current year exceed

the latest figure for the estimated total cost of the item included in any capital estimates or supplementary capital estimates approved by the House of Representatives.

(3) No Warrant may be issued under this rule for an amount which if it were expended at once would exhaust the balance of the fund remaining after all other expenditure authorised for the year has been provided for.

(4) Any Warrant issued under the authority of this rule shall be reported to the House of Representatives at its next ensuing meeting.

6. Whenever in circumstances other than those set out in rule 5—

(a) any expenditure (other than statutory expenditure) is incurred or is likely to be incurred in any financial year upon any service which is in excess of the sum provided for that service for that year; or

(b) any expenditure (other than statutory expenditure) is incurred or is likely to be incurred in any financial year upon any service for which expenditure has not been authorised for that year,
the proposals for such expenditure shall be submitted to the vote of the House of Representatives by means of a motion which shall seek to authorise expenditure under appropriate Heads for the services required.

7. (1) Notwithstanding rule 6, the Governor-General in Council may, by Warrant under the hand of the Minister, authorise the issue from the Fund of such sum as may be necessary for expenditure upon any service—

(a) of a special character which is not provided for in the expenditure already authorised by the House for that year; or

(b) which will result in an excess of the sum authorised for any service by the House for that year,

and which in either event cannot, or cannot without serious injury to the public interest, be postponed until adequate provision can be made by the House of Representatives.

(2) No Warrant may be issued for an amount which if it were expended at once would exhaust the balance of the fund remaining after all other expenditure authorised for the year has been provided for.

8. Any issue from the Fund authorised in accordance with the provisions of rule 7, shall be submitted to the House of Representatives for approval in the manner prescribed by rule 6 during its next ensuing meeting.

THIRD SCHEDULE (Section 23) RULES FOR THE OPERATION OF THE CONTINGENCIES FUND

1. The Minister may by Warrant authorise the issue from the Contingencies Fund of such sum as may be necessary for expenditure upon any service—

(a) of a special character which is not provided for in the appropriation Ordinance; or

(b) which will result in an excess of the sum provided for that service in the appropriation Ordinance,

and which cannot, or cannot without serious injury to the public interest, be postponed until provision can be made by supplementary appropriation Ordinance.

2. The amount for which any Warrant is issued shall be withdrawn from the Contingencies Fund and shall be paid into the Consolidated Revenue Fund to meet the expenditure specified on the Warrant and the monies remaining available in the Fund shall be reduced accordingly. Any amounts withdrawn and remaining unspent at the end of the year shall accrue to the Consolidated Revenue Fund.

3. Each Warrant authorising the issue of a sum from the Fund shall specify under which Head or Heads of the expenditure estimates the expenditure of the sum issued shall be recorded and such expenditure shall be accounted for in the same manner as if it had been authorised by a supplementary appropriation Ordinance.

4. (1) All withdrawals from the Fund shall be reported to the House of Representatives at its next ensuing meeting and the House shall be asked to appropriate from the Consolidated Revenue Fund to the Contingencies Fund a sum equal to the total of the sums withdrawn and not already made good by previous appropriations from the Consolidated Revenue Fund so that the Contingencies Fund shall be restored to the amount appropriated under section 15 of the Ordinance;

(2) Appropriations to the Contingencies Fund under this rule shall be effected by inclusion in a supplementary appropriation Ordinance and the sums included in accordance with this rule shall be set out separately from any sums it is sought to appropriate under section 13 or 14 of the Ordinance.

5. No moneys shall accrue to the Fund other than moneys appropriated by an Ordinance and any interest or other accruals which might otherwise be received by the Fund shall accrue to the Consolidated Revenue Fund. Any part of the Fund which may be invested shall form part of Investments General referred to in section 10 of the Ordinance.

Objects and Reasons

The object of this Ordinance is to complete the machinery that will implement the decision taken at the Constitutional Conference held in May and June 1957, when it was agreed that Colonial Regulations were not in the present stage of constitutional development an appropriate authority for the regulation of Nigeria's finances, and that certain basic financial principles should be embodied in the Constitution. As a consequence of that decision, so far as the Government of the Federation is concerned, sections 154A and 154n of the Constitution Order now provide for the establishment of a Consolidated Revenue Fund which will contain all revenues and other moneys received by the Federation (other than those legally allocated for specific purposes). Moneys may only be withdrawn upon the due authority of a Warrant and no Warrant may be issued (other than in respect of moneys legally allocated for specific purposes) except for the purpose of meeting expenditure authorised by Ordinance of the Federal Legislature. Further constitutional provisions require the submission of Estimates to the House each year for the next following financial year, and the enactment of an appropriation Ordinance which will contain those Estimates under proper Heads. Any excess expenditure will be required to be provided for by a supplementary appropriation Ordinance. The provisions are so framed that the control of the legislature is considerably strengthened, and after the commencement of the appropriation Ordinance it will probably henceforth be necessary to obtain legislative approval by a supplementary appropriation Ordinance at each meeting of the House.

Part I of the Bill provides for general supervision and control by the Minister of Finance and for the issue of instructions by him for the maintenance of public accounts and for compliance with his requirements. A right of inspection and to call for information is provided in this *Part* in order to support these provisions. *Part II* provides for the Consolidated Revenue Fund that is required by the Constitution and makes provision for losses, which must come under the scrutiny of the legislature. *Clauses 9 to 12 in Part III* control investments. They strictly regulate what type of investments may be utilised as a routine measure, legislative approval being necessary for investments of any other nature. There are detailed provisions for the maintenance of a record entitled Investments General, and for the disposal of income thereof and prescribing a method of bringing into account fluctuations in the value of such investments. *Clauses 13 to 17* provide for annual and supplementary appropriation in accordance with the Constitution and for the establishment of a Contingencies Fund. This latter is new. Its purpose is not to meet ordinary excess expenditure which must be the subject of a supplementary appropriation Ordinance, but it must be operated strictly in accordance with the rules contained in the Third Schedule, and can only be used for expenditure of a special character or expenditure which cannot without serious injury to the public interest be postponed until supplementary appropriation is made.

Part V contains provisions to regulate by law public funds of the Federation which are established for particular purposes and therefore do not form part of the Consolidated Revenue Fund but which will now nevertheless need statutory control by virtue of the Constitutional provisions. Rules for their operation are to be made by the House of Representatives, except so far as the Development Fund and the Contingencies Fund are concerned in respect of which rules are contained in the Second and Third Schedules of the Ordinance. By *Clause 24 in Part VI* the Accountant-General is required to submit for audit accounts of the Consolidated Revenue Fund and of all the scheduled public funds to which reference has been made. *Clause 25* provides for the payment into the Consolidated Revenue Fund of the general revenue balance of the Federation as it existed on the 1st April, 1958, after providing for the moneys contributed to the Development Fund and necessary for certain other Treasury funds.

The First Schedule lists the public funds of the Federation which are subjected to control by this Ordinance. It includes all funds which are not fully regulated already by a specific Ordinance (such as, for instance, the Post Office Savings Bank Fund). *Part I* specifies funds of that nature which are deemed to have been established with effect from the 1st April and prescribes the purposes for which they may be used (although subject in every case to any provisions of law which are specifically applicable by other Ordinance or Trust Deed to any such fund). *Part II* provides for the newly established Contingencies Fund, and under *Clause 18 (2)* this *Part* may be added to by the Minister in respect of any other fund established by law in the future. *Part III* specifies funds which are required for the routine operations of the Accountant-General.

The Ordinance is designed to come into operation immediately upon enactment and indeed *Clause 1* provides that it shall be deemed to have commenced on the 31st July, 1958, in order that any financial proceedings at the forthcoming meeting of the House shall comply with the new requirements.

(Bills No. 562)

CHIEF FESTUS OKOTIE-BOH,
Minister of Finance,
Federation of Nigeria

A BILL FOR

AN ORDINANCE TO AMEND THE WEIGHTS AND MEASURES ORDINANCE (CHAPTER 228 OF THE REVISED EDITION OF THE LAWS, 1948).

[By notice, see section 1]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows—

1. This Ordinance may be cited as the Weights and Measures (Amendment) Ordinance, 1958, and shall come into operation upon a date to be appointed by the Governor-General by notification in the Gazette.

Short title
and
commence-
ment.

2. Section 14 of the Weights and Measures Ordinance is repealed and the following section is substituted therefor—

Repeal and
replace-
ment of
section 14 of
Cap. 228.

“Inspector of Weights and Measures. 14. The holder for the time being of such office on the staff of the Minister charged with responsibility for matters relating to commerce as that Minister may designate for the purposes of this section shall *ex officio* be the Inspector of Weights and Measures for Nigeria.”

Objects and Reasons

By virtue of section 14 of the Weights and Measures Ordinance, Chapter 228, the Inspector-General of Police is *ex officio* the Inspector of Weights and Measures. This Bill repeals and replaces section 14 so as to make the holder of an office to be designated by the Minister responsible for matters relating to commerce *ex officio* the Inspector of Weights and Measures in place of the Inspector-General of Police.