

L.N. 190 of 1958

The following Statutory Instrument has been published in the United Kingdom. The principal Order which it amends was published as Legal Notice 102 of 1954.

1958 No. 1522

WEST AFRICA

**The Nigeria (Constitution) (Amendment No. 3)
Order in Council, 1958**

Made 11th September, 1958
Laid before Parliament 17th September, 1958
Coming into Operation 18th September, 1958
 At the Court at Balmoral, the 11th day of September, 1958

Present,

The Queen's Most Excellent Majesty in Council

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

1.—(1) This Order may be cited as the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1958, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1957(b), the Nigeria (Constitution) (Amendment) Order in Council, 1958(c), and the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958(d).

Citation,
construction
and
commence-
ment.

(2) The Nigeria (Constitution) Orders in Council, 1954 to 1957, the Nigeria (Constitution) (Amendment) Order in Council, 1958, the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958, and this Order may be cited together as the Nigeria (Constitution) Orders in Council, 1954 to 1958.

(3) Section 1 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958, is amended by the deletion of subsection (2).

(4) This Order shall come into operation on the eighteenth day of September, 1958:

Provided that subsection (2) of section 2 shall be deemed to have come into operation on the first day of April, 1958.

2.—(1) Section 2 of the Nigeria (Constitution) Order in Council, 1954(e) (hereinafter called "the principal Order") (as amended by section 2 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957(f) and subsection (1) of section 3 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the insertion in subsection (4) after the word "Minister," in sub-paragraph (iii) of paragraph (b) of the words "Temporary Minister,".

Amendment
of s. 2 of
Order of
1954.

(2) Section 2 of the principal Order (as amended) is further amended by the insertion in subsection (4) after the words "Regional Minister," in sub-paragraph (iv) of paragraph (b) of the words "Parliamentary Secretary to a Regional Minister,".

(a) 53 & 54 Vict. c. 37.

(b) S.I. 1954/1146, 1955/432, 1956/836, 1957/1363, 1530 (1954 II, p. 2829; 1955 II, p. 3163; 1956 II, p. 2953; 1957 II pp. 3028, 3030).

(c) S.I. 1958/429.
 (d) S.I. 1958/1257. (e) S.I. 1954/1146 (1954 II, p. 2829). (f) S.I. 1957/1530 (1957 II, p. 3030).

Amendment
of s. 88 of
Order of
1954.

3. Section 88 of the principal Order (as set out in subsection (1) of section 18 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended—

(a) by the deletion from subsection (1) of the word "and" in paragraph (a); and

(b) by the insertion in subsection (1) after paragraph (b) of the following paragraph :—

"and

(c) such Temporary Ministers as may be appointed in accordance with section 92 of this Order".

Insertion of
s. 92 in
Order of
1954.

4. The principal Order (as amended) is amended by the insertion after section 91 (as set out in section 22 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) of the following section :—

"Temporary Ministers. 92.—(1) Whenever a Minister is ill or absent from Nigeria, the Governor-General, acting on the recommendation of the Prime Minister, may, by Instrument under the Public Seal, appoint a person from among the members of the House of Representatives to be temporarily a member of the Council of Ministers :

Provided that, if a person is so appointed on account of the illness or absence of a Minister who is a Representative Member of the House of Representatives elected in the Southern Cameroons, that person shall be appointed from among the Representative Members of the House elected in the Southern Cameroons.

(2) Members of the Council of Ministers appointed under this section shall be styled Temporary Ministers.

(3) The seat in the Council of Ministers of a Temporary Minister shall become vacant when he is notified by the Governor-General, acting on the recommendation of the Prime Minister, that the Minister on account of whose illness or absence he was appointed is no longer ill or absent from Nigeria or when the seat in the Council of that Minister becomes vacant.

(4) The provisions of section 91 of this Order shall, subject to the provisions of subsection (3) of this section, apply in relation to a Temporary Minister as they apply in relation to a Minister other than the Prime Minister and the references in sections 7, 97, 98, 100, 102 and 154B of this Order to a Minister shall be construed as if they included references to a Temporary Minister."

Amendment
of s. 180B of
Order of
1954.

5. Section 180B of the principal Order (as set out in subsection (1) of section 99 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the insertion after subsection (2) of the following subsection :—

"(3) Section 180B of this Order shall apply in relation to offices with respect to which the Governor has power to make appointments by virtue of subsection (1) of this section as it applies in relation to offices with respect to which he has power to make appointments by virtue of section 180A of this Order and for that purpose—

(a) the references in subsection (1) of section 180B to the Public Service Commission of the Western Region shall be construed as if they were references to the Judicial Service Commission of the Region;

(b) that subsection shall have effect as if for the words 'by such authority or by such officers in the public service of the Region' there were substituted the words 'by such judge or magistrate or other judicial officer of the Region or by such authority consisting wholly or partly of such officers'; and

(c) subsection (2) of section 180a shall have effect as if the words 'in the public service of the Western Region' were deleted and as if for the words 'section 180a' there were substituted the words 'section 180e'."

W. G. AGNEW

EXPLANATORY NOTE

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

This Order amends the Nigeria (Constitution) Order in Council, 1954, as amended, to provide that for the purposes of the Order the office of a Parliamentary Secretary to a Regional Minister shall not be considered to be an office in the public service of a Region, to provide for the appointment of persons to be temporarily members of the Council of Ministers in certain circumstances, and to provide that the Governors of the Western and Eastern Regions may delegate their powers of appointment and dismissal of certain officers connected with the courts of those Regions.

55322/S. 6/Vol. II

L.N. 191 of 1958

CUSTOMS ORDINANCE (CAP. 48)

Customs (Amendment) Regulations, 1958

Commencement : 1st December, 1958

In exercise of the powers conferred by section 262 of the Customs Ordinance the Governor-General, after consultation with the Council of Ministers, has made the following regulations—

1. These regulations may be cited as the Customs (Amendment) Regulations 1958, and shall come into operation on the 1st day of December, 1958.

2. Regulation 161 of the Customs Regulations (as substituted by the Customs (Amendment No. 7) Regulations, 1950) is amended by the deletion from paragraph (2) of the words "thirteen shillings and four-pence per ton per week" and the substitution thereof of the following—"fifteen shillings per ton per day".

Citation and Commencement.

Amendment of regulation 161 of Customs Regulations. (Vol. VII p. 388 and regulations 60 of 1950.)

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

A. SPRILYAN,
Acting Deputy Secretary to the
Council of Ministers

EXPLANATORY NOTE

The amendment increases the rent chargeable on goods stored in a Queen's Warehouse.

F10740/S. 6

L.N. 192 of 1958

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

Nigerian Navy (Transfer of Control) (No. 2) Order, 1958

Commencement : 20th November, 1958

In exercise of the powers conferred by subsection (3) of section 4 of the Nigerian Navy Ordinance, 1956, the Governor-General, after consultation with the Council of Ministers and with the concurrence of the Admiralty, has made the following Order—

Citation and commencement.

1. This Order may be cited as the Nigerian Navy (Transfer of Control) (No. 2) Order, 1958, and shall come into operation on the 20th day of November, 1958.

Certain members of the Nigerian Navy to be under the control of the Admiralty.

2. The members of the Nigerian Navy specified in the Schedule are hereby placed, for the purpose of undergoing training, under the control of the Admiralty.

SCHEDULE

Schedule.

| <i>Name</i> | <i>Rank</i> |
|--|--------------------|
| Ozigi, Shaaibu Abdul | Electrician's Mate |
| Egbulefu, Emmanuel Ukegbu. | Electrician's Mate |
| Okeke, Christopher Chukwuemeka | Electrician's Mate |

MADE at Lagos this 7th day of November, 1958.

A. SPRILYAN,
*Acting Deputy Secretary to the
Council of Ministers*

DEF/S/5204

L.N. 193 of 1958

ALIENS (DEPORTATION) ORDINANCE (CAP. 9)

The Marcus MONDI Deportation Order in Council, 1958

WHEREAS the Governor-General in Council deems it to be conducive to the public good to make a deportation order against one MARCUS MONDI, an alien :

NOW, THEREFORE, under section 7 (b) of the Aliens (Deportation) Ordinance, it is hereby ordered by the Governor-General in Council that the said MARCUS MONDI shall leave Nigeria on the first available opportunity and remain thereafter out of Nigeria.

MADE at Lagos this 12th day of November 1958.

A. F. F. P. NEWS,
Secretary to the Council of Ministers

L.N. 194 of 1958

ALIENS (DEPORTATION) ORDINANCE (CAP. 9)

The James PEGA Deportation Order in Council, 1958

WHEREAS the Governor-General in Council deems it to be conducive to the public good to make a deportation order against one JAMES PEGA, an alien :

Now, THEREFORE, under section 7 (b) of the Aliens (Deportation) Ordinance, it is hereby ordered by the Governor-General in Council that the said JAMES PEGA shall leave Nigeria on the first available opportunity and remain thereafter out of Nigeria.

MADE at Lagos this 12th day of November, 1958.

A. F. F. P. NEWS, *Secretary to the Council of Ministers*