

L.N. 19 of 1960

The following Statutory Instrument of the United Kingdom is published for information. The principal Order which it amends was republished with all current amendments as Legal Notice 16 of 1959 and was amended by Legal Notices 59, 153, 228 and 250 of 1959.

STATUTORY INSTRUMENTS

1960 No. 203

WEST AFRICA

The Nigeria (Constitution) (Amendment) Order in Council, 1960

Made 8th February, 1960

Laid before Parliament .. 12th February, 1960

Coming into Operation .. 13th February, 1960

At the Court at Buckingham Palace, the 8th day of February, 1960

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:—

Citation,
construction
and com-
mencement.

1.—(1) This Order may be cited as the Nigeria (Constitution) (Amendment) Order in Council, 1960, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1959(b).

(2) The Nigeria (Constitution) Orders in Council, 1954 to 1959, and this Order may be cited together as the Nigeria (Constitution) Orders in Council, 1954 to 1960.

(3) This Order shall come into operation on the thirteenth day of February, 1960:

Provided that sections 3 and 4 shall come into operation on such date as may be fixed by the Governor-General by notice published in the *Official Gazette* of the Federation.

2. Section 2 of the Nigeria (Constitution) Order in Council, 1954(c), (hereinafter called "the principal Order") (as amended by section 2 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957(d), subsection (1) of section (3) of the Nigeria (Constitution) (Amendment) Order in Council, 1958(e), section 2 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1958(f), subsection (1) of section 4 of the Nigeria (Constitution) (Amendment No. 4) Order in Council, 1958(g), section 2 of the Nigeria (Constitution) (Amendment) Order in Council, 1959(h), section 2 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1959(i), section 3 of the Nigeria (Constitution) (Amendment

Amendment
of s. 2 of
Order of
1954.

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

(b) S.I. 1954/1146, 1955/432, 1956/836, 1957/1363, 1530, 1958/429, 1257, 1522, 1958, 1959/368, 1049, 1772, 1981 (1954 II, p. 2829; 1955 II, p. 3163; 1956 II, p. 2953; 1957 II, pp. 3028, 3030).

(c) S.I. 1954/1146 (1954 II, p. 2829).

(d) S.I. 1957/1530. (1957 II, p. 3030).

(e) S.I. 1958/429 (1958 II, p. 2757).

(f) S.I. 1958/1522 (1958 II, p. 2822).

(g) S.I. 1958/1958 (1958 II, p. 2825).

(h) S.I. 1959/368. (i) S.I. 1959/1049.

No. 3) Order in Council, 1959(j), and section 2 of the Nigeria (Constitution) (Amendment No. 4) Order in Council, 1959(k) is amended by the deletion from subsection (4) of the words "the Deputy Governor-General" in subparagraph (ii) of paragraph (a) and the substitution of the words "any officer in the public service of the Federation".

Amendment
of s. 6 of
Order of
1954.

3. Section 6 of the principal Order (as amended by section 4 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, and section 7 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959) is amended—

- (a) by the deletion of paragraph (a);
- (b) by renumbering the section as subsection (1) of section 6; and
- (c) by the insertion after that subsection of the following subsection:—
“(2) A person elected Speaker of the House of Representatives in pursuance of paragraph (b) of subsection (1) of section 7 of this Order shall be deemed to be a member of the House.”

Amendment
of s. 7 of
Order of
1954.

4.—(1) Section 7 of the principal Order (as amended by section 5 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, and section 2 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958) is revoked and the following section is substituted:—

“Speaker and Deputy Speaker of the House of Representatives. 7.—(1) When the House of Representatives first sits after any dissolution of the House, and before it proceeds to the despatch of any other business, the members thereof shall elect to be Speaker of the House—

- (a) a Representative Member of the House; or
- (b) a person who is not a member of the House.

(2) When the House of Representatives first sits after any dissolution of the House, and before it proceeds to the despatch of any other business except the election of a Speaker, the members thereof shall elect to be Deputy Speaker of the House a Representative Member of the House.

(3) As often as the office of the Speaker or the Deputy Speaker falls vacant otherwise than when the House of Representatives first sits after any dissolution thereof, the members of that House shall as soon as is practicable elect a person to that office in like manner as is provided in subsection (1) or subsection (2) of this section, as the case may be.

(4) The office of the Speaker or the Deputy Speaker of the House of Representatives shall become vacant—

- (a) when the House first sits after any dissolution thereof; or
- (b) if he resigns his office by writing under his hand addressed to the House; or
- (c) in the case of a person elected as Speaker in pursuance of paragraph (a) of subsection (1) of this section or in the case of a person elected as Deputy Speaker, if—
 - (i) he ceases to be a Representative Member of the House otherwise than by reason of a dissolution thereof; or
 - (ii) he becomes a Minister or a Parliamentary Secretary to a Minister.”

(2) The offices of the Speaker and Deputy Speaker of the House of Representatives, as constituted immediately before the date on which this section comes into operation, shall become vacant on that date.

5. Section 49 of the principal Order (as amended by section 27 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, section 26 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959, and section 11 of the Nigeria (Constitution) (Amendment No. 4) Order in Council, 1959) is amended by the deletion from subsection (5) of the words "High Commissioner for the Southern Cameroons" and the substitution of the words "Commissioner of the Cameroons".

Amendment
of s. 49 of
Order of
1954.

6. Section 98A of the principal Order (as set out in section 29 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the deletion of paragraphs (b) and (c).

Amendment
of s. 98A of
Order of
1954.

7. The principal Order is amended by the insertion after section 98B (as set out in section 29 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) of the following section :—

Insertion of
s. 98c in
Order of
1954.

"Directions 98c. The Governor-General, after consultation with the by Governor-General concerning armed forces. Prime Minister, may give to the officers commanding such of the armed forces of the Crown as are established by any law enacted by the Federal Legislature such directions with respect to defence or the maintaining and securing of public safety and public order as he may decide are desirable, and those officers shall comply with any such directions or cause them to be complied with".

8. Section 136 of the principal Order (as amended by section 43 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, and section 72 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from subsection (1) of the words "which consent shall, in relation to the use and operational control of the police, be given by the Governor, acting in his discretion".

Amendment
of s. 136 of
Order of
1954.

9. Section 142A of the principal Order (as set out in subsection (1) of section 76 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and as amended by subsection (1) of section 29 of the Nigeria (Constitution) (Amendment) Order in Council, 1959), is amended by the insertion after subsection (12) of the following subsections :—

Amendment
of s. 142A of
Order of
1954.

"(13) A law enacted by the legislature of the Northern Region may provide that, when the High Court of that Region is exercising jurisdiction on appeals from decisions of a native court in such cases as may be prescribed by any such law, members of any such court as is referred to in paragraph (b) of the proviso to subsection (1) of section 148 of this Order may sit as additional members of the High Court.

(14) For the purposes of subsection (13) of this section "native court" means a court established by or under the Native Courts Law, 1956, of the Northern Region(a), as amended, or any law replacing that law".

10. Section 147 of the principal Order (as set out in section 57 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959) is amended—

Amendment
of s. 147 of
Order of
1954.

(a) by the insertion after subsection (3) of the following subsections :—

"(3A) An appeal shall lie from decisions of any court-martial established by any law enacted by the Federal Legislature to the Federal Supreme Court with the leave of the Federal Supreme Court :

Provided that such an appeal shall lie as of right in such cases as may be prescribed in any such law.

(3B) An appeal shall lie from decisions of any such court as is referred to in paragraph (b) of the proviso to subsection (1) of section 148 of this Order to the Federal Supreme Court as of right in any case in which, but for that proviso, an appeal would lie as of right to the High Court of the Northern Region by virtue of paragraph (a) of that subsection in so far as it relates to civil proceedings:

Provided that nothing in this subsection shall confer any right of appeal with respect to any question of jurisdiction that any court established for the purposes of paragraph (c) of the proviso to subsection (1) of section 148 of this Order is competent to determine.

(3c) Subject to the provisions of subsection (3B) of this section, an appeal shall lie from decisions of the courts referred to in paragraph (b) and paragraph (c) of the proviso to subsection (1) of section 148 of this Order to the Federal Supreme Court with the leave of the Federal Supreme Court in such cases as may be prescribed by any law in force in the Northern Region.”;

(b) by the insertion after subsection (5) of the following subsection:—

“(5A) The provisions of subsection (5) of this section shall apply in relation to any such court as is referred to in paragraph (b) of the proviso to subsection (1) of section 148 of this Order as they apply in relation to the High Court of the Northern Region, and for that purpose shall have effect as if the references to that High Court were references to any such court.”; and

(c) by the deletion from subsection (6) of the words “the High Court of a Region, any determination of that High Court” in the definition of “decision” and the substitution of the words “any court, any determination of that court”.

Amendment
of s. 148 of
Order of
1954.

11. Section 148 of the principal Order (as set out in subsection (1) of section 58 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959) is amended—

(a) by the insertion after subsection (1) of the following proviso:—

“Provided that nothing in paragraph (a) or paragraph (b) of this subsection shall confer any right of appeal to the High Court of the Northern Region in any civil proceedings—

(a) from any decision of a subordinate court established for that Region by any law enacted by the legislature of that Region on a question relating to Moslem matters in any case in which it is provided by any such law that an appeal shall lie as of right to some other court established for that Region by any such law solely for the purpose of determining appeals from decisions in civil proceedings of subordinate courts in that Region on questions relating to Moslem matters;

(b) from any decision of any such other court on any such question;

or
(c) from any decision of any court established for that Region by any such law solely for the purpose of determining questions relating to the respective jurisdictions of the High Court of that Region and any such other court”;

(b) by the insertion in subsection (4) after the definition of decision of the following definitions :—

“ ‘Moslem law’ means such system of Moslem law as may be prescribed in any law in force in the Northern Region, as applied subject to the provisions of any such law ;

‘question relating to Moslem matters’ means—

(a) any question of Moslem law regarding a marriage concluded in accordance with that law, including a question relating to the dissolution of such a marriage or a question that depends on such a marriage relating to family relationship or the guardianship of an infant ;

(b) where all the parties to the proceedings are Moslems, any question regarding a marriage, including the dissolution of that marriage, or regarding family relationship, a foundling or the guardianship of an infant ;

(c) any question regarding a wakf, gift, will or succession where the endower, donor, testator or deceased person is a Moslem ;

(d) any question regarding an infant, prodigal or person of unsound mind who is a Moslem or the maintenance of guardianship of a Moslem who is physically or mentally infirm ; or

(e) where all the parties to the proceedings (whether or not they are Moslems) have by writing under their hand requested the court that hears the case in the first instance to determine that case in accordance with moslem law, any other question.”

12. Section 238 of the principal Order (as set out in section 29 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1959, and as amended by section 42 of the Nigeria (Constitution) (Amendment No. 4) Order in Council, 1959, is amended—

Amendment
of s. 238 of
Order of
1954.

(a) by the deletion of subsection (4) and the substitution of the following subsection :—

“(4) The Governor-General, after consultation with the Prime Minister, may give to the Inspector-General of Police such directions with respect to the maintaining and securing of public safety and public order as he may decide are desirable.” ; and

(b) by the deletion from subsection (6) of the words “concerning the use and operational control of the police under the command of the Commissioner for the purpose of maintaining and securing” and the substitution of the words “with respect to the maintaining and securing of”.

13. Section 239 of the principal Order (as set out in section 29 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1959) is amended by the deletion from subsection (2) of paragraph (a).

Amendment
of s. 239 of
Order of
1954.

14. Section 240 of the principal Order (as set out in section 29 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1959) is amended—

Amendment
of s. 240 of
Order of
1954.

(a) by the deletion of subsection (1) and the substitution of the following subsection :—

“(1) The Police Council shall not be summoned except by the authority of the Prime Minister ;

Provided that the Council shall be summoned to meet at least four times in each year." ; and

(b) by the deletion from subsections (2) and (5) of the words "Governor-General or other".

Amendment
of s. 241 of
Order of
1954.

15. Section 241 of the principal Order (as set out in section 29 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1959) is amended—

(a) by the deletion of subsection (1) and the substitution of the following subsection :—

"(1) The Minister present shall preside at meetings of the Police Council." ;

(b) by the deletion from subsection (3) of paragraph (a) ; and

(c) by the deletion from subsection (3) of the words "other than the Governor-General" in paragraph (b).

Insertion of
s. 242A in
Order of
1954.

16. The principal Order is amended by the insertion after section 242 (as set out in section 29 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1959) of the following section :—

"Governor-General to be informed of proceedings of Police Council.

242A. The Prime Minister shall—

(a) cause to be transmitted to the Governor-General copies of all papers submitted for consideration by the Police Council at the same time as those papers are transmitted to the members of the Council ;

(b) cause the Governor-General to be informed of the summoning of any meeting of the Police Council and of the matters to be discussed at that meeting at the same time as the members of the Council are so informed ; and

(c) cause the Governor-General to be furnished, immediately after each meeting of the Police Council, with a copy of the record of the proceedings at that meeting, showing the matters discussed and the conclusions reached by the Council at that meeting."

Construction
of s. 73 of
Order of
1959.

17. Section 73 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959, shall have effect as if the references to the commencement of that Order were references to the commencement of this Order.

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 provisions of the Nigeria (Constitution) Order in Council, 1954, as amended, relating to the Speaker of the House of Representatives, defence, the jurisdiction of the courts and the police.

No. 20 of 1960

The following Instructions are published for information. The principal Instructions were published with all current amendments as Legal Notice 23 of 1959 and were amended by Legal Notices 61 and 251 of 1959.

ELIZABETH R.

ADDITIONAL INSTRUCTIONS to Our Governor-General and Commander-in-Chief of the Federation of Nigeria and High Commissioner for the Southern Cameroons or other Officer for the time being Administering the Government of the Federation and discharging the functions of the office of High Commissioner.

We do hereby direct and enjoin and declare Our will and pleasure as follows :—

1.—(1) These Instructions shall be construed as one with the Federation of Nigeria Royal Instructions, 1954.

Construction and commencement.

(2) These Instructions shall have effect from the thirteenth day of February, 1960.

2. Clause 3 of the Federation of Nigeria Royal Instructions, 1954 (as set out in clause 2 of the Additional Instructions under Our Sign Manual and Signet bearing date the thirtieth day of August, 1957) is revoked and the following clause is substituted :—

Replacement of Clause 3 of Instructions of 1954.

"Instructions 3.—(1) Whenever an officer in the public service of the Federation is discharging any of the functions of the office of Governor-General or the office of High Commissioner for the Southern Cameroons under section 6 of the Offices Order, as amended, these Instructions, so far as they are applicable to any such function, shall be deemed to be addressed to that officer and shall be observed by him.

(2) An officer in the public service of the Federation, while discharging any of the functions of the office of Governor-General or the office of High Commissioner for the Southern Cameroons under section 6 of the Offices Order, as amended, may if he thinks fit, apply to Us through a Secretary of State for instructions in any matter ; but he shall forthwith transmit to the Governor-General or the High Commissioner, as the case may be, a copy of every despatch or other communication addressed to Us in that behalf."

3. Clause 4A of the Federation of Nigeria Royal Instructions, 1954 (as set out in clause 2 of the Additional Instructions under Our Sign Manual and Signet bearing date the first day of April, 1958) is amended by the deletion of the words "the Deputy Governor-General" and the substitution of the words "an officer in the public service of the Federation".

Amendment of clause 4A of Instructions of 1954.

Amendment
of clause 5 of
Instructions
of 1954.

4.—(1) Clause 5 of the Federation of Nigeria Royal Instructions, 1954, is revoked.

(2) This clause shall come into operation on the date on which sections 3 and 4 of the Nigeria (Constitution) (Amendment) Order in Council, 1960, comes into operation.

Amendment
of clause 8 of
Instructions
of 1954.

5. Clause 8 of the Federation of Nigeria Royal Instructions, 1954 (as amended by clause 4 of the Additional Instructions under Our Sign Manual and Signet bearing date the first day of April, 1958) is amended by the deletion from paragraph (2) of head (vii) of sub-paragraph (c).

Given at Our Court at Saint James's, this Eighth day of February, 1960, in the ninth year of Our Reign.

No. 21 of 1960

INDUSTRIAL DEVELOPMENT (INCOME TAX RELIEF)

ORDINANCE, 1958 (No. 8 OF 1958)

Industrial Development (Income Tax Relief) (Biscuits) Order, 1960

Commencement : 25th February, 1960

WHEREAS representations have been made pursuant to subsection (1) of section 3 of the Industrial Development (Income Tax Relief) Ordinance, 1958, for the making of an Order declaring the industry and the products set out in the schedule to this Order to be a pioneer industry and pioneer products ;

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

NOW THEREFORE, in exercise of the powers conferred by subsection (2) of section 3 of the Industrial Development (Income Tax Relief) Ordinance, 1958, the Governor-General, after consultation with the Council of Ministers has made the following Order :—

Citation and
application.

1. This Order may be cited as the Industrial Development (Income Tax Relief) (Biscuits) Order, 1960, and shall be of Federal application.

Declaration.

2. It is hereby declared that—

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

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

SCHEDULE

Industry
Manufacture of
bakery products

Products

Biscuits

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

Lagos, 17th February, 1960.

L.2364/86

No. 22 of 1960

NIGERIA (CONSTITUTION) ORDERS IN COUNCIL,
1954 to 1959

Adaptation of Laws (Miscellaneous Provisions) Order, 1960

Commencement : 25th February, 1960

In exercise of the powers conferred by section 73 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959, and section 45 of the Nigeria (Constitution) (Amendment No. 4) Order in Council, 1959, the Governor-General, after consultation with the Council of Ministers, has made the following Order—

1. This Order may be cited as the Adaptation of Laws (Miscellaneous Provisions) Order, 1960, and (so far as the context permits) has application throughout the Federation.

Citation and application.

2. Except as otherwise provided by this Order, whenever the words "Legal Secretary of the Southern Cameroons" or the words "Legal Secretary" in relation to the Southern Cameroons occur in an existing law, there shall be substituted therefore the words "Attorney-General of the Southern Cameroons" or "Attorney-General" as the context requires.

General adaptation.

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

Adaptation. Schedule.

4. Sections 5 and 6 of the Adaptation of Laws Order, 1954, shall apply in respect of the adaptations and modifications effected hereby.

Application of sections 5 and 6 of L.N. 131 of 1954.

SCHEDULE (s. 3)

CAMEROONS DEVELOPMENT CORPORATION ORDINANCE (CHAPTER 25)

Sections 17 (4) and 18 (2) (as adapted by the Adaptation of Laws Order, 1951)

In subsection (4) *delete* "the House of Representatives" and *substitute*—
"each Federal Legislative House".

CRIMINAL CODE

SCHEDULE TO CHAPTER 42

Section 1

In subsection (1) in the definition of law officer (as inserted by the Adaptation of Laws Order, 1954) *delete* ", and in the Southern Cameroons the Legal Secretary" and *substitute*—

"and in the Southern Cameroons".

In subsection (2) (as inserted by the Adaptation of Laws (Judicial Provisions) Order, 1955) *delete* "Legal Secretary, the Governor-General" and *insert*—

"Attorney-General, the Commissioner".

In subsection (3) (as inserted by Adaptation of Laws (Conduct of Criminal Proceedings) Order, 1958) before "the Western Region" *insert*—

"the Northern Region,".

Section 61 (as adapted by the Adaptation of Laws Order, 1951)

Delete "House of Representatives" and *substitute*—

"a Federal Legislative House".

Section 62A (as inserted by the Adaptation of Laws (Unlawful Societies) Order, 1959)

In paragraph (a), *delete* "or the Attorney-General of the Northern Region, as the case may be,".

CRIMINAL PROCEDURE ORDINANCE (CHAPTER 43)

Section 487 (as inserted by the Adaptation of Laws (Conduct of Criminal Proceedings) Order, 1958)

Before "the Western Region" *insert*—
"the Northern Region,".

DIRECT TAXATION ORDINANCE (CHAPTER 54)

Section 34 (as inserted by the Adaptation of Laws Order, 1954)

In subsections (2) and (3) *delete* "Governor-General" and *insert*—
"Commissioner of the Cameroons".

EVIDENCE ORDINANCE (CHAPTER 63)

Section 40 (as substituted by the Adaptation of Laws Order, 1951)

Delete "House of Representatives" and *substitute*—
"the Federal Legislature".

Section 73 (as adapted by the Adaptation of Laws Order, 1951)

In subsection (1) (c) *delete* "House of Representatives" and *substitute*—
"Federal Legislative Houses".

Section 112 (as adapted by the Adaptation of Laws Order, (1951)

Delete "the House of Representatives" and *substitute*—
"a Federal Legislative House".

INCOME TAX ORDINANCE (CHAPTER 92)

Section 79 (as substituted by the Income Tax (Amendment) Ordinance, 1948 and 1949).

Delete "House of Representatives" and *substitute*—
"Federal Legislative Houses".

INCREASE OF RENT (RESTRICTION) ORDINANCE (CHAPTER 93)

Section 20 (as adapted by the Adaptation of Laws (Judicial Provisions) Order, 1955)

Delete subsection (2).

INTERPRETATION ORDINANCE (CHAPTER 94)

Section 3

In the definition of "Governor" (as adapted by the Adaptation of Laws (Southern Cameroons Provisions) Order, 1958) *delete* "or where such application in respect of the Southern Cameroons has reference to the public service or to any officer therein, the expression means the Governor-General".

In the definition of "law officers" (as adapted by the Adaptation of Laws (Conduct of Criminal Proceedings) Order, 1958) before "Western" *insert*—
"Northern,".

JURY ORDINANCE (CHAPTER 97)

Section 6 (as adapted by the Adaptation of Laws Order, 1951)

Delete "the House of Representatives and members of Regional Legislative Houses" and *substitute*—

"Federal and Regional Legislative Houses".

LAND AND NATIVE RIGHTS ORDINANCE (CHAPTER 105)

Section 3 (as adapted by the Adaptation of Laws Order, 1954)

In subsection (3) *delete* "Governor-General acting in his discretion" and *substitute*—

"Commissioner of the Cameroons".

Section 39 (as inserted by the Adaptation of Laws Order, 1954)

Re-number as subsection (1) of section 39 and *insert* the following new subsection—

“(2) Subsection (1) of this section shall apply in respect of the devolution of functions under this Ordinance from the Governor-General to the Commissioner of the Cameroons for the purpose of which adaptations hereto have been effected by the Adaptation of Laws (Miscellaneous Provisions) Order, 1960, as it applies to the devolution of such functions to the Governor of the Northern Region as if for “the 1st October 1954” there were substituted “the 25th February, 1960”.

LAW OFFICERS ORDINANCE
(CHAPTER 109)

Sections 3 and 5 (as adapted by the Adaptation of Laws Order, 1954 and the Adaptation of Laws (Conduct of Criminal Proceedings) Order, 1958)

Before “the Western Region” *insert*—

“the Northern Region”.

MAINTENANCE ORDERS ORDINANCE
(CHAPTER 125)

Section 11

Delete “Governor” wherever it appears and *substitute*—

“Governor-General”.

NIGERIA TOWN AND COUNTRY PLANNING ORDINANCE
(CHAPTER 155)

Section 13 (as adapted by the Adaptation of Laws Order, 1951)

In subsection (5) *delete* “House of Representatives” in the first place where it appears and *substitute*—

“Federal Legislative House”.

Delete “the House of Representatives” in the second place where it appears and *substitute*—

“a Federal Legislative House”

POLICE ORDINANCE
(CHAPTER 172)

Section 8 (as substituted by the Police (Amendment) Ordinance, 1952).

Delete the whole section.

PROBATE (RE-SEALING) ORDINANCE
(CHAPTER 179)

Section 7 (as adapted by the Adaptation of Laws (Judicial provisions) Order, 1955 and the Adaptation of Laws (Southern Cameroons Provisions) Order, 1958)

In subsection (1) *delete* “or the Southern Cameroons” and *substitute*—

“the Governor-General or in the case of the Southern Cameroons”.

STAMP DUTIES ORDINANCE
(CHAPTER 209)

Section 114 (as substituted by the Adaptation of Laws Order, 1954)

In section (1) *delete* “House of Representatives” and *substitute*—

“Federal Legislative Houses”.

FEDERAL SUPREME COURT (APPEALS) ORDINANCE
(CHAPTER 229)

Section 2c (as inserted by the Federal Supreme Court (Appeals) (Amendment) Ordinance, 1955)

In subsection (2) *delete* the definition of "decision" and *substitute*—

"decision" has the meaning assigned to it in section 147 of the Constitution Order ;

Section 3

Delete the whole section.

Section 4

Delete the whole section.

Section 10

Delete the whole section.

Section 11 (as adapted by the Adaptation of Laws (Judicial Provisions) Order, 1955)

In subsection (1) *delete* "section 10 of this Ordinance or section 148" and *substitute*—"section 147".

YELLOW FEVER AND INFECTIOUS DISEASES (IMMUNISATION) ORDINANCE
(CHAPTER-236)

Section 12 (as substituted by the Adaptation of Laws Order, 1954)

In subsection (2) *delete* "House of Representatives" and *substitute*—"Federal Legislative Houses".

REGIONAL DEVELOPMENT BOARDS ORDINANCE, 1949
(No. 14 OF 1949)

Section 36 (as adapted by the Adaptation of Laws (Amendment) (No. 3) Order, 1952)

In subsection (2) *delete* "House of Representatives" and *substitute*—"Federal Legislative Houses".

ORDINANCES AUTHENTICATION ORDINANCE, 1950
(No. 8 OF 1950)

Section 2

Delete "House of Representatives" and *substitute*—"Federal Legislative Houses".

Section 3

Delete "House of Representatives" and *substitute*—"Parliaments".

Section 4

In subsection (2) *delete* "House of Representatives" and *substitute*—"Parliaments".

Sections 7

In subsection (3) *delete* "House of Representatives" and *substitute*—"Federal Legislative Houses".

Section 11A (as inserted by the Adaptation of Laws Order, 1951)

Delete "House of Representatives" in the first place where it appears and *substitute*—"Clerk of the Parliaments".

Schedule

In Form A—

Delete "House of Representatives" in the first place where it appears and *substitute*—

"Federal Legislative Houses".

Delete "Clerk of the House of Representatives" and *substitute*—

"Clerk of the Parliaments".

ELECTRICITY CORPORATION OF NIGERIA ORDINANCE, 1950
(No. 15 OF 1950)*Sections 26 (2) and 34 (5)* (As amended by the Electricity Corporation of Nigeria (Amendment) Ordinance, 1955)*Delete* "House of Representatives" and *substitute*—

"Federal Legislative Houses".

LEGISLATIVE HOUSES (POWERS AND PRIVILEGES) ORDINANCE, 1953
(No. 16 OF 1953)*Section 2*In the definition of Legislative House, *delete* "House of Representatives" and *substitute*—

"Senate, the House of Representatives,".

In the proviso to the definition of "President", *delete* "the House of Representatives" and *substitute*—

"a Federal Legislative House".

Section 28A (as inserted by the Legislative Houses (Powers and Privileges) (Amendment) Ordinance, 1951)*Delete* the whole section and *substitute*—

"Notification of arrest of a member of a Federal Legislative House. 28A. Where a member of a Federal Legislative House is—

(a) arrested or detained in custody upon the warrant or order of a Court; or

(b) sentenced by a Court to a term of imprisonment, the Court shall, as soon as practicable, inform the President of the Senate or the Speaker of the House of Representatives, as the case may be, accordingly."

NIGERIAN RAILWAY CORPORATION ORDINANCE
(No. 20 OF 1955)*Sections 45 (3) and 46**Delete* "House of Representatives" and *substitute*—

"Federal Legislative Houses".

MAGISTRATES COURT (LAGOS) ORDINANCE, 1955
(No. 24 OF 1955)*Section 46*After "Ordinance" *insert*—

"or by sections 147 and 148 of the Constitution Order".

*Section 54**Delete* the whole section.*Section 55**Delete* the whole section.

Section 56 (as amended by the Magistrates' Court (Lagos) (Amendment) Ordinance, 1956).

Delete the whole section and substitute—

"Appeal by prosecutor. 56. In addition to the cases in respect of which an appeal lies under section 148 of the Constitution Order, the prosecutor may appeal as of right to the High Court under paragraph (e) of subsection (1) of that subsection—

(a) where an accused person has been acquitted or an order of dismissal made by a magistrate, from such acquittal or dismissal on the ground that it is erroneous in law or that the proceedings or any part thereof were in excess of the jurisdiction of the magistrate; or

(b) where a person has been convicted by a magistrate of an offence in respect of which the magistrate is required by any written law to impose any minimum sentence or make any order prescribed by that or any other written law, on the ground that the magistrate has failed to impose such sentence or make such order."

Section 57

Delete the whole section.

Section 58

In subsection (1) *delete* "under section 54, 55 or 56" and *substitute—*

"from a decision of a magistrate in criminal proceedings under section 148 of the Constitution Order or under section 56 of this Ordinance".

Section 59

Delete "any person aggrieved may, subject to such conditions as may be prescribed by rules of court, appeal therefrom to the High Court" and *substitute—*

"and an appeal does not otherwise lie under section 148 of the Constitution Order, any person aggrieved may, subject to such conditions as may be prescribed by rules of court, appeal therefrom as of right to the high Court under paragraph (e) of subsection (1) of that section".

Section 60

Delete the whole section.

HIGH COURT OF LAGOS ORDINANCE, 1955 (No. 25 OF 1955)

Section 28

Delete "this Ordinance and any other Ordinance relating thereto" and *substitute—*

"section 148 of the Constitution Order".

Section 49 (as amended by the High Court of Lagos (Amendment) Ordinance, 1956).

Delete subsections (1) and (2).

In subsection (4) *delete* "under subsection (2) of this section."

In subsection (5) *delete* "under this section" and *substitute—*

"from a decision of the High Court given in its appellate jurisdiction whether civil or criminal".

INDUSTRIAL LOANS (LAGOS AND FEDERATION) ORDINANCE, 1956
(No. 17 OF 1956)

Section 28

In subsection (2) *delete* "House of Representatives" and *substitute*—
"Federal Legislative Houses".

AUDIT ORDINANCE, 1956
(No. 38 OF 1956)

Section 7

In subsection (1) *delete* "House of Representatives" and *substitute*—
"Federal Legislature".

Section 9

In subsection (3)—

(a) *delete* "House of Representatives" in the first and second places
where it appears and *substitute*—

"Federal Legislative Houses";

(b) *delete* "Speaker of the House of Representatives to be by him pre-
sented to the House" and *substitute*—

"President of the Senate and to the Speaker of the House of Represen-
tatives to be presented to the Senate and the House of Representatives
respectively".

Section 13

In subsection (1) *delete* "House of Representatives" and *substitute*—
"Federal Legislative Houses".

In subsection (2) before "House" *insert*—
"Senate or the".

Section 14

In subsections (1), (2) and (3) and in subsection (4) in the first place where
it appears *delete* "House of Representatives" and *substitute*—

"Federal Legislative Houses".

In subsection (4) *delete* "Speaker of the House of Representatives to be
by him presented to the House" and *substitute*—

"President of the Senate and to the Speaker of the House of Representa-
tives to be presented to the Senate and the House of Representatives
respectively".

Section 15

Delete "House of Representatives" and *substitute*—
"Federal Legislative Houses".

NIGERIAN BROADCASTING CORPORATION ORDINANCE, 1956
(No. 39 OF 1956)

Sections 50 (4) and 51 (2)

Delete "House of Representatives" and *substitute*—
"Federal Legislative Houses".

HIGH COURT (APPEALS RULES), 1956
(L.N. 166 OF 1956)

Order II, Rule 1

In paragraph (1)—

(a) *delete* "Section 54, 55 or 56" and *substitute*—

"section 248 of the Constitution Order or section 56";

- (b) *delete* "conviction, order, determination or other decision of the court below or against sentence passed by such court" and *substitute*—
 "decision of a magistrate in criminal proceedings";
- (c) *delete* "or the sentence passed, as the case may be".

Order III, Rule 1

In paragraph (1)—

- (a) after "under" *insert*—
 "section 248 of the Constitution Order or";
- (b) *delete* ", judgment or order of a magistrate" and *substitute*—
 "of a magistrate in civil proceedings";
- (c) *delete* ", judgment or order was given or made" and *substitute*—
 "was given".

PENSIONS (INCREASE) ORDINANCE, 1957 (No. 8 OF 1957)

Section 7

Delete "House of Representatives" and *substitute*—
 "Federal Legislative Houses".

Section 11

In subsection (1) (a) *delete* "the Federal Legislative House" and *substitute*—
 "a Federal Legislative House".

Section 45

In subsection (3) *delete* "Legislature" and *substitute*—
 "Legislative Houses".

REVISED EDITION (LAWS OF THE FEDERATION AND LAGOS) ORDINANCE, 1958 (No. 25 OF 1958)

Section 10

Delete "House of Representatives" wherever it appears and *substitute*—
 "Federal Legislative Houses".

EXCISE TARIFF ORDINANCE, 1958 (No. 58 OF 1958)

Section 3

In subsection (1) *delete* "House of Representatives" and *substitute*—
 "Federal Legislative Houses".

Section 4

In subsection (1) *delete* "the House of Representatives" and *substitute*—
 "each Federal Legislative House".

In subsection (2) *delete* "House of Representatives" and *substitute*—
 "Federal Legislative Houses".

In subsection (3) *delete* "such resolution" and *substitute*—
 "both such resolutions".

Delete subsection (4) and substitute—

“(4) If, at a meeting of a Federal Legislative House, an Order which should be submitted to that House at that meeting in accordance with subsection (1) is not so submitted, the Order shall expire on the day following the last day of that meeting”.

CUSTOMS TARIFF ORDINANCE, 1958
(No. 60 OF 1958)

Section 6

In subsection (1) *delete* “House of Representatives” and *substitute—*
“Federal Legislative Houses”.

Section 7

In subsection (1) *delete* “the House of Representatives” and *substitute—*
“each Federal Legislative House”.

In subsection (2) *delete* “House of Representatives” and *substitute—*
“Federal Legislative Houses”.

In subsection (3) *delete* “such resolution” and *substitute—*
“both such resolutions”.

Delete subsection (4) and substitute—

“(4) If, at a meeting of a Federal Legislative House, an Order which should be submitted to that House at that meeting in accordance with subsection (1) is not so submitted, the Order shall expire on the day following the last day of that meeting”.

SCIENTIFIC AND INDUSTRIAL RESEARCH ORDINANCE, 1959
(No. 35 OF 1959)

Section 20

In subsection (4) *delete* “House of Representatives and *substitute—*
“Federal Legislative Houses”.

MADE at Lagos this 18th February, 1960.

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

EXPLANATORY NOTE

This Order makes a number of adaptations to miscellaneous enactments consequent upon Constitutional changes.

No. 23 of 1960

LAGOS EXECUTIVE DEVELOPMENT BOARD LAGOS TOWN
PLANNING ORDINANCE (CHAPTER 103)Lagos Executive Development Board (Town Planning Fees)
Regulations, 1960*Commencement : 1st March, 1960*

In exercise of the powers conferred upon the Lagos Executive Development Board by section 80 (1) of the Lagos Town Planning Ordinance, Chapter 103, the following regulations have been made with the approval of the Minister of Lagos Affairs—

Citation.

1. These regulations may be cited as the Lagos Executive Development Board (Town Planning Fees) Regulations, 1960.

Commence-
ment,
Application
and Cons-
truction.

2. (1) These regulations shall come into force on the 1st day of March, 1960 and shall apply to any proposed development or any proposed alteration or addition to an existing development to be carried out or undertaken within the Town of Lagos but shall not apply to any proposed development or any proposed alteration or addition to an existing development to be carried out or undertaken within the Town of Lagos by or on behalf of the Federal Government of Nigeria.

(2) These regulations shall not be read as derogating from or in any way overriding or in substitution for but shall be in addition to any regulations made under the Lagos Local Government Ordinance, 1959.

L.N. 249 of
1959.Interpreta-
tion.

3. In these regulations—

“Board” means the Lagos Executive Development Board; “development” means the carrying out of building, engineering, or other operations in, on, over, or under land or the making of any material change in the use of any buildings or other land;

“Nigerian Survey Datum” means sea level as determined by an automatic tide gauge at East Mole, Lagos, and accepted as such by the Nigerian Survey Department.

Deposit of
Application
Forms, Plans
and
Drawings.

4. (1) Every intending developer or his duly authorised agent shall, before carrying out any proposed development within the Town of Lagos, submit to the Board at its office :—

(a) an application form in duplicate duly completed and signed by the intending developer or his duly authorised agent which forms shall be supplied on application at the office of the Board;

(b) complete drawings consisting of plans, elevations and sections of every part of the proposed building and every appurtenance thereof or of the proposed alteration or addition to an existing building. Such drawings shall be made to a scale of not less than one inch to eight feet;

(c) a fully dimensioned block plan drawn to a scale of not less than one inch to forty feet. Such block plan shall show the boundaries of the site of the proposed development and their relation to all the surrounding properties (including roads), the position within the site of the proposed building and of its appurtenances, a section through the site showing the relation between its levels and the levels of the adjoining roads, the proposed levels of the several ground floors of the building and its out-buildings,

the position relative to the proposed building, of any buildings on adjoining properties. Every such plan shall be certified as correct by a licensed surveyor, and all levels shown thereon shall be referred to Nigerian Survey Datum.

(2) Where an intending developer proposes, under and in accordance with the provisions of the Land Development (Provision for Roads) Ordinance, Chapter 106, to divide up an undeveloped land into lots as an estate, he or his duly authorised agent shall submit to the Board, in addition to the requirement in paragraph (1) (a) an estate layout plan only showing the whole of the undeveloped land with the proposed roads and plots thereon. Such plan shall be made to a scale of not less than one inch to eighty-eight feet and shall be certified as correct by a licensed surveyor.

5. For every application submitted to the Board in respect of any proposed development, proposed alteration or addition to an existing building, or in respect of any proposed estate layout, an appropriate fee calculated in accordance with the undermentioned rates shall be charged by the Board and paid by every intending developer—

Assessment,
Charging
and Payment
of Fees.

(a) A basic rate charged at 1s-6d per 1,000 cubic feet on any building plan with a minimum charge of £3-3s-0d.

(b) An amendment basic rate in respect of alteration or addition to an existing building charged at 1s-6d per 1,000 cubic feet with a minimum charge of 10s-6d, or where not measurable by cube a basic fee of £1-0s-0d.

(c) A basic rate charged at 10s-0d per acre on any estate layout plan, with a minimum charge of £3-3s-0d.

MADE by the Lagos Executive Development Board at Lagos this 15th day of February, 1960.

K. A. ABAYOMI,
Chairman

O. AJOSE-ADEOGUN,
Secretary

APPROVED by the Minister of Lagos Affairs this 18th day of February, 1960.

G. M. L. BLACKBURNE-KANE,
*Acting Permanent Secretary,
Ministry of Lagos Affairs*

No. 24 of 1960

THE WEST AFRICAN TERRITORIES (AIR TRANSPORT) (REVOCATION) ORDER IN COUNCIL, 1959

West African Airways Corporation (Liquidator's Additional Powers) Regulations, 1959

Commencement : 3rd March, 1960

In exercise of the powers conferred by subsection (5) of section 5 of the West African Territories (Air Transport) (Revocation) Order in Council, 1959, the Designated Authority with the agreement of the Government of Ghana has made the following regulations—

1. These regulations may be cited as the West African Airways Corporation (Liquidator's Additional Powers) Regulations, 1959 and shall have effect in Nigeria, Sierra Leone and the Gambia respectively upon the date of their publication in the Gazette of each of those territories.

Citation and
commence-
ment.

Additional
powers of
liquidator.
S.R.O.
No. 1980 of
1959.

2. The Liquidator of West African Airways Corporation for the time being appointed by the Designated Authority in compliance with subsection (1) of section 5 of the West African Territories (Air Transport) (Revocation) Order in Council, 1959, shall in addition to the powers conferred upon him by subsection (2) of section 5 of the said Order have power—

(a) to make any compromise or arrangement with persons claiming to be creditors, or having or alleging themselves to have any claim, present or future, certain or contingent, ascertained or sounding only in damages against the Corporation or whereby the Corporation may be rendered liable;

(b) to compromise all debts and liabilities capable of resulting in debts, and all claims, present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist between the Corporation and a debtor or other person apprehending liability to the Corporation, and all questions in any way relating to or affecting the assets or the winding up of the Corporation, on such terms as may be agreed, and take any security for the discharge of any such debt, liability or claim and give a complete discharge in respect thereof;

(c) to do all acts and to execute, in the name and on behalf of the Corporation, all deeds, receipts and other documents and for that purpose to use, when necessary, the Corporation's seal;

(d) to draw, accept, make and indorse any bill of exchange or promissory note in the name and on behalf of the Corporation, with the same effect with respect to the liability of the Corporation as if the bill or note had been drawn, accepted, made or indorsed by or on behalf of the Corporation in the course of its business;

(e) to raise on the security of the assets of the company any money requisite;

(f) to appoint an agent to do any business which the liquidator is unable to do himself.

DATED the 8th day of February, 1959.

R. AMANZE NJOKU,
Minister of Transport and Aviation in Nigeria

D. L. SUMNER,
Minister of Communications in Sierra Leone

REV. J. C. FAYE,
Minister of Communications and Works in Gambia

AGREED for and on behalf of the Government of Ghana this 8th day of February, 1960.

KROBO EDUSEI,
Minister of Transport and Communications in Ghana

L.N. 25 of 1960

SHIPPING AND NAVIGATION ORDINANCE (CHAPTER 206)

**Certificate of Competency (Approved Engineering Works)
(Amendment) Notice, 1960**

Commencement : 1st March, 1960

In exercise of the powers conferred by regulation 6 (4) (b) of the Certificates of Competency Regulations, 1959, the Government Marine Officer has specified that the following workshop shall be added to the list of approved workshops set out in the Schedule to the Certificates of Competency (Approved Engineering Works) Notice, 1959 published as Legal Notice 57 of 1959—

"Cameroons Development Corporation Workshop at Tiko."

A. SIMPSON,
Government Marine Officer

Lagos, 24th February, 1960.

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