

L.N. 260 of 1959

STATUTORY INSTRUMENTS

1959 No. 1980

WEST AFRICA

The West African Territories (Air Transport)

(Revocation) Order in Council, 1959

Made .. .. 20th November, 1959

Laid before Parliament .. .. 26th November, 1959

Coming into Operation .. .. 27th November, 1959

At the Court at Buckingham Palace, the 20th day of November, 1959

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf, by the British Settlements Acts, 1887 and 1945(a), the Foreign Jurisdiction Act, 1890(b), 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 West African Territories (Air Transport) (Revocation) Order in Council, 1959.

Citation and commencement.

(2) This Order shall come into operation on the 27th day of November, 1959.

2.—(1) In this Order, unless it is otherwise provided or required by the context—

Interpretation.

"Chicago Convention" means the Convention on International Civil Aviation signed on behalf of the Government of the United Kingdom at Chicago on the seventh day of December, 1944;

"Nigeria" means the Federation of Nigeria;

"Sierra Leone" means the Colony and Protectorate of Sierra Leone;

"the Corporation" means the Corporation known as West African Airways established under section 7 of the Order in Council;

"the Designated Authority" means the following Ministers acting jointly, that is to say, the Ministers in Nigeria, Sierra Leone and the Gambia, who are for the time being charged with responsibility for matters relating to civil aviation in those territories respectively;

"the Gambia" means the Colony and Protectorate of the Gambia;

"The International Civil Aviation Organisation" means the Organisation established under Part II of the Chicago Convention;

"the Order in Council" means the West African Territories (Air Transport) Order in Council, 1946(c), as amended by the Orders in Council mentioned in the Schedule to this Order;

"the Territories" mean Nigeria, Sierra Leone and the Gambia.

(a) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6, c. 7.

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

(c) S.R. & O. 1946/682 (Rev. VIII, p. 395; 1946 I, p. 622).

(2) Save as in this Order otherwise provided, or required by the context, the Interpretation Act, 1889(a), shall apply for the purpose of interpreting this Order as it applies for the purpose of interpreting an Act of Parliament.

3. The Corporation shall be wound up and dissolved in accordance with the provisions of this Order.

4. Upon the commencement of this Order—

(a) the Authority established under section 3 of the Order in Council shall cease to exist;

(b) section 10, except paragraph (d) of subsection (2) thereof, and sections 17, 18 and 19 of the Order in Council shall cease to have effect;

(c) section 15 of the Order in Council shall have effect as if—

(i) references therein to the Authority were references to the Designated Authority as defined by this Order;

(ii) the reference in subsection (1) to a financial year were a reference to such period as the Designated Authority, as defined by this Order, may direct;

(iii) subsection (4) were omitted.

(d) section 16 of the Order in Council shall have effect as if—

(i) references in subsection (1) to the Authority were references to the Designated Authority as defined by this Order;

(ii) the references in subsection (1) to a financial year and to "that year", respectively, were references to such period as the Designated Authority, as defined by this Order, may direct;

(iii) subsections (2) and (3) were omitted.

5.—(1) The Designated Authority shall make arrangements for the winding up of the Corporation and, without prejudice to the generality of the foregoing power, shall appoint a liquidator for that purpose.

(2) A liquidator appointed under the preceding subsection shall act in accordance with any directions given to him by the Designated Authority for the discharge of his duties, and subject thereto shall have power—

(a) to bring and defend any action or legal proceeding in the name of the Corporation;

(b) to discharge the liabilities of the Corporation;

(c) to make any compromise or arrangement with the creditors of the Corporation;

(d) to sell or otherwise dispose of the real and personal property and things in action of the Corporation;

(e) to do all such things as may be necessary for the winding up of the affairs of the Corporation and the distribution of its assets.

(3) The Designated Authority may revoke or vary any direction given under this section.

(4) (a) The Designated Authority may fix the remuneration to be paid to the liquidator.

(b) The Designated Authority may at any time remove the liquidator from office or fill any vacancy which may occur in the office of liquidator.

Winding up  
and dissolution  
of the  
Corporation.

Effects of  
coming into  
operation  
of Order.

Powers  
of the  
Designated  
Authority  
and liquidator  
in relation  
to the  
winding up  
of the  
Corporation.

(5) (a) Without prejudice to the provisions of subsection (2) of this section, the Designated Authority may by regulation confer upon the liquidator such other powers or duties as the Designated Authority may deem necessary for the purpose of enabling the affairs of the Corporation to be properly wound up:

Provided that no powers so conferred shall exceed the powers conferred upon the liquidator by the Companies Act, 1948(a), in a members voluntary winding up of a company.

(b) Any reference in this subsection to the powers conferred on a liquidator by the Companies Act, 1948, is a reference to powers so conferred whether exercisable by the liquidator alone or exercisable by the liquidator with the sanction of the court or of any other body or person, as the case may be.

(c) No regulation made under this subsection shall have effect in any of the Territories until it has been published in the Gazette of that Territory.

(6) In the exercise of any powers or in the performance of any duties conferred or imposed on the Designated Authority by the provisions of this section the Designated Authority shall not act except with the agreement of the Government of Ghana.

6. Any law for the time being in force in any of the Territories which makes provision whereby a creditor may apply to a court to determine any question arising in a voluntary winding up of a company shall, to the extent that it makes such a provision, apply in that Territory in relation to the winding up of the Corporation subject to such modifications and adaptations as the circumstances may require:

Creditors' rights.

Provided that none of the Governments of the Territories shall be regarded as a creditor of the Corporation for the purpose of the application as aforesaid of any such law.

7.—(1) In the event of any disagreement arising between the members of the Designated Authority or between the Designated Authority and the Government of Ghana in connection with the winding up of the Corporation, and in particular with respect to—

Arbitration.

(a) the appointment of a liquidator;

(b) the assessment of the value of the assets of the Corporation; or

(c) the distribution of the assets of the Corporation,

the matter in dispute shall be referred to an Arbitrator whose decision shall be final.

(2) In default of agreement as to who shall be appointed as Arbitrator or as to the manner in which the matter in dispute shall be referred to arbitration, or as to the manner in which the arbitration proceedings shall be conducted, a decision shall be sought from the President of the Council of the International Civil Aviation Organisation and his decision shall be final.

8. When the Designated Authority—

(a) is satisfied that the affairs of the Corporation have been properly wound up, and that the provisions of sections 15 and 16 of the Order in Council, as amended by paragraphs (c) and (d) of section 4 of this Order, have been complied with and

(b) has been informed in writing by the Government of Ghana that that Government is also satisfied as aforesaid,

Dissolution of Corporation.

the Designated Authority shall forthwith, by notice published in the Gazette of each of the Territories, appoint a day for the dissolution of the Corporation and the Corporation shall be deemed to be dissolved as from that date.

9. The Order in Council is revoked as from the day appointed under the preceding section for the dissolution of the Corporation.

Revocation  
of the West  
African  
Territories  
(Air  
Transport)  
Order in  
Council,  
1946.

### SCHEDULE

The West African Territories (Air Transport) (Amendment) Order in Council, 1949(a).

The West African Territories (Air Transport) (Amendment) Order in Council, 1951(b).

The West African Territories (Air Transport) (Amendment) Order in Council, 1954(c).

The West African Territories (Air Transport) (Amendment) Order in Council, 1956(d).

*W. G. Agnew*

### EXPLANATORY NOTE

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

This Order provides for the winding up and dissolution of the Corporation of West African Airways and for the revocation of the West African Territories (Air Transport) Order in Council, 1946.

CA/0521

(a) S.I. 1949/1234 (1949 I, p. 1922).

(c) S.I. 1954/1373 (1954 II, p. 2758).

(b) S.I. 1951/1775 (1951 II, p. 1346).

(d) S.I. 1956/91 (1956 II, p. 2378).

L.N. 261 of 1959

**CUSTOMS TARIFF ORDINANCE, 1958**  
(No. 60 of 1958)

**Customs Tariff (Duties and Exemptions) (No. 7) Order, 1959**

*Commencement : 17th December, 1959*

In exercise of the powers conferred by subsection (1) of section 6 of the Customs Tariff Ordinance, 1958, the Governor-General, after consultation with the Council of Ministers, has made the following Order—

1. (1) This Order may be cited as the Customs Tariff (Duties and Exemptions) (No. 7) Order, 1959. *x*

Citation  
and Appli-  
cation.

(2) This Order shall be of Federal application.

2. The Second Schedule to the Customs Tariff Ordinance, 1958 (which relates to exemptions from import duties of customs), as the same was replaced by the Customs Tariff (Duties and Exemptions) Order, 1959, is amended by the addition after Item 65 of the following new Item :—

Amendment  
of Second  
Schedule,  
No. 60 of  
1958.  
L.N. 84 of  
1959.

**"65A SYNTHETIC PLASTIC MATERIALS**

**in powder, liquid or solid (but not sheet) or granule form."**

MADE at Lagos this 5th day of December, 1959.

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

**EXPLANATORY NOTE**

The effect of the Order is to exempt synthetic plastic materials in primary forms from import duty.

F11021/S. 25

L.N. 262 of 1959

**CUSTOMS TARIFF ORDINANCE, 1958**  
(No. 60 of 1958)

**Customs Tariff (Duties and Exemptions) (No. 8) Order, 1959**

*Commencement : 17th December, 1959*

In exercise of the powers conferred by subsection (1) of section 6 of the Customs Tariff Ordinance, 1958, the Governor-General, after consultation with the Council of Ministers, has made the following Order—

1. This Order may be cited as the Customs Tariff (Duties and Exemptions) (No. 8) Order, 1959, and shall be of Federal application.

Citation  
and Appli-  
cation.

2. The Second Schedule to the Customs Tariff Ordinance, 1958, (which relates to import duties of customs), as the same was replaced by the Customs Tariff (Duties and Exemptions) Order, 1959 is amended—

Amendment  
of Second  
Schedule,  
No. 60 of  
1958.  
L.N. 84 of  
1959.

(a) by the deletion from Item 22 of the word "Governor" and the substitution thereof of the following—

**"Governor-General";**

(b) by the deletion from Item 28 of the words "SECOND SCHEDULE"; and

(c) by the deletion from paragraph (b) of Item 28 of the word "Governor" and the substitution therefor of the word "Governor-General".

MADE at Lagos this 5th day of December, 1959.

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

#### EXPLANATORY NOTE

The amendments contained in this Order correct minor errors in the Customs Tariff (Duties and Exemptions) Orders, 1959, and take effect subject to a Resolution being passed by the House of Representatives at its next meeting.

F10251/S. 31

L.N. 263 of 1959

#### NIGERIA (CONSTITUTION) ORDERS IN COUNCIL, 1954 TO 1959

#### Appointments and Discipline (Delegation) (Nigeria Special Constabulary) Notice, 1959

*Commencement : 17th December, 1959*

In exercise of the powers conferred by section 173 of the Nigeria (Constitution) Order in Council, 1954, the Governor-General, with the consent of the Secretary of State, has made the following delegation—

1. (1) This delegation may be cited as the Appointments and Discipline (Delegation) (Nigeria Special Constabulary) Notice, 1959.

(2) The provisions of this delegation shall not apply in respect of an officer of the public service of the Federation other than when that officer is serving with the Nigeria Special Constabulary, and in respect of that officer (other than when he is so serving) this delegation shall operate without prejudice to any other delegation to the appropriate head of his department.

(3) The provisions of this delegation shall apply in respect of the appointments and disciplinary control over members of the Nigeria Special Constabulary of or below the rank of Senior Superintendent.

2. (1) In this delegation—

"appointment" includes promotion;

"senior police officer" means a police officer of the highest rank in and in charge of a Region, Lagos or the Southern Cameroons, by whatever name called, not being below the rank of Assistant Commissioner of Police.

(2) In construing this delegation the provisions of section 2 of the Special Constables Ordinance, 1959, shall apply.

3. (1) The Inspector-General of Police or any senior police officer may make appointments to any post to which this delegation applies.

(2) Superior police officers may make appointments to the rank of sergeant-major and below.

Citation and  
application.

Interpre-  
tation.

Power to  
appoint.



4. The Inspector-General of Police, a senior police officer or superior police officer, may suspend or determine the appointment of any officer in respect of whose appointment powers are conferred upon him by the provisions of this delegation and may interdict such officer.

Power to  
suspend.

5. An officer of the Nigeria Police Force or the Nigeria Special Constabulary having authority over any special constable may award punishment to such special constable as far as possible in the like manner as punishment may be awarded under the Police Regulations, 1959, and the Second and Third Schedules thereto.

Disciplinary  
powers.

L.N. 199  
of 1959.

MADE at Lagos this 8th day of December, 1959.

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

#### EXPLANATORY NOTE

This delegation provides for the powers of appointment and discipline of Special Constables which may be exercised by the Inspector-General of Police and other police officers without reference to the Governor-General.

(Po.20)

SENATE (APPOINTMENT OF LAGOS CHIEF)  
REGULATIONS, 1959

## ARRANGEMENT OF REGULATIONS

1. Citation.
2. Interpretation.
3. Election of Lagos Chief to Senate.
4. Appointment of Returning Officer.
5. Date, time and place of election.
6. Qualification for voters and candidates.
7. Nomination of candidates.
8. Manner of nomination of candidates.
9. Death of candidate.
10. Voting.
11. Counting.
12. Decision by lot if an equality.
13. Declaration of result.



L.N. 264 of 1959

## NIGERIA (CONSTITUTION) ORDERS IN COUNCIL

1954 TO 1959

## Senate (Appointment of Lagos Chief) Regulations, 1959

*Commencement*: 17th December, 1959

In exercise of the powers conferred by subsection (1) of section 5A of the Nigeria (Constitution) Order in Council, 1954, the Governor-General, after consultation with the Council of Ministers, has made the following regulations—

1. These regulations may be cited as the Senate (Appointment of Lagos Chief) Regulations, 1959. Citation.
2. In these regulations—  
 "chief of Lagos" means a chief of Lagos within the meaning of the Oba and Chiefs of Lagos Ordinance, 1959 ; Interpretation.  
No. 22 of 1959.  
 "the Returning Officer" means the Returning Officer appointed under regulation 4.
3. The election of a Chief from among the White Cap Chiefs and War Chiefs of Lagos to be a member of the Senate shall be in accordance with the following provisions of these regulations. Election of Lagos Chief to Senate.
4. The Minister charged with responsibility for matters relating to the municipal affairs of Lagos shall appoint a person to be the Returning Officer for the purposes of the election. Appointment of Returning Officer.
5. The Returning Officer shall fix the date, time and place of the election, and notice thereof shall be given to the chiefs of Lagos in such manner as the Returning Officer thinks fit at least seven days before the date so fixed. Date, time and place of election.
6. No person other than a chief of Lagos shall be entitled to vote at the election or to be nominated as a candidate in the election. Qualification for voters and candidates.
7. (1) Each candidate in the election shall be nominated by two chiefs of Lagos. Nomination of candidates.  
 (2) A chief of Lagos shall not be entitled to nominate more than one candidate or to nominate himself as a candidate.
8. Nomination of a candidate shall be in writing delivered to the Returning Officer at such date (not being less than three days before the date fixed for the election) and at such time and place as that officer may determine, and shall contain the following—  
 (a) the name, title and address of the candidate ;  
 (b) the name, title and address of the nominators ;  
 (c) a statement signed by the candidate that he is willing and qualified to stand for election. Manner of nomination of candidates.
9. In the event of the death of a candidate before the commencement of voting at the election, the Returning Officer shall fix a new date for the election. Death of candidate.
10. (1) Voting at the election shall be secret and shall be carried out in such manner as the Returning Officer may require. Voting.  
 (2) A voter shall not vote for more than one candidate nor record more than one vote in favour of any candidate.  
 (3) A voter, if a candidate, may vote for himself.

Counting.

11. When voting has been completed, the Returning Officer shall forthwith count the votes in the presence of the voters.

Decision by lot if an equality.

12. When an equality of votes is found to exist between any candidates so that the addition of a vote would entitle any one of the candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot, and shall proceed as if the candidate on whom the lot falls had received one additional vote.

Declaration of result.

13. (1) When counting has been completed the Returning Officer shall announce the result of the election and shall prepare a certificate showing the result.

(2) The Returning Officer shall deliver the certificate to the Governor-General and a copy thereof to the Clerk of the Senate who shall cause the result of the election to be published in the Gazette of the Federation.

MADE at Lagos this 15th day of December, 1959.

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

EXPLANATORY NOTE

These regulations provide, in accordance with the Constitution, for the method of election of a Lagos chief to be a Senator.

## SENATE (LACOS REPRESENTATIVES) REGULATIONS, 1959.

## ARRANGEMENT OF REGULATIONS

1. Citation.
2. Interpretation.
3. Selection Committee.
4. Nomination of Senators by Committee.
5. Confirmation of nomination by Lagos Town Council.
6. Governor-General to be notified of persons selected.
7. Further nomination.

L.N. 265 of 1959

NIGERIA (CONSTITUTION) ORDERS IN COUNCIL,  
1954 TO 1959

## Senate (Lagos Representatives) Regulations, 1959

*Commencement: 17th December, 1959*

In exercise of the powers conferred by subsection (3) of section 5C of the Nigeria (Constitution) Order in Council, 1954, the Governor-General, after consultation with the Council of Ministers, has made the following regulations—

Citation.

1. These regulations may be cited as the Senate (Lagos Representatives) Regulations, 1959.

Interpretation.

2. In these regulations—

“the Committee” means the Selection Committee established by regulation 3;

“the Minister” means the Minister charged with responsibility for matters relating to the municipal affairs of Lagos;

“the Order” means the Nigeria (Constitution) Order in Council, 1954, as the same has been amended;

“the town clerk” means the town clerk of Lagos.

Selection Committee.

3. For the purposes of selecting persons for appointment as Senators representing Lagos in pursuance of subsection (3) of section 5C of the Order, there shall be a Selection Committee composed of—

(a) the Minister, who shall be Chairman of the Committee;

(b) the Chairman of the Lagos Town Council;

(c) the member of the Lagos Town Council appearing to the Minister to be the leader of the opposition for the time being in that Council.

Nomination of Senators by Committee.

4. (1) The Committee shall, subject to the provisions of section 5D of the Order, nominate persons to represent Lagos as members of the Senate to the number specified in paragraph (c) of subsection (1) of section 5A of the Order.

(2) For the purpose of making any nomination the Committee shall meet at such date, time and place as the Chairman may fix.

(3) In making any nomination, the Committee shall have regard to the composition of the Lagos Town Council.

(4) The Chairman shall deliver to the town clerk a written notification of the nomination, containing a statement signed by the person nominated that he is willing and qualified to be appointed as a Senator.

Confirmation of nomination by Lagos Town Council.

5. (1) On receiving notification of a nomination in accordance with regulation 4, the town clerk shall forthwith arrange for a meeting of all elected members of the Lagos Town Council for the purpose of voting for the confirmation or rejection of the nomination.

(2) If one-third or more of the elected members of the Lagos Town Council present at the meeting vote in favour of the confirmation of the nomination, the person nominated shall be deemed to have received an affirmative vote and to be selected for the purposes of subsection (3) of section 5C of the Order.

(3) The town clerk shall deliver to the Chairman of the Committee a written notification of the result of the voting at the meeting.

6. If the result of the voting under regulation 5 was an affirmative vote, the Chairman of the Committee shall, on receiving notification thereof in accordance with that regulation, deliver to the Governor-General a written notification of the name and address of the person selected.

Governor-General to be notified of persons selected.

7. (1) If the result of the voting under regulation 5 was not an affirmative vote, the Chairman of the Committee shall, on receiving notification thereof in accordance with that regulation, convene a meeting of the Committee for the purpose of making a further nomination.

Further nomination.

(2) Where the Committee is convened under paragraph (1) for the purpose of making a further nomination, it may re-nominate the person previously nominated or nominate a different person, and these regulations shall apply to the further nomination as they applied to the previous nomination.

MADE at Lagos this 15th December, 1959.

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

#### EXPLANATORY NOTE

These regulations provide, in accordance with the Constitution, for the method of selecting Senators to represent Lagos,

SL0210/S. 4