

GENEVA CONVENTIONS ORDINANCE, 1960

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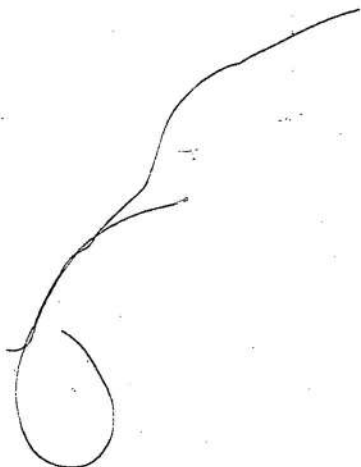
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The following Bills, which will in due course be presented to the House of Representatives for enactment, are published for general information.

C 261



A BILL FOR

AN ORDINANCE TO ENABLE EFFECT TO BE GIVEN IN THE FEDERATION OF NIGERIA TO CERTAIN INTERNATIONAL CONVENTIONS DONE AT GENEVA ON THE TWELFTH DAY OF AUGUST, NINETEEN HUNDRED AND FORTY-NINE AND FOR PURPOSES CONNECTED THEREWITH.

Title.

[]

Commence-
ment.

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

Enactment.

1. This Ordinance may be cited as the Geneva Conventions Ordinance, 1960, and, subject to the provisions of section 12, shall have effect throughout the Federation.

Short title
and applica-
tion.

Interpretation.

2. (1) In this Ordinance the expression "the Conventions" means—
- (a) the First Geneva Convention, 1949,
 - (b) the Second Geneva Convention, 1949,
 - (c) the Third Geneva Convention, 1949, and
 - (d) the Fourth Geneva Convention, 1949,

and such Conventions respectively mean the Convention done in each case at Geneva on the 12th day of August, 1949,—

- (i) for the amelioration of the condition of the wounded and sick in armed forces in the field,
 - (ii) for the amelioration of the condition of wounded, sick and shipwrecked members of the armed forces at sea,
 - (iii) relative to the treatment of prisoners of war, and
 - (iv) relative to the protection of civilians in time of war ;
- (2) In this Ordinance unless the content otherwise requires—

"protected internee" means a person protected by the Fourth Geneva Convention, 1949, and interned in Nigeria ;

"protected prisoner of war" means a person protected by the Third Geneva Convention, 1949 ;

"protecting power", in relation to a protected prisoner of war or a protected internee, means the power or organisation which is carrying out, in the interests of the power of which he is a national, the duties assigned to protecting powers under the Third or, as the case may be, Fourth Geneva Convention, 1949 ;

"solicitor" includes any legal practitioner having the right of audience before the Federal Supreme Court.

PUNISHMENT OF OFFENDERS AGAINST CONVENTIONS

Grave breaches of Conventions.

3. (1) If, whether in or outside the Federation, any person, whatever his nationality, commits, or aids, abets or procures any other person to commit any such grave breach of any of the Conventions as is referred to in the articles of the Conventions set out in the First Schedule to this Ordinance, that is to say—

- (a) article 50 of the First Geneva Convention, 1949 ;
- (b) article 51 of the Second Geneva Convention, 1949 ;
- (c) article 130 of the Third Geneva Convention, 1949 ;
- (d) article 147 of the Fourth Geneva Convention, 1949 ;

he shall, on conviction thereof—

(i) in the case of such a grave breach as aforesaid involving the wilful killing of a person protected by the Convention in question, be sentenced to death ; and

(ii) in the case of any other such grave breach, be liable to imprisonment for a term not exceeding fourteen years.

(2) A person may be proceeded against, tried and sentenced in the Federal territory or Lagos for an offence under this section committed outside the Federation as if the offence had been committed in Lagos, and the offence shall, for all purposes incidental to or consequential on the trial or punishment thereof, be deemed to have been committed in Lagos.

(3) If in proceedings under this section for a grave breach of any of the Conventions any question arises under article 2 of the relevant Convention (which relates in the case of each Convention to the circumstances in which the Convention applies and is set out in the Second Schedule to this Ordinance), that question shall be determined by the Minister of the Federation charged with responsibility for matters relating to defence and a certificate purporting to set out any such determination and to be signed by or on behalf of such Minister shall be received in evidence and deemed to be so signed without further proof, unless the contrary is shown.

Second
Schedule

4. (1) The Governor-General may by order provide that if any person—

(a) in the Federation commits, or aids, abets or procures any other person to commit, whether in or outside the Federation; or

(b) being a citizen of Nigeria, or a member of, or attached or seconded to the armed forces of Nigeria, or a person to whom section of the Royal Nigerian Military Forces Ordinance, 1960, applies, or a member of or serving with any voluntary aid society formed in the Federation and recognised as such by the Government of the Federation, commits, whether in or outside the Federation, or aids, abets or procures any other person to commit, whether in or outside the Federation, any breach of any of the Conventions which may be specified in the order other than one punishable under section 3,

he shall be liable to imprisonment for a term not exceeding seven years.

(2) A person may be proceeded against, tried and sentenced in the Federal territory of Lagos for an offence under an order made under this section committed outside the Federation as if the offence has been committed in Lagos, and the offence shall, for all purposes incidental to or consequential on the trial or punishment thereof, be deemed to have been committed in Lagos.

Power to
provide for
punishment
of other
breaches of
Conventions.

PROVISIONS AS TO CERTAIN LEGAL PROCEEDINGS

5. (1) The court before which—

(a) a protected prisoner of war is brought up for trial for any offence; or

(b) a protected internee is brought up for an offence for which that court has power to sentence him to death or to imprisonment for a term of two years or more, shall not proceed with the trial until it is proved to the satisfaction of the court that a notice containing the particulars mentioned in subsection (2), so far as they are known to the prosecutor, has been served not less than the three weeks previously on the protecting power and, if the accused is a protected prisoner of war, on the accused and the prisoners' representative.

Notice of
trial of pro-
tected per-
sons to be
served on
protecting
power.

(2) The particulars referred to in subsection (1) are—

(a) the full name and description of the accused, including the date of his birth and his profession or trade, if any, and, if the accused is a protected prisoner of war, his rank and army, regimental, personal or serial number;

(b) his place of detention, internment or residence;

(c) the offence with which he is charged; and

(d) the court before which the trial is to take place and the time and place appointed for the trial.

(3) For the purposes of this section a document purporting—

(a) to be signed on behalf of the protecting power or by the prisoners' representative or by the person accused, as the case may be; and

(b) to be an acknowledgment of the receipt by that power, representative or person on a specified day of a notice described therein as a notice under this section, shall, unless the contrary is shown, be sufficient evidence that the notice required by subsection (1) was serviced on that power, representative or person on that day.

(4) In this section "prisoners' representative" in relation to a particular protected prisoner of war at a particular time means the person by whom the functions of prisoners' representative within the meaning of article 79 of the Third Geneva Convention, 1949, (which is set out in the Second Schedule to this Ordinance) was exercisable in relation to that prisoner at the camp or place where that prisoner was, at or last before that time, detained as a protected prisoner of war.

(5) Notwithstanding anything in any other enactment, any court which adjourns a trial to enable the requirements of this section to be complied with may remand the accused for the period of the adjournment.

6. (1) The court before which—

(a) any person is brought up for trial for an offence under section 3 or 4; or

(b) a protected prisoner of war is brought up for trial for any offence, shall not proceed with the trial unless—

(i) the accused is represented by a solicitor; and

(ii) it is proved to the satisfaction of the court that a period of not less than fourteen days has elapsed since instructions for the representation of the accused at the trial were first given to the solicitor representing the accused,

and if the court adjourns the trial for the purpose of enabling the requirements of this sub-section to be complied with, then, notwithstanding anything in any other enactment, the court may remand the accused for the period of the adjournment.

(2) Where the accused is a protected prisoner of war, in the absence of a solicitor accepted by the accused as representing him, a solicitor instructed for the purpose on behalf of the protecting power shall, without prejudice to the requirements of paragraph (ii) of sub-section (1), be regarded for the purposes of that sub-section as representing the accused.

(3) If the court adjourns the trial in pursuance of sub-section (1) by reason that the accused is not represented by a solicitor, the court shall direct that a solicitor be assigned to watch over the interests of the accused at any further proceedings in connection with the offence, and at any such further proceeding, in the absence of a solicitor either accepted by the accused as representing him or instructed as mentioned in sub-section (2), a solicitor assigned in pursuance of this sub-section shall, without prejudice to the requirements of paragraph (ii) of sub-section (1), be regarded for the purposes of that sub-section as representing the accused.

(4) A solicitor shall be assigned in pursuance of sub-section (3) in such manner as may be provided by rules of court, which the Chief Justices of the respective High Courts are hereby severally empowered to make, and shall be entitled to be paid out of moneys provided by the Legislature of the Federation such sums in respect of fees and disbursements as the Governor-General may by regulations prescribe,

Second
Schedule.

Legal repre-
sentation of
certain per-
sons.

7. (1) Where a protected prisoner of war or a protected internee has been sentenced to death or to imprisonment for a term of two years or more, the time within which he must give notice of appeal to any other court in the Federation shall, notwithstanding anything in any other Ordinance or any Law, be deemed to commence on the day on which he receives a notice given, in the case of a protected prisoner of war by an officer of Her Majesty's forces, and in the case of a protected internee by or on behalf of the superintendent in charge of the prison in which he is confined, that the protecting power has been notified of his conviction and sentence, or of the determination of his appeal, as the case may be.

Appeals by
protected
persons.

(2) Nothing in subsection (1) shall affect the power which any court may possess under any written law to enlarge the time within which an appeal may be brought.

(3) In any case to which subsection (1) of this section applies, the period of thirty days referred to in subsection (1) of section 28 of the Federal Supreme Court Ordinance, 1960 (which relates to the revesting and restitution of property on conviction) and any period prescribed for the like purpose in any other written law, shall be deemed to commence on the day on which the notice referred to in subsection (1) of this section is received.

(4) In this section—

(a) any reference to a notice of appeal includes a reference to a notice of application for leave to appeal;

(b) where an appeal lies from the court in which a case is tried to any other court, and from that other court to any further court or courts in the Federation any reference to a notice of appeal, or to the determination of an appeal, includes a notice of appeal against any judgment or decision given by any court other than the Federal Supreme Court, whether at first instance or on appeal, or to the determination of an appeal by any court other than the Federal Supreme Court; and

(c) a reference to a person who has been sentenced to imprisonment for a term of two years or more includes a person who, after the determination of any appeal, is ordered to be imprisoned for a term of two years or more.

8. Where a prisoner of war has been sentenced to death by any court in the Federation, the sentence shall not be carried out until at least six months after the date on which the protecting power receives a detailed communication containing—

Deferment
of execution
of sentence
of death on
prisoner of
war.

(a) the precise wording of the finding and sentence; and

(b) a summarised report of any preliminary investigation and of the trial emphasising in particular the elements of the prosecution and the defence.

9. (1) In any case in which a protected prisoner of war or a protected internee is convicted of an offence and sentenced to a term of imprisonment, there shall be deducted from that term the period, if any, during which that person was in custody in connection with that offence, either on remand or after committal for trial (including the period of the trial), before the sentence began to run, or is deemed to have begun to run.

Reduction of
sentence and
custody of
protected
person.

(2) It shall be lawful for the Governor-General in a case where he is satisfied that a protected prisoner of war accused of an offence has been in custody in connection with that offence, either on demand or after committal for trial (including the period of the trial), for an aggregate period of not less than three months, to direct that the prisoner shall be transferred from that custody to the custody of an officer of Her Majesty's forces and that he shall

thereafter remain in military custody at a camp or place in which protected prisoners of war are detained, and be brought before the court at the time appointed by the remand or committal order.

PREVENTION OF ABUSE OF RED CROSS AND OTHER EMBLEMS

Use of Red
Cross and
other
emblems.

10. (1) Subject to the provisions of this section, it shall not be lawful for any person, without the authority of the Minister of the Federation charged with responsibility for matters relating to defence, to use for any purpose whatsoever any of the following emblems or designations, that is to say—

(a) the emblem of a red cross with vertical and horizontal arms of the same length on, and completely surrounded by, a white ground, or the designation "Red Cross" or "Geneva Cross";

(b) the emblem of a red crescent moon on, and completely surrounded by, a white ground, or the designation "Red Crescent";

(c) the following emblem in red on, and completely surrounded by, a white ground, that is to say, a lion passing from right to left of, and with its face turned towards the observer, holding erect in its raised right forepaw a scimitar, with, appearing above the lion's back, the upper half of the sun shooting forth rays, or the designation "Red Lion and Sun".

(2) Nothing in subsection (1) shall prevent the use of the emblem and title of the Red Cross by the Nigerian Red Cross Society and its officers and members in accordance with the provisions of the Nigerian Red Cross Society Ordinance, 1960, and any rules made thereunder.

(3) Subject to the provisions of this section, it shall not be lawful for any person, without the authority of the Minister of the Federation charged with responsibility for matters relating to trade marks to use for any purpose whatsoever—

(a) any design consisting of a white or silver cross with vertical and horizontal arms of the same length on, and completely surrounded by, a red ground, being the heraldic emblem of the Swiss Confederation, or any other design so nearly resembling that design as to be capable of being mistaken for that heraldic emblem;

(b) any design or wording so nearly resembling any of the emblem or designations specified in subsection (1) as to be capable of being mistaken for, or, as the case may be, understood as referring to, one of those emblems.

(4) If any person contravenes the foregoing provisions of this section he shall be liable on summary conviction to a fine not exceeding fifty pounds and to forfeit any goods upon or in connection with which the emblem, designation, design or wording was used.

(5) Any goods which cannot be used without a contravention of subsection (3) shall be prohibited imports for the purposes of the customs laws.

(6) The foregoing provisions of this section shall not apply to a trade mark registered in the Federation before the date on which this Ordinance comes into operation by reason only of its consisting of or containing a design or wording which reproduces or resembles an emblem or designation specified in paragraph (b) or (c) of subsection (1) and where a person is charged with

using such design or wording for any purpose, and it is proved that he used it otherwise than as, or part of, a trade mark registered as aforesaid, it shall be a defence to prove—

(a) that he has lawfully used that design or wording in the Federation for that purpose continuously since before the 1st day of September, 1949, on which date the Geneva Conventions Act, 1957, of the Parliament of the United Kingdom, was made applicable to the Federation; or

(b) in a case where he is charged with using the design or wording on goods, that the design or wording had been applied to the goods before he acquired them by some other person who had manufactured or dealt with the goods in the course of trade, and who has lawfully used the design or wording in the Federation on similar goods continuously since before the 1st day of September 1959.

(7) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly, and in this subsection the expression "director", in relation to any body corporate established by or under any enactment for the purpose of carrying on under public ownership any industry or undertaking or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body.

(8) It is hereby declared that this section extends to the use in or outside the Federation of any such emblem, designation, design or wording as referred to in subsections (1) and (3) on any British ship or aircraft registered in the Federation.

MISCELLANEOUS

11. (1) Proceedings for an offence under this Ordinance or under an order made under this Ordinance shall not be instituted except by or on behalf of the Attorney-General of the Federation.

(2) Notwithstanding anything in any other written law, neither a magistrate's court nor a court martial convened under the Royal Nigerian Military Forces Ordinance, 1960, or the Royal Nigerian Navy Ordinance, 1960, shall have jurisdiction to try any person for an offence under section 3 of this Ordinance or under an order made under section 4 of this Ordinance.

Institution
of proceed-
ings and
jurisdiction.

12. The provisions of sections 5, 6 and 8, being provisions to which subsection (1) of section 53 of the Nigeria (Constitution) Orders in Council, 1954, as the same has been amended, apply, shall not have effect in relation to any Region or to the Southern Cameroons unless and until the Governor of the Region or the Commissioner of the Cameroons, as the case may be, has declared by notice published in the Official Gazette of the Region or of the Southern Cameroons, as the case may be, that they shall so have effect.

Regional
application
of certain
sections.

13. The enactments set out in the Third Schedule to this Ordinance shall cease to have effect in relation to the Federation.

Repeal.
Third
Schedule.

FIRST SCHEDULE

[section 3 (1)]

ARTICLES OF THE CONVENTIONS DEFINING GRAVE BREACHES OF THE
CONVENTIONS AND PROVIDING FOR THE TRIAL OF PERSONS ALLEGED
TO HAVE COMMITTED SUCH BREACHES

1. Article 49 of the First Geneva Convention, 1949,
Article 50 of the Second Geneva Convention, 1949,
Article 129 of the Third Geneva Convention, 1949,
Article 146 of the Fourth Geneva Convention, 1949.

(the texts of all four articles being identical save as stated below)—

"The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the treatment of Prisoners of War of August 12, 1949."

(Note : In the third Geneva Convention, 1949, the words "the present Convention" are used in place of the words "the Geneva Convention relative to the treatment of Prisoners of War of August 12, 1949").

2. *Article 50 of the First Geneva Convention, 1949.*—Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

3. *Article 51 of the Second Geneva Convention, 1949.*—Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

4. *Article 130 of the Third Geneva Convention, 1949.*—Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including bio-

logical experiments, wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this convention.

5. *Article 147 of the Fourth Geneva Convention, 1949.*—Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

SECOND SCHEDULE

(sections 3 (3) and 5 (4))

CERTAIN OTHER ARTICLES OF THE CONVENTIONS REFERRED TO IN THE ORDINANCE

1. *Application of the Conventions.*—In each of the Conventions Article 2 lays down the application of the Convention, and reads as follows—

“In addition to the provisions which shall be implemented in peace time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of War is not recognised by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.”

2. *Prisoners' Representatives Article 79 of the Third Geneva Convention, 1949.*—In all places where there are prisoners of war, except in those where there are officers, the prisoners shall freely elect by secret ballot, every six months, and also in case of vacancies, prisoners' representatives entrusted with representing them before the military authorities, the Protecting Powers, the International Committee of the Red Cross and any other organisation which may assist them. These prisoners' representatives shall be eligible for re-election.

Election.

In camps for officers and persons of equivalent status or in mixed camps, the senior officer among the prisoners of war shall be recognised as the camp prisoners' representative. In camp for officers, he shall be assisted by one or more advisers chosen by the officers; in mixed camps, his assistants shall be chosen from among the prisoners of war who are not officers and shall be elected by them.

Officer prisoners of war of the same nationality shall be stationed in labour camps for prisoners of war, for the purpose of carrying out the camp administration duties for which the prisoners of war are responsible. These officers may be elected as prisoners' representatives under the first paragraph of this Article. In such a case the assistants to the prisoners' representatives shall be chosen from among those prisoners of war who are not officers.

Every representative elected must be approved by the Detaining Power before he has the right to commence his duties. Where the Detaining Power refuses to approve a prisoner of war elected by his fellow prisoners of war, it must inform the Protecting Power of the reason for such refusal.

In all cases the prisoners' representative must have the same nationality, language and customs as the prisoners of war whom he represents. Thus, prisoners of war distributed in different sections of a camp, according to their nationality, language or customs, shall have for each section their own prisoners' representative, in accordance with the foregoing paragraphs.

THIRD SCHEDULE

(section 13)

ENACTMENTS REPEALED

Geneva Convention Act, 1911. 1 and 2 Geo. 5, c.20.

Geneva Convention Act, 1911 (Colonies) Order in Council 1917.

British Protectorates (Geneva Convention) Order in Council, 1917.

Geneva Convention Act, 1937. 1 Edw.8 and Geo. 6, c.15.

Geneva Convention Act, 1937 (Colonies) Order in Council, 1937.

British Protectorates (Geneva Convention) Order in Council, 1937.

Geneva Conventions, 1906 and 1929 (Mandated Territories) Order in Council, 1937.

Geneva Conventions Act, 1957 (5 and 6 Eliz. 2, c.52).

Objects and Reasons

Consequent upon the accession by Nigeria to the four Conventions signed at Geneva on 12th August, 1949, dealing respectively with wounded and sick members of the armed forces in the field, with wounded, sick and shipwrecked members of the armed forces at sea, with treatment of prisoners of war, and with protection of civilian persons in time of war, this Bill seeks to enable effect to be given in Nigeria to those Conventions.

THE NIGERIAN RED CROSS SOCIETY, 1960

ARRANGEMENT OF SECTIONS

Section

1. Short title, commencement and application.
2. Interpretation.
3. Incorporation of Nigerian Red Cross Society.
4. Purposes of the Society.
5. Recognition as Voluntary Aid Society.
6. Government of Society.
7. Power to make rules.
8. Offences.
9. Vesting of assets of former Branch.
10. Regional application of the Ordinance.

A BILL

FOR

AN ORDINANCE TO INCORPORATE THE NIGERIAN RED CROSS SOCIETY

[By Notice, see Section 1]

WHEREAS (1) the International Red Cross is an Association for the promotion of divers humanitarian purposes throughout the world and comprises all duly recognised National Red Cross Societies together with two other Associations known as the International Committee of the Red Cross and the League of Red Cross Societies ;

(2) one of the conditions for the recognition of a National Red Cross Society is that it shall be constituted on the territory of an independent State where one of divers international conventions relative to the Relief of Sick and Wounded is in force ;

Title.

Commence-
ment.

Preamble.

Schedule.

(3) the Government of the Federation has acceded to certain of such conventions further particulars whereof are set out in the Schedule to this Ordinance (hereinafter referred to as the said conventions);

(4) the said conventions provide, among other things for the functions of National Red Cross Societies and other Voluntary Aid Societies recognised and authorised by their Government, and for the use of the distinctive emblem of a Red Cross on a white ground and of the words "Red Cross" or "Geneva Cross", and for the prevention of their misuse;

(5) there has been in operation in Nigeria for some years past an association affiliated to the British Red Cross Society and known as the Nigeria Central Branch of the British Red Cross Society (hereinafter referred to as the former Branch) the trustees whereof have obtained a certificate of incorporation under the Land (Perpetual Succession) Ordinance;

(6) the Central Council of the former Branch, being the governing body of the said Branch, is desirous of forming a body corporate, to be known as The Nigerian Red Cross Society, and of obtaining recognition for such body corporate as a Voluntary Aid Society within the meaning of the said Conventions, to enable it to be recognised as a National Red Cross Society and to obtain membership of the League of Red Cross Societies;

(7) the formation of such a body corporate and its recognition as a Voluntary Aid Society would facilitate the promotion of the humanitarian purposes of the International Red Cross in Nigeria;

AND WHEREAS it is expedient to make provision by legislation for the various matters, aforesaid, and section 53 of the Nigeria (Constitution) Order in Council, 1954, as the same has been amended, enables the Federal Legislature by Ordinance to make provision in relation to Regions and the Southern Cameroons for the implementation of (*inter alia*) agreements with and arrangements relating to international and similar organizations outside Nigeria with respect to any matter, subject in certain cases to the publication of certain Gazette notices on behalf of the Governments of Regions and of the Southern Cameroons:

Enactment.

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

Short title, commencement and application.

1. (1) This Ordinance may be cited as the Nigerian Red Cross Society Ordinance, 1960, and shall come into operation on a day to be appointed by the Governor-General by notice in the *Gazette*, after the signification of the pleasure of Her Majesty thereon.

(2) This Ordinance shall, subject to the provisions of section 10, have effect throughout the Federation.

Interpretation.

2. In this Ordinance "the Society" means the Nigerian Red Cross Society constituted by this Ordinance.

Incorporation of Nigerian Red Cross Society.

3. For the purpose of maintaining and carrying on the objects set out in section 4 of this Ordinance, the President, trustees, officers and members of the former Branch, and all persons who may hereafter become President, officers or members of the Society in the manner laid down in the rules of the Society, are hereby constituted a body corporate by the name of the Nigerian Red Cross Society, and shall have perpetual succession and a common seal and power to sue and be sued in its corporate name and to acquire, hold and dispose of movable and immovable property.

Purposes of
the Society.

4. (1) The general purposes of the Society shall be—

(a) in time of war, to furnish volunteer aid to the sick and wounded both of armies and among non-belligerents, and to prisoners of war and civilian sufferers from the effects of war, in accordance with the spirit and conditions of the said conventions ;

(b) to perform all the duties devolved upon a national society by each nation which has acceded to the said conventions ;

(c) in time of peace or war, to carry on and assist in work for the improvement of health, the prevention of disease and the mitigation of suffering throughout the world ;

(d) to succeed to and take over all the right and property heretofore or now held and enjoyed by and all the duties heretofore performed by the former Branch.

(2) The particular purposes of the Society shall be defined by rules made by the Central Council in accordance with section 7 :

Provided that nothing in such purposes shall be inconsistent with the provisions of this Ordinance or with the spirit and intention of the said conventions.

5. (1) The Society shall be recognised by the Government of the Federation as a Voluntary Aid Society, auxiliary to the public authorities, for the purposes of the said conventions and shall have the right to have and use in carrying out its purposes as an emblem and badge a red cross with vertical and horizontal arms of the same length on and completely surrounded by a white ground.

Recognition
as Voluntary
Aid Society.

(2) The Society is hereby authorised with or without the co-operation of any other society, organisation or association which may have been accorded similar powers by Ordinance of the Federal Legislature, to act in matters of relief under the said conventions.

6. (1) The governing body of the Society shall be a Central Council, consisting of not more than fifty members appointed or elected in such manner as may be determined from time to time by the Central Council :

Government
of Society.

Provided that not less than half the members of the Central Council shall be persons elected thereto by the divisions or branches of the Society organised in accordance with subsection (2).

(2) The Central Council shall have power to provide for the organisation of such divisions and branches in various parts of the Federation as may seem expedient for the more effectual carrying out of the purposes of the Society under such rules as the Central Council may prescribe. The existing organisation of the former Branch shall continue until other provision is made by the Central Council of the Society.

(3) There shall be an Executive Committee of the Society consisting of not less than twenty and not more than thirty persons appointed or elected by the Central Council from among its members. Ten members of the Executive Committee shall form a quorum.

(4) The Executive Committee shall have and exercise all the power granted by this Ordinance when the Central Council is not in session, subject, however, to such regulations or restrictions as the Central Council may from time to time determine.

(5) Until a Central Council and an Executive Committee of the Society have been constituted under this section, the members of the Central Council and of the Executive Committee of the former Branch shall respectively exercise the powers of the Central Council and the Executive Committee of the Society.

Power to
make Rules.

7. (1) The Central Council shall make such rules as appear to it necessary for carrying out the purposes of the Society and in particular, and without prejudice to the generality of the foregoing, for providing for :

(a) the particular purposes of the Society, in accordance with sub-section (2) of section 4 of this Ordinance ;

(b) the organisation and functions of branches and divisions of the Society ;

(c) the appointment and duties of the officers of the Society ;

(d) the custody of the property of the Society and the keeping and auditing of accounts ;

(e) the use of the Red Cross emblem and badge by officers and members of the Society ;

(f) the making of appeals to the public for financial or other support for the Society ;

(g) the terms on which the Society may accept grants or subventions from Governments or other public authorities ;

(h) the terms on which the Society may associate with other voluntary organisations for any purpose which is included among the purposes of the Society ;

(i) the qualifications and functions of the members of the Society and their organisation in various classes according to their qualifications :

Provided that the Society shall not withhold membership from any citizen of Nigeria on grounds of race, sex, religion or political opinions.

(2) Rules made under this section shall be such as to ensure the impartiality and the political, religious and economic independence of the Society and its existence as a voluntary, public and self-governing organisation.

(3) Notwithstanding anything contained in section 22 of the Interpretation Ordinance, it shall not be necessary for any rules made by the Central Council under this section to be published in the *Gazette of the Federation*, but a copy of any such rules shall be furnished to the Federal Minister responsible for defence.

Offences.

8. Any person who falsely and fraudulently—

(a) holds himself out to be or knowingly allows himself to be supposed to be a member of or an agent for, the Society for the purpose of soliciting, collecting or receiving money or material ; or

(b) wears or displays the emblem of the Red Cross on article of clothing, badge, piece of paper, or in any other way whatsoever, or any insignia coloured in imitation thereof in such a way as to be likely to deceive those to whom it is visible, for the purpose of inducing the belief that he is a member of, or an agent for, the Society, or that he has been recognised by the Society as possessing any qualification for administering first aid or other treatment for the relief of sickness,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment.

9 (1) On the day on which this Ordinance comes into operation all the assets and liabilities of the former Branch shall be transferred to and vest in the Society by virtue of this section and without further assurance.

Vesting of assets of former Branch.

(2) All deeds, bonds, instruments and contracts subsisting immediately before the day on which this Ordinance come into operation to which the trustees of the former Branch are parties shall be of as full force and effect against or in favour of the Society and enforceable as fully and effectually as if, instead of the trustees of the former Branch, the Society had been a party thereto.

(3) All assets held by the former Branch for the purpose of any Regional Branch or Division of the former Branch shall continue to be held by the Society for the purposes of the corresponding Regional Branch or Division of the Society.

10. This Ordinance to which the provisions of subsection (1) of section 53 of Nigeria (Constitution) Order in Council, 1954, as the same has been amended, apply, shall not have effect in relation to any Region or to the Southern Cameroons unless and until the Governor of the Region or the Commissioner of the Cameroons, as the case may be has declared by notice published in the *Official Gazette* of the Region or of the Southern Cameroons, as the case may be, that they shall so have effect.

Regional application of the Ordinance.

SCHEDULE

(Preamble)

FURTHER PARTICULARS OF CERTAIN INTERNATIONAL CONVENTIONS TO WHICH THE GOVERNMENT OF THE FEDERATION HAS ACCEDED

General Convention for the amelioration of the condition of the wounded and sick in armed forces in the field of 12th August, 1949.

Geneva Convention for the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea, of 12th August, 1949.

Geneva Convention relative to the treatment of prisoners of war of 12th August, 1959.

Geneva Convention relative to the protection of civilian persons in time of war, of 12th August, 1959.

Objects and Reasons

The object of this Bill is to incorporate the Nigerian Red Cross Society. At the same time it is provided in the Bill that the Society shall be regarded as a Voluntary Aid Society, thereby enabling the Society to be internationally recognised by the International Red Cross.

WAZIRI IBRAHIM,
Minister of Health,
Federation of Nigeria

A BILL FOR

AN ORDINANCE TO AMEND THE MILITARY PENSIONS ORDINANCE, 1955
(No. 12 of 1955)

Title.

I

1

Commence-
ment.

Enactment.

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

1. (1) This Ordinance may be cited as the Military Pensions (Amendment) Ordinance, 1960, and shall be deemed to have come into operation on the 1st day of May, 1958.

(2) This Ordinance shall have effect throughout the Federation.

Short title,
commence-
ment
and
application.

Amendment
of section 14
No. 12 of
1955.

2. The Military Pensions Ordinance, 1955, is amended by the repeal of section 14 and the substitution therefor of the following section—

"Gratuity
where an
officer or
other rank
dies in the
service or
after
retirement.

14. (1) Subject to the provisions of section 7, where an officer or other rank dies while in the military service, the Governor-General may grant to his legal personal representative a gratuity of an amount not exceeding either his annual pensionable emoluments, or his commuted pension gratuity if any, whichever is the greater.

(2) For the purposes of subsection (1)—

(a) "annual pensionable emoluments" means the emoluments which would be taken for the purpose of computing any pension or gratuity granted to the officer or other rank if he had retired at the date of his death in the circumstances described in paragraph (d) of subsection (1) or paragraph (a) of subsection (2) or paragraph (b) of subsection (3) or paragraph (b) of subsection (4) of section 7.

(b) "commuted pension gratuity" means the gratuity, if any, which might have been granted to the officer or other rank under regulation 15 of the Military Pensions Regulations, 1955 as amended, if he had retired at the date of his death in the circumstances described in paragraph (d) of subsection (1) or paragraph (a) of subsection (2) or paragraph (b) of subsection (3) or paragraph (b) of subsection (4) of section 7, and elected to receive a gratuity and reduced pension.

(3) Where any such officer or other rank to whom a pension, gratuity or other allowance has been granted under this Ordinance dies after retirement from the military service, and the sums paid or payable to him at his death on account of any pension, gratuity or other allowance in respect of any military service are less than the amount of the annual pensionable emoluments enjoyed by him at the date of his retirement, the Governor-General may grant to his legal personal representative a gratuity equal to the deficiency."

Objects and Reasons

This Bill amends the Military Pensions Ordinance, 1955 (No. 12 of 1955) to permit the payment, to the estate of any officer or other rank (as are entitled under the provisions of section 7 of the Military Pensions Ordinance, 1955 as amended) who dies while in military service, of a gratuity of an amount not exceeding either his annual pensionable emoluments, or the gratuity which he might have elected to receive in addition to a reduced pension, if he had retired at the date of his death, for reasons of ill-health.

MUSA YAR' ADUA,
Minister of Pensions
Federation of Nigeria

B46915/S. 3

A BILL FOR

AN ORDINANCE TO PROVIDE IN CERTAIN SPECIAL CASES FOR THE RECKONING FOR PENSION PURPOSES OF PERIODS OF SERVICE WITH THE GASKIYA CORPORATION AND OF PUBLIC SERVICE IN NON-PENSIONABLE OFFICES PRIOR TO THE 1ST OCTOBER, 1954.

Title.

[

]

Commence-
ment.

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

Enactment.

1. (1) This Ordinance may be cited as the Pensions (Special Application) Ordinance, 1960, and shall be read as one with the Pensions Ordinance, 1951.

Short
title, con-
struction and
application.
No. 29 of
1951.

(2) This Ordinance shall be of Federal application.

Certain
service to be
pensionable.
Schedule.

2. For all the purposes of the Pensions Ordinance, 1951, each person specified in the Schedule shall be deemed to have held a pensionable office in the public service of the Government of Nigeria continuously between the dates specified in the Schedule opposite his name, notwithstanding any periods, between those dates, of service with the Gaskiya Corporation or of public service in a non-pensionable office.

Status of
persons
specified in
Schedule.
No. 29 of
1951.

3. Each such person specified in the Schedule shall, for the purposes of the Pensions Ordinance, 1951, have a status equivalent in all respects to that of a transferred officer as defined in section 26 of that Ordinance.

SCHEDULE

Alhaji Abubakar Imam	..	..	1st December, 1938 to 30th September, 1954, inclusive
Alhaji Makama	..	..	1st August, 1941, to 30th September, 1954, inclusive
Mallam Abubakar Tunau	..	..	9th April, 1943 to 30th September, 1954, inclusive
Mallam Maman Kolo	..	..	20th March, 1944 to 30th September, 1954, inclusive
Mallam Abu Musawa	..	..	16th March, 1944 to 30th September, 1954, inclusive

Objects and Reasons

Prior to the 1st October, 1954, the persons mentioned in the Schedule to this Bill occupied certain posts in the former Education Department of the Government of Nigeria and, on secondment, in the Gaskiya Corporation alternately. The intention was, both on the part of Government and of the Corporation that their service throughout should be pensionable, although in fact the posts in the Corporation and certain of the Government posts were non-pensionable.

2. After the 1st October, 1954, these persons occupied posts in the public service of the Northern Region, although none was formally assigned or transferred to that service. It is intended that steps will be taken to do so with effect from that date.

3. It is considered that the pensionable status of these persons prior to the 1st October, 1954, should be regularised, and the purpose of this Bill is to provide for the special application of the Pensions Ordinance, 1951, accordingly.

(Bills 681)
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MUSA YAR' ADUA,
Minister of Pensions, Federation of Nigeria

A BILL

FOR

AN ORDINANCE TO AMEND THE NIGERIAN RAILWAY CORPORATION ORDINANCE, 1955 (No. 20 OF 1955).

Title.

[]

Commence-
ment.

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

Enactment.

1. This Ordinance may be cited as the Nigerian Railway Corporation (Amendment) Ordinance, 1960, and shall be of Federal application.

Short title
and applica-
tion.

2. Section 5 of the Nigerian Railway Corporation Ordinance, 1955, is amended by the deletion of paragraph (a) and the substitution therefor of the following—

Amendment
of section 5,
No. 20 of
1955.

“(a) a Chairman who shall be appointed by the Minister ;”

Objects and Reasons

Section 5 of the Nigerian Railway Corporation Ordinance, 1955, provides for the appointment of a Chairman of the Corporation and requires that he shall be a person who has had wide experience of railway management. It is considered that this requirement should be deleted and this Bill seeks to amend that section to that effect.

R. A. NJOKU,
*Minister of Transport and Aviation,
Federation of Nigeria*