

L.N. 154 of 1960

PORTS ORDINANCE (CAP. 155)

Rio-del-Rey Port Declaration Order, 1960

Commencement : 29th September, 1960

In exercise of the powers conferred upon the Minister charged with responsibility for maritime shipping and navigation by section 6 of the Ports Ordinance, the following Order is hereby made :—

1. This Order may be cited as the Rio-del-Rey Port Declaration Order, 1960 and shall be of Federal application.

Citation and application.

2. It is hereby declared that the place specified in the first column of the Schedule hereto shall be a port for the purposes of the Ports Ordinance and that its limits shall be as specified in the second column of the said Schedule.

Declaration of port and port limits.

SCHEDULE

<i>Port</i>	<i>Limits</i>
Rio-del-Rey	That part of the main stream of the Rio-del-Rey otherwise known as FIARI RIVER bounded in the north by a line drawn in an 090°-270° direction in latitude 4° 45' North and in the south by a line drawn from ERONG POINT BEACON latitude 4° 31' 40" North 8° 45' 48" East in a 180° direction for 16.8 miles thence in an 090° direction for 3.9 miles thence in an 004° direction for 15.7 miles to CAPE BAKASI BEACON latitude 4° 30' 30" North 8° 43' 6" East. Reference : Nigerian Marine Charts No. 33/10 and No. 84/10.

MADE at Lagos this 22nd day of September, 1960.

R. A. NJOKU,
Minister of Transport and Aviation

EXPLANATORY NOTE

This Order declares Rio-del-Rey to be a port and defines its limits.

T1787

L.N. 155 of 1960

NIGERIA (CONSTITUTION) ORDER IN COUNCIL, 1960

Adaptation of Laws (Federal Provisions) Order, 1960

Commencement : 1st October, 1960

In exercise of the powers conferred by subsection (2) of section 3 of the Nigeria (Constitution) Order in Council, 1960, the Governor-General, in accordance with the advice of the Council of Ministers, has made the following order—

Citation,
application
and com-
mencement.

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

(2) This order shall come into operation on the 1st October, 1960.

Amendment
of existing
laws.

2. The existing laws specified in the Schedule are amended in the manner specified in the Schedule.

Savings.

3. (1) The amendments effected by this order shall not render invalid any notification, order, bye-law, rule, regulation or delegation duly made or issued, or anything duly done before the commencement of this order. Any such notification, order, bye-law, rule, regulation, delegation or thing may be revoked, varied or undone in the like manner, to the like extent and in the like circumstances as if it had been made, issued or done after the commencement of this order by a competent authority and under and in accordance with the provisions then applicable to such a case.

(2) The amendments effected by this order shall not affect the previous operation of or anything duly done or suffered under any existing instrument, or any right, privilege, operation or liability already acquired, accrued or incurred under any law, or any penalty, forfeiture or punishment incurred in respect of any offence already committed against any law.

SCHEDULE

AUDIT ORDINANCE (CHAPTER 17)

Section 4.

Delete subsection (1) and substitute the following new subsection—

“(1) The Director of Federal Audit shall hold office until he attains the age of 55 years.”

ORDINANCES AUTHENTICATION ORDINANCE (CHAPTER 18)

Delete the word “Ordinance” throughout the Ordinance and substitute the following—

“Act”.

Section 5.

Delete this section.

Section 6.

Delete all the words appearing after the words “assented to by him”.

Section 7.

Delete subsections (3) and (4).

Section 9.

Delete subsections (2) and (3).

Section 10.

Delete this section.

Section 11.

Delete this section.

CRIMINAL CODE ORDINANCE (CHAPTER 42)

Section 2.

In subsection (2) *delete* the words "Nigeria (Constitution) Order in Council, 1954," and *substitute* the following—

"Constitution of the Federation".

*Schedule**Section 1.*

(a) In subsection (1) *delete* the definition of "Nigeria" and *substitute* the following—

"Nigeria" means the Federation of Nigeria ;'.

(b) *Insert* after subsection (1) the following new subsection—

"(1A) In the application of this code and any instrument made under this code to the Federal territory of Lagos and to a Federal law references to an Attorney-General or a Solicitor-General or a law officer shall be construed as references to the Federal Director of Public Prosecutions and members of his staff acting in accordance with his instructions as provided in the Constitution of the Federation."

Section 10A.

In subsection (1) *delete* the definition of "Federal law" and *substitute* the following—

"Federal law" means any Act enacted by Parliament having effect with respect to the Federation and any Ordinance enacted prior to the 1st October, 1960, which under the Constitution of the Federation has effect with respect to the Federation ;'.

Section 425.

Insert after the words "the Nigeria (Constitution) Order in Council, 1954," the following—

"or the Constitution of the Federation".

CRIMINAL PROCEDURE ORDINANCE (CHAPTER 43)

Section 2.

(a) *Delete* the definition of "Chief Justice" and *substitute* the following—

"Chief Justice" means the Chief Justice of the High Court ;'.

(b) In subsection (1) *delete* the definition of "Constitution Order".

(c) In subsection (1) *delete* the definition of "Federal law" and *substitute* the following—

"Federal law" means any Act enacted by Parliament having effect with respect to the Federation and any Ordinance enacted prior to the 1st October, 1960, which under the Constitution of the Federation has effect with respect to the Federation ;'.

(d) In subsection (1) *delete* the definition of "High Court" and *substitute* the following—

"High Court" means the High Court established for the Region under the provisions of the Constitution Order ;'.

(e) In subsection (1) *delete* the definition of "Federal Supreme Court".

(f) In subsection (1) in the definition of "law of a Region" *delete* the words "by virtue of section 57 of the Constitution Order".

Addition of new section 488.

Insert after section 487 the following new section—

“Provision for Federal Director of Public Prosecutions. 488. In the application of this Ordinance or any instrument made under this Ordinance to the Federal territory of Lagos or to a Federal law references to an Attorney-General or a Solicitor-General or a law officer shall be construed as references to the Federal Director of Public Prosecutions and members of his staff acting in “accordance with his instructions as provided by the Constitution of the Federation.”.

HIGH COURT OF LAGOS ORDINANCE (CHAPTER 80)

Section 2.

(a) In subsection (1) *delete* the definition of “Constitution Order”.

(b) In the definition of “Federal Supreme Court” in subsection (1) *delete* the words “by section 138 of the Constitution Order” and *substitute* the following—

“under the Constitution of the Federation”.

Section 3.

In subsection (2) *delete* the words “Constitution Order” and *substitute* the following—

“Nigeria (Constitution) Order in Council, 1954”.

Section 4.

Delete subsection (1) and *substitute* the following—

“(1) The number of judges of the High Court, in addition to the Chief Justice, shall be six”.

Section 5.

Insert after subsection (2) the following new subsection—

“(3) Any person holding the office of Chief Justice or any other judge of the High Court shall vacate his office when he attains the age of sixty-two years”.

Section 37.

In subsection (2) *delete* the words “the Attorney-General” and *substitute* the following—

“the Federal Director of Public Prosecutions”.

INTERPRETATION ORDINANCE (CHAPTER 89)

Section 3.

(a) *Insert* after the definition of “Accountant-General of the Federation” the following new definition—

“‘Act’ includes an Ordinance and also any order, regulation, rule of court or proclamation made under the authority of an Act; and the expression ‘the Act’, when used in any such order, regulation, rule of court or proclamation, means the Act under the authority of which such order, regulation, rule of court or proclamation, as the case may be, has been made;”.

(b) *Insert* after the definition of "Comptroller" the following new definitions—

"Constitution of the Federation" means the Constitution of the Federation of Nigeria contained in the Second Schedule to the Constitution Order; "Constitution Order" means the Nigeria (Constitution) Order in Council, 1960;.

(c) *Delete* the definition of "Federation" and *substitute* the following—

"Federation" means the Federation of Nigeria established by the Constitution Order;.

(d) *Delete* the definition of "Governor-General in Council" and *substitute* the following—

"Governor-General in Council" means the Governor-General acting in accordance with the advice of the Council of Ministers but not necessarily in that Council assembled;.

(e) *Delete* the definition of "High Commissioner".

(f) In the definition of "Lagos" *delete* the words "section 3 of the Nigeria (Constitution) Order in Council, 1954" and *substitute* the words—

"the Constitution of the Federation".

(g) *Delete* the proviso to the definition of "law officer" and *substitute* the following—

"Provided that in respect of the initiation, conduct and discontinuance of criminal proceedings such expression shall not include the Attorney-General or Solicitor-General but shall be construed as meaning the Director of Public Prosecutions and members of his staff acting in accordance with his instructions under the Constitution of the Federation or of the Region concerned".

(h) *Delete* the definition of "Nigeria" and *substitute* the following—

"Nigeria" used without qualification means the Federation of Nigeria;.

(i) In the definition of "Ordinance" *insert* after the word "includes" the following—

"an Act, and also".

LAW OFFICERS ORDINANCE (CHAPTER 100)

Section 3.

Delete this section and *substitute* the following—

3. Every person appointed as Attorney-General, Solicitor-General, Director of Public Prosecutions, Deputy Director of Public Prosecutions, Legal Draftsman or Crown Counsel, whether of the Federation or a Region, shall, so long as he continues to hold such office, be deemed to be, and every person who shall have been appointed to any such post shall have been deemed to be a barrister, advocate and solicitor of the Federal Supreme Court *ex-officio*, and shall be entitled, and shall be deemed to have been entitled, to appear as counsel in all courts in Nigeria in which counsel may appear."

*Section 6.**Delete this section.*LEGISLATIVE HOUSES (POWERS AND PRIVILEGES) ORDINANCE
(CHAPTER 102)*Section 2.**(a) Delete the definition of "Legislative House" and substitute the following—**"“Legislative House” means a Legislative House established under the Constitution Order ;’.**(b) Delete the definition of "President" and substitute the following—**"“President” means the President, Deputy President, Speaker or Deputy Speaker or other officer presiding in a Legislative House ;’.**(c) Delete the definition of "Standing Orders" and substitute the following—**"“Standing Orders” means the Standing Orders of a Legislative House ;’.**Section 32.**Delete this section and substitute the following—*

“Restriction on prosecutions. 32. No prosecution shall be instituted for an offence under this Ordinance except by the Director of Public Prosecutions of the Federation upon information given to him in writing by the President of Federal Legislative House or by the Director of “Public Prosecutions of a Region upon information given to him by the President of a Regional Legislative House.”.

NIGERIAN BROADCASTING CORPORATION ORDINANCE (CHAPTER 133)

*Section 2.**In this section delete the definition of “the Minister” and substitute the following—**““the Minister” means the member of the Council of Ministers for the time being charged with responsibility for broadcasting.’.*

OFFICIAL OATHS ORDINANCE (CHAPTER 143)

*Second Schedule.**Insert at the beginning of Part II the following—**“Governor-General. Before the Chief Justice of the Federation”.*

PENSIONS ORDINANCE (CHAPTER 147)

*Section 9.**In subsection (1) delete the proviso.**Section 10.**Delete subsection (3).*

Section 13.

(a) In subsection (3) *delete* the words "the Secretary of State, or if the person in question is resident in Nigeria,".

(b) *Delete* the words "the Secretary of State or the Governor-General, as the case may be", wherever those words appear and *substitute* the following—

"the Governor-General".

(c) In subsection (5) *delete* the words "the Governor-General or, if such person is resident in Nigeria,".

Section 14.

(a) In subsection (1) *delete* the words "the Secretary of State, or if such person is resident in Nigeria" and also the words "the Secretary of State or".

(b) In subsection (3) *delete* the words "the Secretary of State or the Governor-General, as the case may be," and *substitute* the following—

"the Governor-General".

Section 17.

In proviso (B) *delete* the last sentence and *substitute* the following—

"and if it appears to the Governor-General at any time that the mother is adequately provided with other means of support, such pension shall cease from such date as the Governor-General may determine".

WEST AFRICAN CURRENCY NOTES ORDINANCE (CHAPTER 216)

Section 4.

In subsections (2) and (3) *delete* the words "Secretary of State" and *substitute* the words—

"Governor-General".

Section 6.

Delete the words "Secretary of State" and *substitute* the words—

"Governor-General".

WIDOWS' AND ORPHANS' PENSIONS ORDINANCE (CHAPTER 220)

Section 2.

In subsection (1) *delete* the definition of "Secretary of State".

Section 18.

In paragraph (b) of subsection (3) *delete* the words "Secretary of State" and *substitute* the following—

"Governor-General".

Section 38.

Delete the words "Secretary of State" wherever they appear and *substitute* the following—

"Governor-General".

Section 41.

Delete the words "subject to the approval of the Secretary of State first obtained,".

FEDERAL SUPREME COURT ORDINANCE, 1960 (No. 12 of 1960)

Section 3.

Delete this section and substitute the following—

- “Number of Federal Justices and tenure of office of judges. 3. (1) The number of Federal Justices of the Federal Supreme Court shall be five.
(2) Any person holding the office of Chief Justice of the Federation or a Federal Justice shall vacate that office when he attains the age of sixty-five years.”

Section 4.

In subsection (1) *delete* the words “other judges” and *substitute* the following—

“Federal Justices”.

MADE at Lagos this 23rd day of September, 1960.

C. O. LAWSON,
*Acting Deputy Secretary to the
Council of Ministers*

EXPLANATORY NOTE

This order makes a number of amendments to existing laws consequent on the enactment of the Nigeria (Constitution) Order in Council, 1960.

L.N. 156 of 1960

NIGERIA (CONSTITUTION) ORDER IN COUNCIL, 1960

Adaptation of Laws (Cameroons Provisions) Order, 1960

Commencement : 1st October, 1960

In exercise of the powers conferred by subsection (2) of the Nigeria (Constitution) Order in Council, 1960, the Governor-General, in accordance with the advice of the Council of Ministers, has made the following order—

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

(2) This order shall come into operation on the 1st October, 1960.

2. The existing laws specified in the Schedule are amended in the manner specified in the Schedule.

3. (1) The amendments effected by this order shall not render invalid any notification, order, bye-law, rule, regulation or delegation duly made or issued, or anything duly done before the commencement of this order. Any such notification, order, bye-law, rule, regulation, delegation or thing may be revoked, varied or undone in the like manner, to the like extent and in the like circumstances as if it had been made, issued or done after the commencement of this order by a competent authority and under and in accordance with the provisions then applicable to such a case.

(2) The amendments effected by this order shall not affect the previous operation of or anything duly done or suffered under any existing instrument, or any right, privilege, operation or liability already acquired, accrued or incurred under any law, or any penalty, forfeiture or punishment incurred in respect of any offence already committed against any law.

Citation,
application
and
commence-
ment.

Amendment
of existing
laws.
Savings.

SCHEDULE

CENTRAL BANK OF NIGERIA ORDINANCE (CHAPTER 30)

Section 4.

Re-number this section as section 4 (1) and *insert* the following new subsection—

“(2) The objects of the bank shall include the issue of legal tender currency in the Northern and Southern Cameroons in accordance with any arrangements in that behalf between the Government of the Federation and the Governments of the Northern and Southern Cameroons.”.

CRIMINAL PROCEDURE ORDINANCE (CHAPTER 43)

Section 477.

In the definition of “part of the Federation” *delete* the words “or the Southern Cameroons”.

Addition of new section 486A.

Add in Part LII after section 486 the following new section—

“Applica- 486A. The provisions of this Part shall apply to the service and
tion to execution in Nigeria of process issued by courts in the Northern
Cameroons. and Southern Cameroons so long as there are in force in those
territories reciprocal provisions for the service and execution of
process issued by courts in Nigeria.”.

EVIDENCE ORDINANCE (CHAPTER 62)

Section 227.

In the definition of “part of the Federation” *delete* the words “or the Southern Cameroons”.

Addition of new section 230.

Add after section 229 the following new section—

“Applica- 230. The provisions of this Part shall apply to the service and
tion to execution in Nigeria of process issued by courts in the Northern
Cameroons. and Southern Cameroons so long as there are in force in those
territories reciprocal provisions for the service and execution of
process issued by courts in Nigeria.”.

INTERPRETATION ORDINANCE (CHAPTER 89)

Section 3.

(a) *Insert* after the definition of “British possession” the following new definition—

““Cameroons” means the Northern and Southern Cameroons;”.

(b) *Insert* after the definition of “non-native” the following new definition—

““Northern Cameroons” means that part of the Cameroons under United Kingdom Trusteeship which immediately prior to the 1st October, 1960, formed part of the Northern Region of the Federation of Nigeria;”.

(c) *Delete* the definition of “Southern Cameroons” and *substitute* the following—

““Southern Cameroons” means that part of the Cameroons under United Kingdom Trusteeship which immediately prior to the 1st October, 1960, formed part of the Federation of Nigeria as the Southern Cameroons.”.

*Addition of new section 73.**Add after section 72 the following new section—*

“Perform-
ance of
functions in
Cameroons.

73. For the removal of doubts it is declared as follows—

“(a) Any corporation established in accordance with any law in force in the Federation may perform in the Cameroons any of the functions conferred upon it by such law in accordance with any arrangements in that behalf between the Government of the Federation and the Government of the Northern or Southern Cameroons subject to the provisions of any law in force in the Cameroons.

(b) All authorities, boards, public officers and other persons authorized to perform functions under any law in force in the Federation may perform in the Cameroons any of the functions conferred upon them by such law in accordance with any arrangements in that behalf between the Government of the Federation and the Government of the Northern or Southern Cameroons subject to the provisions of any law in force in the Cameroons.

(c) Any authority, board or other body constituted under any law in force in the Federation shall be deemed to be duly constituted notwithstanding that any member of such authority, board or other body from the Cameroons has not been appointed “in accordance with the provisions of such law.”

MOTOR VEHICLES (THIRD PARTY INSURANCE) ORDINANCE (CHAPTER 126).

Section 5.

(a) Delete the fullstop at the end of paragraph (e) and substitute the following—

“; cr”.

(b) Insert after paragraph (e) the following new paragraph—

“(f) any motor vehicle in respect of which there is in force a policy of insurance issued in the Northern or Southern Cameroons so long as there is in force in respect of such vehicle a policy of insurance complying with provisions similar to those contained in this Ordinance.”

POST OFFICE ORDINANCE (CHAPTER 156)

Section 12.

Re-number this section as section 12 (1) and *insert* the following new subsection—

“(2) The Governor-General may in like manner cause to be provided stamps, stamped envelopes, stamped wrappers and envelopes for registered postal matter and postal cards of all kinds for use in the Cameroons, and the Posts and Telegraphs Departments shall have the like privilege of issuing the same :

Provided that the new issue of stamps made on or after the 1st October, 1960, shall not be used in the Cameroons.”

ROAD TRAFFIC ORDINANCE (CHAPTER 184)

*Addition of new section 6A**Add in Part II after section 6 the following new section—*

"Vehicles
licensed in
Cameroons. 6A. Any motor vehicle which has been licensed in the Northern or Southern Cameroons may be used on a highway in Nigeria during the currency of such licence without being licensed in Nigeria so long as there are in force in the territory in which the licence was issued reciprocal provisions for the use in that territory of motor vehicles which have been licensed in Nigeria."

*Addition of new section 9A.**Add in Part III after section 9 the following new section—*

"Driving
licences
issued in
Cameroons. 9A. Any person who has in his possession a driving licence issued to him in the Northern or Southern Cameroons may drive a motor vehicle of the class or type authorized by that licence in Nigeria without being required to obtain a further licence so long as there are in force in the territory in which the licence was issued reciprocal provisions for the recognition of driving licences issued in Nigeria."

SHERIFFS AND CIVIL PROCESS ORDINANCE (CHAPTER 189)

Section 95

In the definition of "part of the Federation" *delete* the words "or the Southern Cameroons".

*Addition of new section 113.**Add after section 112 the following new section—*

"Application
to
Cameroons. 113. the provisions of this Part shall apply to the service and execution in Nigeria of process issued by courts in the Northern and Southern Cameroons and to the enforcement of the judgments of those courts so long as there are in force in those territories reciprocal provisions for the service and execution of process issued by courts in Nigeria and the enforcement of the judgments of those courts."

MADE at Lagos the 23rd day of September, 1960.

C. O. LAWSON,
*Acting Deputy Secretary to the
Council of Ministers*

EXPLANATORY NOTE

This Order makes a number of amendments to existing laws consequent upon the Cameroons ceasing to be part of the Federation on the 1st October, 1960.

L.N. 157 of 1960

TIN (PRODUCTION AND EXPORT RESTRICTION)
ORDINANCE (CHAPTER 197)

Tin (Export Prohibition) (Suspension) Order, 1960

Commencement : 1st October, 1960

In exercise of the powers conferred by section 3 of the Tin (Production and Export Restriction) Ordinance (as affected by section 22 of the Interpretation Ordinance) the Minister responsible for Mines and Power has made the following order—

Citation, etc.

1. (1) This Order may be cited as the Tin (Export Prohibition) (Suspension) Order 1960 and shall be read as one with the Tin (Export Prohibition) Order.

Vol. X of
Laws of the
Federation of
Nigeria and
Lagos, 1958.

(2) This Order shall come into force on the first day of October, 1960.

Tin (Export
Prohibition)
Order sus-
pended.

2. The operation of the Tin (Export Prohibition) Order is hereby suspended.

MADE at Lagos this 27th day of September, 1960.

MAITAMA SULE,
Minister of Mines and Power

SM00693

L.N. 158 of 1960

TIN (PRODUCTION AND EXPORT RESTRICTION)
ORDINANCE (CHAPTER 197)

Tin (Production Restriction) (Suspension) Order 1960

Commencement : 1st October, 1960

In exercise of the powers conferred by section 7 of the Tin (Production and Export Restriction) Ordinance (as affected by section 22 of the Interpretation Ordinance) the Minister responsible for Mines and Power has made the following order—

Citation, etc.

1. (1) This Order may be cited as the Tin (Production Restriction) (Suspension) Order 1960 and shall be read as one with the Tin (Production Restriction) Order.

Vol. X of
Laws of the
Federation of
Nigeria and
Lagos.

(2) This Order shall come into force on the first day of October, 1960.

Tin (Produc-
tion Restric-
tion) Order
suspended.

2. The operation of the Tin (Production Restriction) Order is hereby suspended.

MADE at Lagos this 27th day of September, 1960.

MAITAMA SULE,
Minister of Mines and Power

SM00693