

SEA FISHERIES (LAGOS) ACT, 1961

Assented to in Her Majesty's name this 29th day of September 1961.

NNAMDI AZIKIWE,
Governor-General

(L.S.)

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1961, No. 30**AN ACT TO REGULATE THE SEA FISHING INDUSTRY WITHIN THE TERRITORIAL WATERS OF THE FEDERAL TERRITORY OF LAGOS.***[By notice, see section 1 (1)]*Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

PART I—PRELIMINARY

1. (1) This Act may be cited as the Sea Fisheries (Lagos) Act, 1961, and shall come into operation on a day to be appointed by the Minister by notice in the Gazette.

Short title,
commence-
ment and
application.

(2) This Act shall apply in respect of the Federal territory of Lagos.

Interpretation.

2. In this Act, unless the context otherwise requires :—

“fish” means any aquatic creature whether fish or not, and includes shell-fish, crustaceans, turtles and aquatic mammals ;

“fishing boat” means any ship, boat, canoe or other craft used for the taking of fish for sale or barter ;

“licence” means a licence issued under the provision of section 5 ;

“licensing officer” means any person appointed to carry out the provisions of this Act ;

“Minister” means Minister responsible for fisheries in Federal Territory ;

“motor fishing boat” means any fishing boat propelled by means of steam, internal combustion or other machinery except one or more portable outboard engines ;

“taking fish” includes any method of catching fish ;

“territorial waters of the Federal territory of Lagos” means that part of the territorial waters of Nigeria as defined in the Interpretation Ordinance over which the Federal Legislature is competent to exercise jurisdiction in respect of fisheries.

PART II—MOTOR FISHING BOAT LICENCES

Provision for licence.

3. (1) No person shall operate or navigate any motor fishing boat within the territorial waters of the Federal Territory of Lagos unless a licence in respect of such vessel has been issued to the owner thereof : Provided that a licence issued under legislation of the same nature as this Act enacted by the Legislature of the Western or Eastern Nigeria shall be deemed to be a licence issued under section 5 of this Act.

(2) Any person operating or navigating, or causing to be operated or navigated, a motor fishing boat in contravention of subsection (1) shall be liable to a fine of one hundred pounds or to imprisonment for six months or to both such fine and imprisonment : Provided that this section shall not apply to motor fishing boats entering the territorial waters of the Federal territory of Lagos solely for re-fuelling or for shelter or in case of emergency and not for fishing or for the disposal of fish.

Application for licence.

4. (1) Any person being the owner of a motor fishing boat may apply to a licensing officer for a licence for such motor fishing boat.

(2) Every such application shall be in writing and shall state in detail the methods of taking fish that are to be employed, the area within which it is proposed that the said motor fishing boat shall be operated, and the arrangements that are to be made for the preservation and marketing of the catch.

Grounds for issue, etc., of licence.

5. (1) Upon—

(a) due application being made for a licence ;

(b) payment of the prescribed fee ;

(c) proof being adduced to the satisfaction of the licensing officer that the applicant is the lawful owner of the motor fishing boat in respect of which he has applied for a licence, and that he is a fit and proper person to be granted such licence ; and

(d) the licensing officer being satisfied that the operation of the vessels is not likely to be prejudicial to the interests of the sea fishing industry of the Federal territory of Lagos, the licensing officer shall issue a licence in respect of the motor fishing boat described in the application.

(2) A licence shall be in the prescribed form and may be issued subject to such conditions as the licensing officer may think fit to impose by endorsement thereon.

(3) A licence shall be yearly or quarterly. A yearly licence shall expire on 31st day of December in the year in which it is issued; a quarterly licence shall expire on the 31st day of March, the 30th day of June, the 30th day of September or the 31st day of December, whichever day follows next after the date of issue.

(4) When the ownership of a licensed motor fishing boat is transferred from one person to another, the licence shall not be valid in respect of the new owner until a licensing officer has approved the transfer of ownership and has endorsed the licence to that effect.

6. The provisions of this Act that relate to the issue of a licence shall apply to any application for the renewal of a licence and to such renewal.

Renewal.

7. A licensing officer may, without assigning any reason, cancel, or suspend for such period as he thinks fit, a licence.

Cancellation, etc.

8. Any person aggrieved by any refusal by a licensing officer to issue or renew a licence or by any cancellation or suspension of a licence by a licensing officer or by any condition endorsed on a licence may, within fourteen days of such refusal, cancellation, suspension or endorsement but not otherwise appeal to the Minister, whose decision shall be final.

Appeal.

9. Every owner of a licensed motor fishing boat shall:—

Returns necessary.

(a) render to a licensing officer such written returns concerning the operation of such motor fishing boat as the licensing officer may require;

(b) permit a licensing officer or any person authorised in writing by a licensing officer to inspect the catch of such motor fishing boat either before or after the said catch has been landed, and shall give such licensing officer or duly authorized person all reasonable facilities for the inspection of the said catch.

PART III—MISCELLANEOUS

10. (1) Any of the following persons, namely a licensing officer, a commissioned officer of the Royal Nigerian Navy, a police officer not below the rank of Assistant Superintendent, a Customs officer not below the rank of Assistant Collector, a surveyor or examiner appointed under the provisions of the Shipping and Navigation Ordinance, or a person authorized in writing by a licensing officer in that behalf, may within the territorial waters of the Federal territory of Lagos, for the purpose of enforcing the provisions of this Act,—

Enforcement.

Cap. 196.

(a) require the owner or the person in charge of a fishing boat or any person engaged in taking part in fishing to exhibit his fishing apparatus and catch;

(b) require the owner or the person in charge of a motor fishing boat to exhibit his licence, fishing apparatus and catch ;

(c) go on board any fishing boat and search and examine such fishing boat and any fishing apparatus that may be therein ; or

(d) where there is reasonable suspicion that an offence under this Act has been committed, take the alleged offender and the fishing boat, fishing apparatus and catch to the most convenient port or police station without warrant, summons or other process.

(2) Any fishing boat or apparatus taken under the provision of paragraph (d) of subsection (1) may be detained pending trial of the alleged offender, and the catch may be sold and the proceeds of the sale detained pending such trial, and thereafter any vessel, apparatus or money so detained shall, unless forfeited under the provisions of paragraph (a) of section 13, be returned to the person from whom the same was taken.

Prohibited
methods.

11. No person may take or destroy or attempt to take or destroy any fish within the territorial waters of the Federal territory of Lagos by the use of any explosive substance or of any noxious or poisonous matter.

Offences.

12. Any person who—

(a) contravenes or fails to comply with any requirement made under this Act ; or

(b) contravenes or fails to comply with any of the provisions of this Act ; or

(c) contravenes or fails to comply with any condition endorsed on a licence, shall, where no special penalty is provided, be liable to a fine of fifty pounds or to imprisonment for three months or to both such fine and imprisonment.

Forfeiture,
etc.

13. The court before which any person is convicted of an offence under this Act may—

(a) order the forfeiture to the Government of the Federation of Nigeria of any fishing boat, apparatus or catch employed in the commission of or derived from any act in respect of which such person is so convicted ;

(b) where the fishing boat so employed is a motor fishing boat, cancel or suspend for such time as the court may think fit the licence.

Regulations.

14. (1) The Governor-General may make regulations for furthering the interests of the sea fishing industry of the Federal territory of Lagos and for giving effect to the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power such regulations may—

(a) regulate, prohibit, or restrict the taking of fish in any specified area within the territorial waters of the Federal territory of Lagos ;

(b) prohibit or restrict the use of any fishing boat, apparatus or method of taking fish that is considered to be harmful to the sea fishing industry of the Federal territory of Lagos ;

(c) prescribe limits to the size of nets or the mesh of nets that may be employed in the taking of fish within the territorial waters of the Federal territory of Lagos or in any specified area therein ;

(d) prescribe the form of a licence and the amount of fee to be paid in respect of such licence ;

(e) provide for the inspection of buildings and premises used for the curing, preservation, storage or sale of fresh, cured or preserved fish and for the seizure and destruction of any fresh, cured or preserved fish that is unfit for human or animal consumption ;

(f) provide for the exemption of specified persons from any provision of this Ordinance where such exemption is considered necessary for scientific or experimental purposes in connection with the development of the sea fishing industry or otherwise for the furtherance of the national interest ;

(g) regulate any other matter relating to the conservation and protection of the stocks of sea fish.

This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

E. E. NSEFIK,
Acting Clerk of the Parliaments

Assented to in Her Majesty's name this 29th day of September, 1961.

NNAMDI AZIKIWE,
Governor-General

(L.S.)



ARRANGEMENT OF SECTIONS

Section

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1961, No. 31

AN ACT TO MAKE NEW PROVISION FOR THE REGULATION OF WIRELESS TELEGRAPHY.

Commencement.

[By Notice, see section 1]

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

PART I—PRELIMINARY

Short title, commencement and application.

1. (1) This Act may be cited as the Wireless Telegraphy Act, 1961, and shall come into operation on a day to be appointed by the Governor-General by notice in the Gazette.

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

Meaning of wireless telegraphy.

2. In this Act, unless the context otherwise requires,—

“wireless telegraphy” means the emitting or receiving, over paths which are not provided by any material substance constructed or arranged for that purpose, of electro-magnetic energy of a frequency not exceeding three million megacycles a second, being energy which either—

(a) serves for the conveying of messages, sound or visual images (whether the messages, sound or images are actually received by any person or not), or for the actuation or control of machinery or apparatus ; or

(b) is used in connection with the determination of position, bearing or distance, or for the gaining of information as to the presence, absence, position or motion of any object or of any objects of any class,

and references to stations for wireless telegraphy and apparatus for wireless telegraphy shall be construed as references to stations and apparatus for the emitting or receiving as aforesaid of such electro-magnetic energy as aforesaid :

Provided that where—

(i) a station or apparatus for wireless telegraphy cannot lawfully be used without a licence or could not lawfully be used without a licence but for regulations under this Act; and

(ii) any such electromagnetic energy as aforesaid which is received by that station or apparatus serves for the conveying of messages, sound or visual images; and

(iii) any apparatus is electrically coupled with that station or apparatus for the purpose of enabling any person to receive any of the said messages, sound or visual images,

the apparatus so coupled shall itself be deemed for the purpose of this Act to be apparatus for wireless telegraphy.

3. (1) In this Act, unless the context otherwise requires—

“electric line” means a wire or wires, conductor or other means used for the purpose of conveying, transmitting or distributing electricity with any casing, coating, covering, tube, pipe or insulator enclosing, surrounding or supporting the same, or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting or distributing electricity or electric currents;

General
interpretation.

“foreign aircraft” means an aircraft which is not registered in any country in the Commonwealth;

“foreign ship” means a foreign ship within the meaning of the Shipping and Navigation Ordinance;

Cap. 190.

“interference”, in relation to wireless telegraphy, means the prejudicing by any emission or reflection of electromagnetic energy of the fulfilment of the purposes of the telegraphy (either generally or in part, and, without prejudice to the generality of the preceding words, as respects all, or as respects any, of the recipients or intended recipients of any message, sound or visual image intended to be conveyed by the telegraphy), and the expression “interfere” shall be construed accordingly;

“licence” means a licence granted under subsection (1) of section 6, and “licensee” shall be construed accordingly;

“Minister” means the Minister charged with responsibility for matters relating to wireless telegraphy;

“ship” includes every description of vessel used in navigation not propelled by oars;

“station for wireless telegraphy” includes the wireless telegraphy apparatus of a vessel or aircraft;

“vessel” includes any ship or boat, or any other description of vessel used in navigation.

(2) Any reference in this Act to the sending or the conveying of messages includes a reference to the making of any signal or the sending or conveying of any warning or information, and any reference to the reception of messages shall be construed accordingly.

(3) References in this Act to apparatus on board a ship or vessel include references to apparatus on a kite or captive balloon flown from a ship or vessel.

PART II.—REGULATION OF WIRELESS TELEGRAPHY

Licence
required for
use of wire-
less tele-
graphy
apparatus.

4. (1) No person shall establish or use any station for wireless telegraphy or install or use any apparatus for wireless telegraphy except under and in accordance with a licence in that behalf.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence.

Licence
required for
dealing in
wireless
telegraphy
apparatus.

5. (1) No person shall offer for sale, sell or have in his possession with a view to sale in the course of his business any installation, mechanism, instrument, material or other apparatus constructed for the purpose of or intended to be used for wireless telegraphy except under and in accordance with a licence in that behalf.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence.

Grant of
licences.

6. (1) The Minister may grant licences for the purposes of this Act in the prescribed form or in such other form for any particular case as he may approve and may renew licences so granted.

(2) The grant or renewal of a licence shall be in the discretion of the Minister.

(3) A licence may be issued subject to such terms, provisions and limitations as the Minister may think fit, including in particular in the case of a licence to establish a station, limitations as to the position and nature of the station, the purposes for which, the circumstances in which, and the persons by whom the station may be used, and the apparatus which may be installed or used therein, and, in the case of any other licence, limitations as to the apparatus which may be installed or used, and the places where, the purposes for which, the circumstances in which and the persons by whom the apparatus may be used.

(4) A licence shall, unless previously revoked, continue in force for such period as may be specified in the licence.

(5) A licence may be revoked, or the terms, provisions or limitations thereof varied, by a notice in writing of the Minister served on the holder of the licence or by a general notice applicable to licences of the class to which the licence in question belongs published in the Gazette.

(6) Where a licence has expired or has been revoked, it shall be the duty of the person to whom the licence was issued, and of every other person in whose possession or under whose control the licence may be, to cause the licence to be surrendered to the Minister if required by the Minister to do so, and any person who without reasonable excuse fails or refuses to comply with the provisions of this subsection shall be guilty of an offence :

Provided that this subsection shall not apply to a licence relating solely to apparatus not designed or adapted for emission (as opposed to reception).

(7) Nothing in this section shall authorize the inclusion in any licence relating solely to apparatus not designed or adapted for emission (as opposed to reception), of any term or provision requiring any person to concede any form of right of entry into any private dwelling house.

Fees and
charges for
licences.

7 (1) On the issue or renewal of a licence, and, where the regulations under this Act so provide, at such times thereafter as may be prescribed by the regulations, there shall be paid to the Minister, or

such person as he may appoint, by the person to whom the licence is issued such sums as may be prescribed by regulations to be made by the Minister, and different provisions may be made in relation to different licences, according to the nature, terms, provisions, limitations and duration thereof.

(2) Where sums will or may become payable under subsection (1) subsequently to the issue or renewal of a licence, the Minister may, on the issue or renewal thereof, require such security to be given, by way of deposit or otherwise, for the payment of the sums which will or may become payable as he thinks fit.

8. (1) Subject to the provisions of this section, where an application for the grant or renewal of a licence is made to the Minister by a citizen of Nigeria and the Minister is satisfied that the only purpose for which the applicant requires the licence is to enable him to conduct experiments in wireless telegraphy for the purpose of scientific research, the Minister shall not refuse to grant or renew the licence and shall not revoke the licence when granted, and no sum shall be payable under regulations under this Act otherwise than on the issue or renewal of the licence.

Experimental
licences.

(2) Nothing in subsection (1) shall limit the discretion of the Minister as to the terms, provisions or limitations which he attaches to any licence or his power to vary the terms, provisions or limitations of any licence.

(3) Nothing in subsection (1) shall prevent the Minister from refusing to grant or renew, or from revoking, any licence, if, whether before or after the grant or last renewal of the licence, the applicant has been convicted of any offence under this Part, whether in relation to the same or any other apparatus, or has contravened any of the terms, provisions or limitations of that or any other wireless telegraphy licence granted to him, or has been convicted under section 16 of using any apparatus for the purpose of interfering with any wireless telegraphy.

(4) Nothing in subsection (1) shall prevent the application of the provisions of section 24 to a holder of an experimental licence granted in pursuance of this section.

9. (1) The Minister may make regulations—

(a) prescribing the things which are to be done or are not to be done in connection with the use of any station for wireless telegraphy or wireless telegraphy apparatus, and, in particular, requiring the use of any such station or apparatus to cease on the demand in that behalf of any such persons as may be prescribed by or under the regulations ;

Regulations
as to wire-
less tele-
graphy.

(b) imposing on the person to whom a wireless telegraphy licence is issued with respect to any station for wireless telegraphy or wireless telegraphy apparatus, or who is in possession or control of any station for wireless telegraphy or wireless telegraphy apparatus, obligations as to permitting and facilitating the inspection of the station and apparatus, as to the condition in which the station and apparatus are to be kept and, in the case of a station or apparatus for the establishment, installation or use of which a wireless telegraphy licence is necessary, as to the production of the licence, or of such other evidence of the licensing of the station or apparatus as may be prescribed by the regulations ;

(c) where sums are or may become due from the person to whom a wireless telegraphy licence is issued after the issue or renewal thereof, requiring that person to keep and produce such accounts and records as may be specified in the regulations ;

(d) requiring the person to whom a wireless telegraphy licence has been issued to exhibit at the station such notices as may be specified in the regulations ;

(e) for preserving the secrecy of communications by wireless telegraphy,

and different provisions may be made by any such regulations for different classes of case ;

Provided that nothing in any such regulations shall require any person to concede any form of right of entry into a private dwelling house for the purpose of permitting or facilitating the inspection of any apparatus not designed or adapted for emission (as opposed to reception).

(2) Any person who contravenes any regulation made under this section, or causes or permits any station for wireless telegraphy or wireless telegraphy apparatus to be used in contravention of any such regulations, shall be guilty of an offence.

Misleading
messages and
interception
and dis-
closure of
messages.

10. (1) No person shall—

(a) by means of wireless telegraphy, send or attempt to send, any message which, to his knowledge, is false or misleading and is, to his knowledge, likely to prejudice the efficiency of any safety of life service or endanger the safety of any person or of any vessel, aircraft or vehicle, and, in particular, any message which, to his knowledge, falsely suggests that a vessel or aircraft is in distress or in need of assistance or is not in distress or not in need of assistance ; or

(b) otherwise than under the authority of the Minister, or in the course of his duty as a servant of the Crown, either—

(i) use any wireless telegraphy apparatus with intent to obtain information as to the contents, sender or addressee of any message (whether sent by means of wireless telegraphy or not) which neither the person using the apparatus nor any person on whose behalf he is acting is authorized by the Minister to receive ; or

(ii) except in the course of legal proceedings or for the purpose of any report thereof, disclose any information as to the contents, sender or addressee of any such message, being information which would not have come to his knowledge but for the use of wireless telegraphy apparatus by him or by another person.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence.

Territorial
extent of
preceding
provisions.

11. (1) Subject to the provisions of this section, this Part of this Act shall apply—

(a) to all stations and apparatus in Nigeria ;

(b) to any station or apparatus on board a ship outside Nigeria ; and

(c) to any apparatus outside Nigeria which was released in Nigeria.

(2) Where anything is done or omitted to be done in contravention of the provisions of this Part of this Act as applied by this section, the captain or other person for the time being in charge of the ship shall, in the absence of evidence to the contrary, and without prejudice to the liability of any other person, be guilty of an offence against this Act.

(3) For the purposes of this section the Minister may in respect of any foreign ship or foreign aircraft while in Nigeria make regulations to restrict or control the use of any wireless telegraphy apparatus on board the foreign ship or foreign aircraft to such times or purposes as he may approve; and any regulation made under this subsection may provide for the imposition of a fine not exceeding in the case of any one offence the sum of £100 and, in any proper case, for the confiscation of the wireless telegraphy apparatus or any part thereof.

(4) In this section and for the avoidance of doubts—

“Nigeria” includes the territorial waters and air limits of Nigeria;

“ship” means any ship subject to the laws of Nigeria, and includes any type of Nigerian craft capable of becoming airborne.

12. (1) The Minister may hold examinations to determine the competence of the persons examined to fill positions in connection with the operation of stations for wireless telegraphy or wireless telegraphy apparatus and may issue to persons successful at such examinations certificates of competence of such types as he may from time to time determine.

Powers of
Minister as
to wireless
personnel.

(2) Where the Minister is satisfied that any person has qualified in another country for a certificate of competence or authority to fill positions in connection with the operation of stations for wireless telegraphy or wireless telegraphy apparatus in that country, he may issue to that person a certificate of competence to fill similar positions in Nigeria.

(3) The Minister, if it appears to him that there are sufficient grounds so to do, may at any time revoke any certificate issued under subsection (2).

(4) Where any certificate granted under subsection (2) has ceased to be in force or has been revoked, it shall be the duty of the person to whom the certificate was issued, and of every other person in whose possession or under whose control the certificate may be, to cause the certificate to be surrendered to the Minister if required by the Minister so to do, and any person who without reasonable excuse fails or refuses to comply with the provisions of this subsection shall be guilty of an offence.

(5) The Minister may charge persons applying to take part in any examination under this section, and to applicants for, or for copies of, any certificates issued under this section, such fees, if any, as he may determine.

PART III.—PROVISIONS AS TO INTERFERENCE

13. (1) The Minister may make regulations for both or either of the following purposes, that is to say—

(a) for prescribing the requirements to be complied with in the case of any apparatus to which this section applies if the apparatus is to be used;

(b) for prescribing the requirements to be complied with in the case of any apparatus to which this section applies if the apparatus is to be sold otherwise than for export, or offered or advertised for sale otherwise than for export, or let on hire or offered or advertised for letting on hire, by any person who in the course of business manufactures, assembles or imports such apparatus.

Regulations
as to radiation
of electro-
magnetic
energy, etc.

(2) The said requirements shall be such requirements as the Minister thinks fit for the purpose of ensuring that the use of the apparatus does not cause undue interference with wireless telegraphy, and may in particular include—

(a) requirements as to the maximum intensity of electro-magnetic energy of any specified frequencies which may be radiated in any direction from the apparatus while it is being used; and

(b) in the case of an apparatus the power for which is supplied from electric lines, requirements as to the maximum electro-magnetic energy of any specified frequencies which may be injected into these lines by the apparatus,

and, in so far as appears to the Minister necessary or expedient in the case of the regulations in question, different requirements may be prescribed for different circumstances and in relation to different classes or descriptions of apparatus, different districts or places and different times of use.

(3) (a) The apparatus to which this section applies shall be such apparatus as may be specified in the regulations made thereunder, being apparatus generating, or designed to generate, or liable to generate fortuitously, electro-magnetic energy at frequencies of not more than three million megacycles per second, and not being wireless telegraphy apparatus.

(b) The references in this subsection to apparatus include references to any form of electric line, and other references in this Act to apparatus shall be construed accordingly.

(4) It shall not be unlawful for any person to use any apparatus to which this section applies or to sell any such apparatus or offer or advertise it for sale or let it on hire or offer or advertise it for letting on hire by reason only that it does not comply with the requirements applicable under any regulations made under this section, but the non-compliance shall be a ground for the giving of a notice under section 14 or section 15, as the case may be.

Enforcement
of regula-
tions as to
use of
apparatus.

14. (1) If the Minister is of opinion—

(a) that any apparatus does not comply with the requirements applicable to it under regulations made for the purpose specified in paragraph (a) of subsection (1) of section 13; and

(b) that either—

(i) the use of the apparatus is likely to cause undue interference with any wireless telegraphy used for the purposes of any safety of life service or for any purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend; or

(ii) the use of the apparatus is likely to cause undue interference with any other wireless telegraphy and in fact has caused or is causing such interference in a case where he considers that all reasonable steps to minimize interference have been taken in relation to the station or apparatus receiving the telegraphy,

he may serve on the person in whose possession the apparatus is a notice in writing requiring that, after a date fixed by the notice, not being less than twenty-eight days from the date of the service thereof, the apparatus shall not be used, whether by the person to whom the notice is given or otherwise, or, if the Minister thinks fit so to frame the notice, shall only be used in such manner, at such times and in such circumstances as may be specified in the notice:

Provided that if the Minister is satisfied that the use of the apparatus in question is likely to cause undue interference with any wireless telegraphy used for the purposes of any safety of life service or for any purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend, the date to be fixed by the notice may be the date of the service thereof.

(2) A notice under subsection (1) may be revoked or varied by a subsequent notice in writing by the Minister served on the person in whose possession the apparatus then is :

Provided that where a notice under this subsection has the effect of imposing any additional restrictions on the use of the apparatus, the provisions of subsection (1) relating to the coming into force of notices shall apply in relation to the notice as if it had been a notice served under subsection (1).

(3) (a) Where notice has been given under subsection (1), any person having possession of or any interest in the apparatus to which the notice relates may within twenty-eight days appeal to the High Court having jurisdiction in that part of the Federation where the apparatus is situated at the time when the notice was given, and the High Court may, upon the application of such person made at the time of filing the appeal, direct that the Minister's notice shall not operate until a particular date not later than the termination of the appeal :

Provided that where the Minister in writing under his hand, or the Director of Posts and Telegraphs in writing, certifies to the High Court that the continued use of the apparatus in question is likely to cause interference with any wireless telegraphy used for the purpose on which the safety of life service or the safety of any person, vessel, aircraft or vehicle may depend, the High Court may not alter the date upon which the directive in the Minister's notice shall operate.

(b) This subsection applies in relation to a notice under subsection (1) which has been varied by a subsequent notice as it applies in relation to a notice which has not been so varied.

(4) On any such appeal, the High Court may, if it thinks it expedient so to do, call in the aid of one or more assessors specially qualified, and may hear and determine the appeal wholly or in part with their assistance.

(5) On any such appeal, the High Court shall hear the Minister and the person at whose instance the appeal was made and any other person appearing to them to be interested who desires to be heard, and has, in accordance with the rules regulating the procedure of the appeal, procured himself to be made a party to the appeal, and if the High Court is satisfied that the apparatus in question complies with the requirements applicable to it under the regulations it shall direct the Minister to revoke the notice and the Minister shall revoke the notice accordingly.

(6) A direction given under subsection (5) may be absolute, or may be conditional on such steps being taken in relation to the apparatus, or on the apparatus being made to comply with such requirements as may be specified in the direction, and any question whether or not these steps have been taken or, as the case may be, whether or not the apparatus has been made to comply with those requirements shall, on the application of the Minister or of any person having possession of or any interest in the apparatus, be determined by the Court.

(7) Any person, who, knowing that a notice of the Minister under this section is in force with respect to any apparatus, uses that apparatus, or causes or permits it to be used, in contravention of the notice, shall be guilty of an offence.

Enforcement of regulations as to sales, etc., by manufacturers and others.

15. (1) If the Minister is of opinion that any apparatus does not comply with the requirements applicable to it under regulations made for the purpose specified in paragraph (b) of subsection (1) of section 13, he may serve on any person who has manufactured, assembled or imported the apparatus in the course of business a notice in writing prohibiting him from selling the apparatus, otherwise than for export, or offering or advertising it for sale, otherwise than for export, or letting it on hire or offering or advertising it for letting on hire.

(2) Where a notice has been served under subsection (1), the person on whom the notice has been served may appeal against the same to the High Court having jurisdiction in that part of the Federation where the apparatus is situated at the time when the notice was given.

(3) On any such appeal, the High Court may, if it thinks it expedient so to do, call in the aid of one or more assessors specially qualified, and may hear and determine the appeal wholly or in part with their assistance.

(4) On any such appeal, the High Court shall hear the Minister and the person at whose instance the appeal was made and any other person appearing to it to be interested who desires to be heard and has, in accordance with the rules regulating the procedure of the appeal, procured himself to be made a party to the appeal, and, if it is satisfied that the apparatus in question complies with the requirements applicable to it under the regulations, shall direct the Minister to revoke the notice and he shall revoke it accordingly :

Provided that the making by the High Court of a direction under this subsection shall not, where the apparatus is subsequently altered, prevent the Minister from serving a fresh notice under subsection (1) with respect to the apparatus and the refusal by the High Court to make a direction under this subsection shall not, where the apparatus is subsequently altered, prevent the Minister from revoking the notice or the person on whom the notice was served from instituting a further appeal under subsection (2).

(5) Where a notice has been served under subsection (1), the person on whom the notice has been served shall, if he contravenes the provisions of the notice without the notice having been previously revoked by the Minister, be guilty of an offence.

16. (1) Any person who wilfully uses any apparatus for the purpose of interfering with any wireless telegraphy shall be guilty of an offence.

(2) This section shall apply whether or not the apparatus in question is wireless telegraphy apparatus or apparatus to which any of the preceding provisions of this Part apply, and whether or not any notice under section 14 or section 15 has been given with respect to the apparatus, or, if given, has been varied or revoked.

Deliberate interference.

PART IV—GENERAL

17. Subject to the provisions of Part II relating to offences committed in relation to apparatus on board foreign ships or foreign aircraft, any person committing any offence under this Act—

Penalties.

(a) shall, if the offence is under Part II and consists either—

(i) in the installation or use, otherwise than under and in accordance with a licence, of any apparatus not designed or adapted for emission (as opposed to reception); or

(ii) in a failure or refusal to cause any licence or authority to be surrendered to the Minister,

be liable, in the case of the first such offence, to a fine of ten pounds, and, in the case of any subsequent such offence, to a fine of fifty pounds;

(b) shall, if the offence is under Part III and consists in the use, or in the causing or permitting of the use, or in the selling, offering or advertising for sale, letting on hire or offering or advertising for letting on hire, of apparatus in contravention of a notice of the Minister, not being apparatus the use of which is likely to cause undue interference with any wireless telegraphy used for the purposes of any safety of life service or any purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend, be liable, in the case of the first such offence, to a fine of ten pounds, and, in the case of any subsequent such offence, to a fine of fifty pounds;

(c) shall, in the case of any other offence, be liable to imprisonment for three months or to a fine of one hundred pounds or to both such imprisonment and such a fine.

18. (1) Where any offence under this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance, and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and in all the circumstances.

Offences by
bodies
corporate.

(2) In this section, the expression "director", in relation to any body corporate established directly by or under any enactment for the purpose of carrying on any industry 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.

19. Where a person is convicted of an offence under this Act consisting in any contravention of any of the provisions of Part II in relation to any station for wireless telegraphy or any wireless telegraphy apparatus or in the use of any apparatus for the purpose of interfering with any wireless telegraphy, the court may, in addition to any other penalty, order all or any of the apparatus of the station, or, as the case may be, of the apparatus in connection with which the offence was committed, to be forfeited to the Minister.

Forfeiture.

20. (1) Except as otherwise expressly provided in this Act, no criminal proceedings for an offence under this Act shall be instituted, except with the consent of the Minister.

Consent of
Minister to
prosecution.

(2) Nothing in subsection (1) shall prevent the institution of proceedings for an offence under this Act by or in the name of the Director of Public Prosecutions of the Federation in accordance with the provisions of the Constitution of the Federation in any case in which he thinks it proper that proceedings should be so instituted.

Offences
continued
after
conviction.

21. Without prejudice to the right to bring separate proceedings for contraventions of this Act taking place on separate occasions, a person who is convicted of an offence under this Act consisting in the use of any station or apparatus, or in a failure or refusal to cause any licence or authority to be surrendered, shall, where the use, or failure or refusal continues after the conviction, be deemed to commit a separate offence in respect of every day on which the use, failure or refusal so continues.

Civil
proceedings.

22. Nothing in the preceding provisions of this Part shall limit any right of any person to bring civil proceedings in respect of the doing or apprehended doing of anything rendered unlawful by any provision of this Act, and, without prejudice to the generality of the preceding words, compliance with the provisions of this Act contraventions of which are declared to be an offence under this Act shall be enforceable by civil proceedings by the Crown for an injunction or for any other appropriate relief.

Entry and
search of
premises,
etc.

23. (1) If a magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been or is being committed, and that evidence of the commission of the offence is to be found on any premises specified in the information, or in any vessel, aircraft or vehicle so specified, he may grant a search warrant authorizing any person or persons authorized in that behalf by the Minister and named in the warrant, with or without any constables, to enter, at any time within one month from the date of the warrant, the premises specified in the information, or as the case may be, the vessel, aircraft or vehicle so specified and any premises upon which it may be, and to search the premises, or, as the case may be, the vessel, aircraft or vehicle, and to examine and test any apparatus found on the premises, vessel, aircraft or vehicle.

(2) If a magistrate is satisfied upon an application supported by sworn evidence—

(a) that there is reasonable ground for believing that, on any specified premises or in any specified vessel, aircraft or vehicle, apparatus to which section 13 applies is to be found which does not comply with the requirements applicable to it under regulations made under that section; and

(b) that it is necessary to enter those premises or that vessel, aircraft or vehicle, for the purpose of obtaining such information as will enable the Minister to decide whether or not to serve a notice under section 14 or section 15; and

(c) that access to the premises, vessel, aircraft or vehicle for the purpose of obtaining such information as aforesaid has, within fourteen days before the date of the application to the magistrate, been demanded by a person authorized in that behalf by the Minister and producing sufficient documentary evidence of his identity and authority, but has been refused,

the magistrate may issue a written authorization under his hand empowering any person or persons authorized in that behalf by the Minister and named in the authorization, with or without any police officers, to enter the premises, or, as the case may be, the vessel, aircraft or vehicle and any premises on which it may be and to search the premises, vessel, aircraft or vehicle with a view to discovering whether any such apparatus as aforesaid is situate thereon or therein, and, if he finds or they find any such apparatus thereon or therein, to examine and test it with a view to obtaining such information as aforesaid :

Provided that an authorization shall not be issued under this subsection unless either—

(i) it is shown to the magistrate that the Minister is satisfied that there is reasonable ground for believing that the use of the apparatus in question is likely to cause undue interference with any wireless telegraphy used for the purposes of any safety of life service or any purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend ; or

(ii) it is shown to the magistrate that not less than seven days' notice of the demand for access was served on the occupier of the premises, or, as the case may be; the person in possession or the person in charge of the vessel, aircraft or vehicle, and that the demand was made at a reasonable hour and was unreasonably refused.

(3) Where under this section a person has a right to examine and test any apparatus on any premises or in any vessel, aircraft or vehicle, it shall be the duty of any person who is on the premises, or is in charge of, or in attendance on the vessel, aircraft or vehicle, to give him any such assistance as he may reasonably require in the examination or testing of the apparatus.

(4) Any person who—

(a) obstructs any person in the exercise of the powers conferred on him under this section ; or

(b) fails or refuses to give any such person any assistance which he is under this section under a duty to give to him ; or

(c) discloses, otherwise than for the purposes of this Act or of any report of proceedings thereunder, any information obtained by means of the exercise of powers under this Act, being information with regard to any manufacturing process or trade secret,

shall be guilty of an offence, and criminal proceedings for an offence under paragraph (c) of this subsection may be instituted without the consent of the Minister.

24. If on the occasion of any emergency or in the public interest the Governor-General declares that the Government of the Federation shall have control over the transmission or reception of messages by wireless telegraphy, then, after publication of a notice to that effect in the Gazette and until further notice, the following provisions shall apply—

(a) the Minister may by order prohibit for such period and to such extent as may be specified in the order the use of wireless telegraphy on board such vessels, aircraft or vehicles as may be specified in the order in or over Nigeria or the territorial waters adjacent thereto ;

Provisions applicable on an occasion of emergency.

(b) the Minister, or any public officer authorized in writing by the Minister, may—

(i) take possession of any apparatus for wireless telegraphy installed on any station for wireless telegraphy licensed under this Act or forming part of the stock of a wireless dealer licensed under this Act and use such apparatus for official purposes ; or

(ii) place any person in control of any such apparatus ; or

(iii) direct the licensee or person in charge of such apparatus to submit to him all or any communications tendered for transmission or received by means of the apparatus ; or

(iv) stop or delay or direct the licensee or person in charge of such apparatus to stop or delay the transmission or delivery of any such communications or to deliver them to him ; or

(v) direct the licensee or person in charge of such apparatus to comply with all such directions as he may think fit to give with reference to the transmission or receipt of communications by means of the apparatus ;

(c) there shall be payable to the licensee of such apparatus for any damage to the apparatus arising in consequence of the exercise of the powers conferred by this section such compensation as in the opinion of the Minister may be reasonable ;

(d) the Minister may, notwithstanding anything contained in a licence issued under this Act, by order, prohibit for such time as may be specified in the order any licensee from communicating with any station for wireless telegraphy licensed by or belonging to any country which is at war.

(e) the captain or person in charge of any vessel, aircraft or vehicle in relation to which any order or direction under this section is contravened and any person who contravenes any order or direction under this section shall be guilty of an offence.

25. Any person who is in possession of any apparatus for wireless telegraphy shall be deemed, until the contrary is proved, to have used the same.

26. Nothing in this Act shall be deemed to prevent—

(a) the use by a vessel or aircraft in distress, of any means at its disposal to attract attention, make known its position and obtain help ; or

(b) any person from making or using electrical apparatus for actuating machinery or for any purpose other than that of wireless telegraphy.

27. Neither the Government of the Federation, nor the Minister, nor any public officer shall be liable or responsible for an infringement by a licensee, in the exercise of his licence, of copyright in any work or of any patent for an invention or for any breach of the law arising out of the exercise of the licence, and nothing in this Act shall affect the liability of the licensee in respect of any such act done by him.

28. Subject to the provisions of section 20 of this Act, any public officer employed in the Ministry for which the Minister is responsible or for the time being performing duties in relation to that Ministry may conduct any prosecution or other proceedings under or in connection with this Act, whether criminal or civil.

Onus of proof.

Saving as regards distress signals and electrical apparatus.

Protection of Government and public officers.

Conduct of proceedings.

29. Any notice given under the provisions of this Act may be served by post.

30. Without prejudice to any other power in this Act, the Minister may make regulations prescribing or providing for—

Service of notices by post.
Miscellaneous regulations.

(a) the form of licences and the conditions to which licences shall be subject, and different forms and conditions may be prescribed for different classes of licence;

(b) the conditions precedent to the grant of any particular class of licence;

(c) the fees payable for the issue or renewal of any particular class of licence;

(d) the conduct of any examinations held under section 12, the qualifications and remuneration of examiners conducting such examinations;

(e) the prohibition of the use in connection with any station for wireless telegraphy or wireless telegraphy apparatus of such call signals or means of identification as may be specified in the regulations;

(f) the exemption from the provisions of this Act of stations for wireless telegraphy or wireless telegraphy apparatus of such classes or descriptions as may be specified in the regulations;

(g) carrying out and giving effect to purposes incidental to any of the foregoing.

31. (1) In the discharge of the executive authority of the Federation in relation to the allocation of wavelengths for wireless broadcasting and television transmission, the Minister after consultation with the Director-General of Communications may grant to the Government of a Region licences to provide sound or television broadcasting services transmitting on such wavelengths as may be allocated.

Government sound and television broadcasting services.

(2) A licence granted under subsection (1) shall be subject to such conditions as the Minister may see fit to impose for the purpose of—

(a) ensuring a proper and efficient allocation of wavelengths throughout Nigeria; or

(b) giving effect to or ensuring compliance with the terms of any international convention relating to wireless telegraphy to which the Federation is a signatory; or

(c) avoiding undue interference with wireless telegraphy whether inside or outside Nigeria,

but save as aforesaid a licence so granted shall not be subject to any conditions.

(3) Except in so far as it may in the opinion of the Minister be necessary or expedient for any of the purposes mentioned in subsection (2) so to do, the Minister shall not, if application for the grant of a licence under subsection (1) is made to him by the Government of a Region, refuse to grant a licence to that Government.

(4) If, in the opinion of the Minister, it is necessary or expedient for any of the purposes mentioned in subsection (2) to cancel the allocation in a licence granted under subsection (1) of a wavelength or alter a wavelength allocated in a licence so granted or alter or add to the conditions of a licence so granted, he may by notice in writing cancel or amend the licence accordingly.

(5) A sound or television broadcasting service shall be provided by the Government of a Region only under and in accordance with a licence granted under subsection (1), but except as provided in this section, the provisions of this Ordinance shall not apply in relation to broadcasting or television provided by the Government of a Region.

Validity of
previous
licences.

32. Any licence granted under any of the provisions of the Wireless Telegraphy Ordinance hereby repealed and in force immediately before the coming into operation of this Act shall cease to have effect unless renewed in accordance with the provisions of this Act.

Repeal.
Cap. 233.
of the 1948
Revised
Editions of
the Laws.

33. The Wireless Telegraphy Ordinance is repealed.

This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

E. E. NSEFIK,
Acting Clerk of the Parliaments

FLAGS AND COATS OF ARMS (AMENDMENT) ACT, 1961

A 289

Assented to in Her Majesty's name this 29th day of September, 1961.

NNAMDI AZIKIWE,
Governor-General

(L.S.)



ARRANGEMENT OF SECTIONS

Section

- | | | |
|---------------------------------|--|----------------------------|
| 1. Short title and application. | | 2. Amendment of section 3. |
|---------------------------------|--|----------------------------|

1961, No. 32

AN ACT TO AMEND THE FLAGS AND COATS OF ARMS ORDINANCE, 1960
(No. 48 of 1960).

[30th September, 1961]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria
in this present Parliament assembled and by the authority of the same
as follows—

1. This Act may be cited as the Flags and Coats of Arms (Amend-
ment), Act, 1961, and shall be of Federal application.

Short title
and applica-
tion.

Amendment
of section 3.
No. 48 of
1960.

2. Subsection (3) of section 3 of the Flags and Coats of Arms Ordinance, 1960, is amended—

(a) by the deletion of the words “the national flag of any foreign state” and the substitution of the following—

“the flag of any Region, the national flag of any foreign state or any other flag”;

(b) by the deletion from paragraph (a) of the words “the flag of the foreign state” wherever they appear and the substitution therefor in each case of the following—

“the flag of the Region, the flag of the foreign state, or that other flag”; and

(c) by the deletion from paragraph (b) of the words “the flag of the foreign state” and the substitution of the following—

“the flag of the Region, the flag of the foreign state or as the case may be, that other flag”.

This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

E. E. NSEFIK,
Acting Clerk of the Parliaments

CIVIL LIABILITY (MISCELLANEOUS PROVISIONS) ACT, 1961

A 291

Assented to in Her Majesty's name this 29th day of September, 1961.

NNAMDI AZIKIWE,
Governor-General

(L.S.)



ARRANGEMENT OF SECTIONS

Section

1. Short title, etc.
2. Interpretation.
PART I—SURVIVAL OF CERTAIN CAUSES OF ACTION
3. Effect of death on certain causes of action.
4. Special application.
5. Measure of damages.
6. Rights to be additional to other rights.
7. Insolvency.
PART II—JOINT TORT-FEASORS
8. Proceedings against joint tort-feasors, etc.
9. Amount of contribution.

10. Savings.
PART III—CONTRIBUTORY NEGLIGENCE
11. Liability in case of contributory negligence.
12. Proceedings against joint tort-feasors applicable to this Part.
13. Damages to be reduced in special cases of death.
14. Effect of avoidance of liability on special plea.
15. Jury to assess damages in proper cases.
16. Liability in cases of carriage by air.
17. Savings.

1961, No. 33

AN ACT TO MAKE FURTHER PROVISION FOR THE SURVIVAL OF CAUSES OF ACTION IN SPECIAL CASES, TO AMEND THE LAW AS TO TORT-FEASORS AND TO CONTRIBUTORY NEGLIGENCE, AND FOR OTHER PURPOSES CONNECTED THEREWITH.

[By notice, see section 1 (1)]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows—

1. (1) This Act may be cited as the Civil Liability (Miscellaneous Provisions) Act, 1961, and shall come into operation on a day to be fixed by the Governor-General by notice in the Gazette.

Short title,
etc.

(2) This Act shall apply to the Federal Territory of Lagos.

2. (1) In this Act unless the context otherwise requires—

“court” means, in relation to any claim, the court or arbitrator as the case may be by or before whom the claim falls to be determined;

Interpreta-
tion.

"damage" includes loss of life and personal injury.

(2) Where reference is made in this Act to "immediate family", it shall have the same meaning as it has for the purposes of the Fatal Accidents Act, 1961 but modified to the extent that references therein to a system of customary law shall, as the case may require, include references to Moslem Law.

PART I—SURVIVAL OF CERTAIN CAUSES OF ACTION

3. (1) Subject to the provisions of this Part of this Act, on the death of any person after the commencement of this Act all causes of action subsisting against or vested in him shall survive against, or, as the case may be, for the benefit of his estate.

(2) No proceedings shall be maintainable in respect of a cause of action in tort which by virtue of this section has survived against the estate of a deceased person, unless either—

(a) proceedings against him in respect of that cause of action were pending at the date of his death; or

(b) the cause of action arose not earlier than six months before his death and proceedings are taken in respect thereof not later than six months after his personal representative is authorised to act as such.

(3) Nothing in this section shall apply to causes of action for defamation or seduction or inducing one spouse to leave or remain apart from the other, or to claims for damages on the ground of adultery.

4. Where damage has been suffered by reason of any act or omission in respect of which a cause of action would have subsisted against any person if that person had not died before or at the same time as the damage was suffered, there shall be deemed, for the purposes of this Part of this Act, to have been subsisting against him before his death such cause of action in respect of that act or omission as would have subsisted if he had died after the damage was suffered.

5. Where a cause of action survives under this Part of this Act for the benefit of the estate of a deceased person, the damages recoverable for the benefit of the estate of that person—

(a) shall not include any exemplary damages;

(b) in the case of a breach of promise to marry, shall be limited to such damage, if any, to the estate of that person as flows from the breach of promise to marry;

(c) where the death of that person has been caused by the act or omission which gives rise to the cause of action, shall be calculated without reference to any loss or gain to his estate consequent on his death, except that a sum in respect of funeral expenses may be included.

6. The rights conferred by this Part of this Act for the benefit of the estate of deceased persons shall be in addition to and not in derogation of any rights conferred on the members of the immediate family of deceased persons by the Fatal Accidents Act, 1961, or on the members of the family of the deceased person by the Carriage by Air Act, 1932 (as applied to Nigeria by the Carriage by Air (Colonies, Protectorates and Mandated Territories) Order, 1953), and so much of this Part of this Act as relates to causes of action against the estates of deceased persons shall apply in relation to causes of action under the said enactments as it applies in relation to other causes of action not expressly excepted by subsection (3) of section 3 of this Act.

Effect of death on certain causes of action.

Special application.

Measure of damages.

Rights to be additional to other rights. 1961 No. 1958 Edin. vol. XI, p. 618.

7. In the event of the insolvency of an estate against which proceedings are maintainable by virtue of this Part of this Act, any liability in respect of the cause of action in respect of which the proceedings are maintainable shall be deemed to be a debt provable in the administration of the estate, notwithstanding that it is a demand in the nature of unliquidated damages arising otherwise than by contract, promise or breach of trust.

Insolvency.

PART II—JOINT TORT-FEASORS

8. (1) Where damage is suffered by any person as a result of a tort (whether a crime or not)—

Proceedings
against joint
tort-feasors,
etc.

(a) judgment recovered against any tort-feasors liable in respect of that damage shall not be a bar to an action against any other person who would, if sued, have been liable as a joint tort-feasor in respect of the same damage;

(b) if more than one action is brought in respect of that damage by or on behalf of the person by whom it was suffered, or for the benefit of the estate or of any of the members of the immediate family of that person against tort-feasors liable in respect of the damage (whether as joint tort-feasors or otherwise), the sums recoverable under the judgments given in those actions by way of damages shall not in the aggregate exceed the amount of the damages awarded by the judgment first given, and in any of those actions other than that in which judgment is first given, the plaintiff shall not be entitled to costs unless the court is of the opinion that there was reasonable ground for bringing the action;

(c) any tort-feasor liable in respect of that damage may recover contribution from any other tort-feasor who is, or would if sued have been, liable in respect of the same damage, whether as a joint tort-feasor or otherwise, so, however, that no person shall be entitled to recover contribution under this section from any person entitled to be indemnified by him in respect of the liability in respect of which the contribution is sought.

(2) For the purposes of this section, the reference to "the judgment first given" shall, in a case where that judgment is reversed on appeal, be construed as a reference to the judgment first given which is not so reversed, and in a case where a judgment is varied on appeal, be construed, as a reference to that judgment as so varied.

9. (1) In any proceedings for contribution under this Part of this Act, the amount of the contribution recoverable from any person shall be such as the court finds just and equitable having regard to the extent of the responsibility of that person for the damage.

Amount of
contribution.

(2) The court in the exercise of its powers may exempt any person from liability to contribute, or may direct that the contribution to be recovered from any person shall amount to a complete indemnity.

10. Nothing in this Part of this Act shall—

Savings.

(a) apply with respect to any tort committed before the commencement of this Act; or

(b) affect any criminal proceedings against any person in respect of any wrongful act; or

(c) render enforceable any agreement for indemnity which would not have been enforceable if this Act had not been passed.

PART III—CONTRIBUTORY NEGLIGENCE

Liability in
case of con-
tributory
negligence.

11. (1) Where any person suffers damage as the result partly of his own fault and partly of the fault of any other person or persons, a claim in respect of that damage shall not be defeated by reason of the fault of the person suffering the damage, but the damages recoverable in respect thereof shall be reduced to such extent as the court thinks just and equitable having regard to the share of the claimant in the responsibility for the damage.

(2) Where damages are recoverable by any person by virtue of subsection (1) of this section subject to such reduction as therein mentioned, the court shall find and record the total damages which would have been recoverable if the claimant had not been at fault.

(3) For the purposes of this section, "fault" includes negligence, breach of statutory duty or other act or omission which gives rise to a liability in tort, or would, but for this Part of this Act, give rise to the defence of contributory negligence.

(4) Nothing in this section shall operate to defeat any defence arising under a contract; and where any contract or enactment provides for the limitation of liability as applicable to the claim, the amount of damages recoverable by the claimant under this section shall not exceed the maximum limit applicable.

Proceedings
against joint
tort-feasors
applicable
to this Part.

12. The provisions of section 8 of this Act (which relates to proceedings against and contributions between joint tort-feasors) shall apply where two or more persons are liable or would, if they had all been sued, be liable by virtue of subsection (1) of section 11 of this Act in respect of the damage suffered by any person.

Damages to
be reduced
in special
cases of
death.

13. Where any person dies as the result of his own fault and partly of the fault of any other person and accordingly if an action were brought for the benefit of the estate under Part I of this Act the damages recoverable would be reduced under subsection (1) of section 11 of this Act, any damages recoverable in an action brought for the benefit of the members of the immediate family of that person under the Fatal Accidents Act, 1961, shall be reduced to a proportionate extent.

Effect of
avoidance
of liability
on special
plea.

14. Where under this Part of this Act one of the persons at fault avoids liability to any other such person or his personal representative by pleading any enactment limiting the time within which proceedings may be taken, he shall not be entitled to recover any damages or contributions from that other person or representative by virtue of this part of this Act.

Jury to
assess
damages in
proper cases.

15. Where any case to which subsection (1) of section 11 of this Act applies is tried with a jury, the jury shall determine the total damages which would have been recoverable if the claimant had not been at fault and the extent to which those damages are to be reduced.

Liability in
cases of
carriage by
air.

16. Where under any law in force in Nigeria relating to carriage by air a carrier proves that the damage was caused by or contributed to by the negligence of the injured person, the court in affixing liability, shall take into consideration the provisions of this Part of this Act.

17. Nothing in this Part of this Act shall apply—

Savings.

(a) to any claim in respect of which the Workmen's Compensation Ordinance applies; or

Cap. 222.

(b) to any claim in respect of which the liability to make good any damage or loss occasioned by the fault of two or more vessels shall be in proportion to the degree in which each vessel was at fault as provided for in any other Act; or

(c) to any case where the act or omission giving rise to the claim occurred before the coming into operation of this Act.

This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

E. E. NSEFIK,
Acting Clerk of the Parliaments

Assented to in Her Majesty's name this 29th day of September, 1961.

NNAMDI AZIKIWE,
Governor-General

(L.S.)



ARRANGEMENT OF SECTIONS

Section:

- | | |
|--|---|
| 1. Short title, etc. | 6. Assessment of damages. |
| 2. Interpretation. | 7. Damages on death by contributory negligence. |
| 3. Death by wrongful act, etc. | 8. Payment into court. |
| 4. Limitation of action. | 9. Saving as to accrued rights. |
| 5. Particulars to be given by plaintiff. | |

1961, No. 34

AN ACT TO PROVIDE FOR COMPENSATION FOR THE FAMILIES OF PERSONS KILLED IN ACCIDENTS.

[By notice, see section 1 (1)]

Commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows—

1. (1) This Act may be cited as the Fatal Accidents Act, 1961, and shall come into operation on a date to be fixed by the Governor-General by notice in the Gazette.

Short title, etc.

(2) This Act shall apply to the Federal Territory of Lagos.

Interpre-
tation.

2. (1) In this Act unless the context otherwise requires—

“administrator” includes a person appointed according to any system of customary law as representative of a deceased person or his estate ;

“child” means a son or daughter and includes a grandson or granddaughter, and stepson or stepdaughter, of a deceased person and includes a child adopted before or after the coming into operation of this Act under any law as to adoption recognised in Nigeria ;

“deceased person” means a person in respect of whom under this Act a cause of action survives his death ;

“immediate family”—

(a) in relation to a deceased person not subject to a system of customary law, includes—

- (i) the widow or widows, as the case may be,
- (ii) the widower ;
- (iii) any parent ; and
- (iv) any child ;

(b) in relation to a deceased person who was subject to a system of customary law not being Moslem Law, means in addition to any of the persons specified in paragraph (a) of this definition, surviving brothers and sisters of a deceased person, which expression includes step brothers and step sisters ;

(c) in relation to a deceased person who was subject to the system of customary law known as Moslem Law, means the person entitled to share in the award of *diyya* prescribed by Moslem Law for involuntary homicide ;

“parent” means the father or mother of the deceased person and includes any grandfather, grandmother, stepfather or stepmother ;

“system of customary law” includes Moslem Law.

(2) For the purposes of this Act, a person shall be deemed to be the parent or child of the deceased person notwithstanding that he was only related to him illegitimately ; and in deducing relationship under this section an illegitimate person shall if acknowledged as his by the reputed father, be treated as the legitimate offspring of his mother and reputed father.

3. (1) Where after the coming into operation of this Act, the death of a person is caused by wrongful act, neglect or default, and the wrongful act, neglect or default is such as would, if death had not ensued, have entitled the person injured to maintain an action and recover damages in respect thereof, the person who would have been liable if death had not ensued shall be liable to an action for damages, notwithstanding the death of the person injured.

(2) Every action under this section shall be for the benefit of the members of the immediate family of the deceased person and shall—

(a) if the deceased person was not subject to a system of customary law, be brought by and in the name of the executor or administrator of the deceased person ; or

Death by
wrongful
act, etc.

(b) if the deceased person was immediately before his death subject to a system of customary law relating to estate, be brought at the option of his immediate family, by and in the name of such person as the court is satisfied is under the customary law, entitled or empowered to represent the deceased person or his estate.

(3) If there is no executor or administrator, or where there is an executor or administrator but no action is brought by the executor or administrator within six months after the death of the deceased person, then action may be brought by and in the names of all or any of the persons for whose benefit the action would have been, if it had been brought by the executor or administrator; and every action brought shall be for the benefit of the same persons and be subject to the same regulations and procedure, as nearly as may be, as if it had been brought by an executor or administrator.

4. (1) Every action under this Act shall be commenced within three years after the death of the deceased person, and not more than one award of damages shall be made in respect of the same subject-matter of complaint.

Limitation of action.

(2) This section shall have effect notwithstanding the provisions of the Public Officers Protection Ordinance, but shall not apply to any other case for which a special period of limitation for the commencement of any action is prescribed by any Act.

Cap. 168.

5. In every action under this Act, the plaintiff shall give to the court full particulars of the persons for whom and on whose behalf the action is brought, and of the nature of the claim for damages.

Particulars to be given by plaintiff.

6. (1) Subject to the provisions of this section, the court may, in assessing and apportioning damages in an action brought under this Act, award such damages as it may think proportionate to the injury resulting from the death of the deceased person to the persons respectively for whom and for whose benefit such action is brought; and the amount so recovered, less the costs not recovered from the defendant, shall be apportioned in such shares as the court directs amongst the persons entitled:

Assessment of damages.

Provided that where the deceased person was, immediately before his death, subject to any system of customary law relating to estate, the court shall have regard to the particular system of customary law, and decide which members (if any) of the immediate family of the deceased person are entitled to share in damages, and shall apportion the shares amongst the persons entitled.

(2) No account shall be taken of any sums paid or payable on the death of the deceased person under any contract of assurance, and the award of damages may include reasonable funeral expenses of the deceased person incurred by the persons for whose benefit the action is brought.

7. Where action is brought under this Act and the court or jury as the case may be is satisfied that death was the result partly of the fault of the deceased person and partly the fault of some other person, it shall in assessing damages, take into account the provisions of any other Act relating to liability in cases of contributory negligence, and the damages recoverable by the immediate family shall in proper case be reduced to a proportionate extent.

Damages on death by contributory negligence.

Payment
into court.

8. (1) Where the defendant pays any money into court as compensation and to abide the event, it shall not be necessary for him to specify the shares into which the compensation is to be apportioned. If issue is joined as to its sufficiency, and the court considers the amount paid to be sufficient, defendant shall be entitled to judgment on that issue.

(2) If the amount of compensation is accepted, the plaintiff may apply by motion for an order apportioning the compensation; and the court in granting an application may invoke the provisions of section 7 of this Act and make the apportionment.

Saving as
to accrued
rights.

9. Nothing in this Act shall affect any rights which may have accrued to any person before the commencement of this Act.

This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

E. E. NSEFIK,
Acting Clerk of the Parliaments

**NIGERIAN BROADCASTING CORPORATION
(AMENDMENT) ACT, 1961**

A 301

Assented to in Her Majesty's name this 29th day of September, 1961.

NNAMDI AZIKIWE,
Governor-General

(L.S.)



ARRANGEMENT OF SECTIONS

Section

- | | |
|-------------------------------------|--------------------------------------|
| 1. Short title, etc. | 6. Section 24 of Ordinance amended. |
| 2. Section 5 of Ordinance replaced. | 7. Section 28 of Ordinance amended. |
| 3. Section 6 of Ordinance amended. | 8. Section 30 of Ordinance amended. |
| 4. Section 10 of Ordinance amended. | 9. Section 31 of Ordinance amended. |
| 5. Section 20 of Ordinance amended. | 10. Section 54 of Ordinance amended. |
| | 11. Miscellaneous repeals. |

1961, No. 35

**AN ACT TO AMEND THE NIGERIAN BROADCASTING CORPORATION ORDINANCE
(CHAPTER 133).**

[30th September, 1961]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

1. (1) This Act may be cited as the Nigerian Broadcasting Corporation (Amendment) Act, 1961, and shall be read as one with the Nigerian Broadcasting Corporation Ordinance (hereinafter called the Ordinance),

Short title,
etc.
Cap. 133.

(2) This Act shall apply to the Federation.

2. Section 5 of the Ordinance is hereby repealed and replaced by the following new section—

Section 5 of
Ordinance
replaced.

“Constitution of the Corporation. 5. (1) The Corporation shall consist of the following members—

- (a) the Chairman ;
- (b) the Chairman for the time being of each Regional Board ;
- (c) the Director-General as a member without vote ;
- (d) one person from each Region in virtue of the knowledge of that person of the culture, characteristics and affairs of the particular Region and his close touch with opinion in that Region ;
- (e) one person who in the opinion of the Minister is qualified as having experience of and shown capacity in telecommunications ;
- (f) one person who in the opinion of the Minister is qualified as having experience of and shown capacity in public finance ;
- (g) four persons who in the opinion of the Minister are in virtue of their individual qualities broadly representative of the general public of Nigeria as a whole or of any particular section or class of Nigerian citizens ;
- (h) one person chosen to represent the Federal territory in virtue of his close touch with opinion in the Federal territory ;
- (i) one person holding office in the Ministry responsible for broadcasting.
- (j) one person holding office in the Ministry of Foreign Affairs and Commonwealth Relations.

(2) The Chairman and other members of the Corporation shall, unless they are members by virtue of office, be appointed by the Governor-General in Council on the recommendation of the Minister."

Section 6 of
Ordinance
amended.

3. Subsection (3) of section 6 of the Ordinance is amended by repealing the words "under the provisions of paragraph (c) of section 5, the Minister may, on the recommendation of the Governor in Council, Commissioner or Committee on whose recommendation such member was appointed", and substituting therefor the words "otherwise than by virtue of office the Minister may after such consultation as is prescribed by this Ordinance".

Section 10 of
Ordinance
amended.

4. Section 10 of the Ordinance is amended—

- (a) in subsection (1) by inserting immediately after the word "service" the words "in the interest of the Federation" ;
- (b) in subsection (3) by substituting for the words "or part of the Federation" the words "and of the Federal territory" ; and
- (c) by inserting immediately after subsection (3) a new subsection (3) (a) as follows—

"(3) (a) The Minister may, after consultation with the Corporation, give to the Corporation general or specific directions on matters of policy or matters appearing to the Minister to be of public interest, and the Corporation shall give effect to all such directions."

5. Section 20 of the Ordinance is amended,—

Section 20 of
Ordinance
amended.

(a) in subsection (1) by substituting for the words "Governor in Council of the Region" where they occur in paragraphs (a) and (b), the words "Governor-General in Council on the recommendation of the Minister after consultation with the appropriate Regional Government"; and

(b) in subsection (2) by substituting for all words after "application" the words "the Minister shall exercise his powers after considering the recommendation of the Governor in Council of the Region."

6. Section 24 of the Ordinance is amended—

Section 24 of
Ordinance
amended.

(a) by inserting at the commencement of subsection (1) the words "Subject to the provisions of this section"; and

(b) by inserting immediately after subsection (2) a new subsection (3) as follows—

"(3) A Regional Board in the exercise of its functions shall take into consideration any general or specific directions in writing which the Minister after consultation with the Regional Board may give to the Regional Board; and for the purposes of this subsection the Minister shall be deemed to have all necessary powers to give such directions."

7. Subsection (1) of section 28 of the Ordinance is amended—

Section 28 of
Ordinance
amended.

(a) by substituting for the words "vernacular language which" the words "other language in use in Nigeria or as"; and

(b) by substituting for the words "vernacular language" where they twice occur thereafter the words "other language in common use in Nigeria".

8. Section 30 of the Ordinance is amended in paragraph (b) by substituting for the words "policies of Her Majesty's Government in the United Kingdom or" the words "policy of".

Section 30 of
Ordinance
amended.

9. Subsection (1) of section 31 of the Ordinance is amended by substituting for the words "part of the Federation" the words "the Federal territory".

Section 31 of
Ordinance
amended.

10. Section 54 of the Ordinance is amended—

Section 54 of
Ordinance
amended.

(a) in subsection (1) by substituting for the words "Persons employed by the Corporation who are not or are not deemed to be, British subjects or British protected persons," the words "Subject to the provisions of this section, persons employed by the Corporation who are not Nigerian citizens or Commonwealth citizens"; and

(b) by adding a new subsection (3) as follows—

"(3) Nothing in this section shall affect any persons in the employ of the Corporation who, at the commencement of this Act are British protected persons."

11. The Ordinance is further amended to the extent set out in the Schedule to this Act.

Miscellaneous
repeals.

SCHEDULE

Section 11

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Amendment</i>
133	Nigerian Broadcasting Corporation Ordinance	(a) in section 2 by repealing the definition of "part of the Federation"; (b) in paragraph (a) of subsection (1) of section 11 by repealing the words "and of the Southern Cameroons"; (c) by repealing subsection (3) of section 15; (d) by repealing section 60; and (e) by repealing clause (a) of paragraph 10 of the Second Schedule.

This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

E. E. NSEFIK,
Acting Clerk of the Parliaments

Assented to in Her Majesty's name this 29th day of September, 1961.

NNAMDI AZIKIWE,
Governor-General

(L.S.)



ARRANGEMENT OF SECTIONS

Section

1. Short title, etc.

2. New section added to Ordinance.

1961, No. 36

AN ACT TO AMEND THE ROAD TRAFFIC ORDINANCE.

[30th September, 1961]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

1. This Act may be cited as the Road Traffic (Amendment) Act, 1961, and shall apply to the Federal Territory of Lagos.

Short title,
etc.

2. The Road Traffic Ordinance, is amended by the insertion after section 25 of the following new section—

Insertion
of new
section 25A.
No. 43 of
1947.

“Power to
retain
driving
licence in
certain
circum-
stances.

25A. (1) Subject to the provisions of this section, any police officer may retain the driving licence of any person who commits within his view, or whom he reasonably suspects of having committed an offence under this Ordinance or under any regulation made thereunder, if he reasonably considers that any difficulty is likely to arise in the service of a summons on such person.

(2) A police officer who retains the driving licence of any person under this section shall thereupon give to him a written statement signed and dated by the officer to the effect that the licence has been so retained and indicating the police station at which the licence may be claimed.

(3) A driving licence retained under this section shall be returned to the holder upon his giving a written acknowledgement signed and dated by him to the effect that it has been so returned—

(a) if he reports in person not less than three days after the date of its retention, at the police station mentioned in the written statement given in accordance with subsection (2); or

(b) if a summons relating to the offence committed or suspected to have been committed by him is served on him."

This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

E. E. NSEFIK,
Acting Clerk of the Parliaments

WATER RATES RECOVERY (GOVERNMENT TENANTS) ACT, 1961

A 307

Assented to in Her Majesty's name this 29th day of September, 1961.

NNAMDI AZIKIWE,
Governor-General

(L.S.)



ARRANGEMENT OF SECTIONS

Section

- | | |
|---|---|
| 1. Short title, etc. | 4. Recovery of certain outstanding water rates. |
| 2. Interpretation. | 5. Payment to Consolidated Revenue Fund. |
| 3. Power to recover water rates imposed on certain tenements. | 6. Regulations. |

1961, No. 37

AN ACT TO MAKE BETTER PROVISION FOR THE RECOVERY OF WATER RATES IN RESPECT OF CERTAIN TENEMENTS.

[30th September, 1961]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

1. This Act may be cited as the Water Rates Recovery (Government Tenants) Act, 1961, and shall apply to the Federal territory.

Short title,
etc.

2. In this Act, references to "tenancy" and cognate expressions include references to any subtenancy.

Interpreta-
tion.

3. (1) Notwithstanding any other Act or rule of law, there shall be implied in every tenancy of property owned or occupied by the Government of the Federation and let or sublet before or after the passing of this Act to tenants who are persons in the employ of the Government of the Federation, a condition that no water rates other than those imposed by the Government of the Federation shall be collected; and the water rates shall be a charge against the salary or wages of the tenant and be recoverable by deduction therefrom at intervals not exceeding one month.

Power to
recover water
rates
imposed on
certain
tenements.

(2) Nothing in this section shall be construed so as to impose liability on a tenant to whom this Act applies in respect of water rates for any period of occupation by a person other than the tenant.

Recovery of
certain
outstanding
water rates.

4. Where at the commencement of this Act arrears of water rates however imposed are owing and unpaid by the tenant, the provisions of this Act shall apply and the arrears shall be a debt due to the Government of the Federation and be recoverable without action by deductions from the salary or wages of the tenant made over a period of not more than three months, any Act or rule of law to the contrary notwithstanding.

Payment to
Consolidated
Revenue
Fund.

5. Moneys collected under this Act shall be paid into the Consolidated Revenue Fund.

Regulations.

6. (1) The Minister responsible for Works and Surveys may from time to time make regulations prescribing water rates for the purposes of this Act.

Cap. 213.

(2) Regulations made under this Act may revoke regulations under the Waterworks Ordinance where they are inconsistent with this Act.

This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

E. E. NSEFIK,
Acting Clerk of the Parliaments

EXPORT OF NIGERIAN PRODUCE (AMENDMENT) ACT, 1961

A 309

Assented to in Her Majesty's name this 29th day of September, 1961.

NNAMDI AZIKIWE,
Governor-General

(L.S.)



ARRANGEMENT OF SECTIONS

Section

1. Short title and application.
2. Section 2 of the Ordinance amended.

3. Section 5 of the Ordinance amended.

1961, No. 38

AN ACT TO AMEND THE EXPORT OF NIGERIAN PRODUCE ORDINANCE,
1958 (NO. 36 OF 1958).

[30th September, 1961]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows—

1. (1) This Act may be cited as the Export of Nigerian Produce (Amendment) Act, 1961, and shall be read as one with Export of Nigerian Produce Ordinance, 1958 (hereinafter referred to as the Ordinance).

Short title
and
application.

(2) This Act shall be of Federal application.

2. Section 2 of the Ordinance is amended—

(a) in the definition of "produce" by substituting the word "means" for the word "includes"; and

Section 2 of
the Ordi-
nance
amended.

(b) in the definition of "product derived by local processing" by substituting for all words after "Marketing" the words "Law, which has been purchased from a Regional Marketing Board for processing in Nigeria";

Section 5 of
the Ordinance
amended.

3. Section 5 of the Ordinance is amended by substituting in paragraph (a), for the word "produce" where it secondly occurs, the words "a product".

This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

E. E. NSEFIK,
Acting Clerk of the Parliaments

Assented to in Her Majesty's name this 29th day of September, 1961.

NNAMDI AZIKIWE,
Governor-General

(L.S.)



ARRANGEMENT OF SECTIONS

Section	
1. Short title and application.	4. Amendment of section 7.
2. Interpretation.	5. Pension right preserved in certain cases.
3. Amendment of section 2.	6. Transfer value for pension purposes in certain cases.

1961, No. 39

AN ACT TO AMEND THE PENSIONS ORDINANCE AND TO PROVIDE FOR THE PRESERVATION OF RIGHTS TO PENSIONS IN CERTAIN CASES (CAP. 147).

[30th September, 1961]

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows:—

Commence-
ment.

1. (1) This Act may be cited as the Pensions (Amendment) Act, 1961, and shall be read as one with the Pensions Ordinance.

Short title,
etc.

(2) This Act shall apply throughout the Federation.

Interpreta-
tion.

2. (1) References in the Pensions Ordinance to "Governor-General" on the coming into operation of this Act shall in respect of any act matter or thing performed observed or done or required to be performed observed or done under or for the purposes of the Pensions Ordinance, be read and construed as references to "Minister", and the Pensions Ordinance shall be amended accordingly.

(2) For the avoidance of doubts the Pensions Ordinance shall be read and construed as if references therein to the Secretary of State or to any requirement by way of approval or sanction of the Secretary of State had, on the 1st day of October, 1960, been omitted from the Pensions Ordinance.

Section 2 of
Pensions
Ordinance
amended.

3. (1) Subsection (1) of section 2 of the Pensions Ordinance is amended,—

(a) by inserting in alphabetical sequence the following new definitions—

"approved service" means any service or employment other than public service within the meaning of this Ordinance to which the holder of a pensionable office may be appointed for a period or periods with the approval of the Minister, and in the case of an officer in any other public service means with the concurrence of the employing authority ;

"Minister" means the Federal Minister charged with responsibility for pensions ;

"transfer value" means the amount paid and accepted in discharge of pension liability in respect of an officer at the time of his transfer to an approved service ; and

(b) in the definition of "public service"—

(i) by inserting immediately after the word "capacity" the words "up to the date of the coming into operation of the Pensions (Amendment) Act, 1961", and

(ii) by inserting immediately after the word "Sudan" the words "and on the coming into operation of the Pensions (Amendment) Act, 1961 means service in a civil capacity under the Government of the Federation or under a scheduled Government within the meaning of regulation 8 of the Pensions Regulations or such other service in a civil capacity as the Minister may from time to time by order determine to be public service for any of the purposes of this Ordinance, and service under any superannuation scheme in respect of which there is a reciprocal arrangement for the acceptance of service as qualifying service under this Ordinance or any regulations made under this Ordinance."

1961, No. 39.

Section 7 of
Pensions
Ordinance
amended.

4. Section 7 of the Pensions Ordinance is amended by inserting in paragraph (4) immediately after the words "public service" where they twice occur, the words "or approved service".

Pension
rights
preserved in
certain
cases.

5. If an officer in pensionable employment has been before the coming into operation of this Act or is thereafter transferred to employment which is approved service for the purposes of the Pensions Ordinance, it shall be lawful, upon the retirement of the officer from the

approved service in accordance with the provisions relating to retirement from the approved service, for the Minister to grant to the officer a pension computed at such rate as if the officer had retired at the date of his transfer to the approved service.

6. Notwithstanding the provisions of section 5 of this Act, where an officer is transferred to an approved service in circumstances that the officer is or may be entitled on retirement to a pension based on his final salary and total service, the Minister may agree with the head officer of the approved service for the payment of a lump sum in satisfaction of the pension liability of the public service in respect of length of service of the officer at the time of his transfer. If the lump sum is accepted by the head officer of the approved service, the amount shall be treated as the transfer value of the officer in respect of his right to a pension.

Transfer
value for
pension
purposes in
certain
cases.

This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

E. B. NSEFIK,
Acting Clerk of the Parliaments