

PUBLIC ORDER (LAGOS) ACT, 1962



1962, No. II

AN ACT TO EXTEND TO OTHER MINISTERS THE POWER TO PROHIBIT PUBLIC MEETINGS AND PROCESSIONS CONFERRED ON THE MINISTER RESPONSIBLE FOR PUBLIC ORDER IN LAGOS ; AND FOR CONNECTED PURPOSES.

[12th May, 1962]

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) The power to prohibit public meetings and public processions conferred on the Minister responsible for public order in Lagos by subsection (2) of section five of the Public Order (Lagos) Act shall, in the absence of that Minister from Lagos, be exercisable by any other Minister of the government of the Federation.

Exercise of
powers to
prohibit
public
meetings,
etc.

(2) Accordingly, that section shall have effect with the insertion of the words "or in his absence from Lagos any other Minister of the government of the Federation" after the word "Minister" where it first occurs in subsection (2), of the words "holding that opinion" after that word in the third place where it occurs in that subsection, and of the words "who made the order" after that word in subsection (3).

Cap. 169.

2.—(1) This Act may be cited as the Public Order (Lagos) Act, 1962, and this Act and the Act aforesaid may be cited together as the Public Order (Lagos) Acts, 1955 and 1962.

Citation and
extent.

(2) This Act shall apply to the Federal territory only.

APPROPRIATION ACT, 1962

A 27



1962, No. 5

AN ACT TO AUTHORISE THE ISSUE OUT OF THE CONSOLIDATED REVENUE FUND OF FIFTY-TWO MILLION, EIGHTY-FOUR THOUSAND, SEVEN HUNDRED POUNDS FOR THE SERVICE OF THE YEAR ENDING ON THE THIRTY-FIRST DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND SIXTY-THREE; AND TO APPROPRIATE THAT AMOUNT FOR THE PURPOSES SPECIFIED IN THIS ACT.

[12th May, 1962]

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. The Accountant-General may, when authorised so to do by warrants signed by the Minister of Finance, pay out of the Consolidated Revenue Fund during the year ending on the thirty-first day of March, one thousand nine hundred and sixty-three, the sums specified by the warrants, not exceeding in the aggregate fifty-two million, eighty-four thousand, seven hundred pounds.

Issue of £52,084,700 from Consolidated Revenue Fund for 1962-63.

2. The amount mentioned in the foregoing section shall be appropriated to heads of expenditure as indicated in the Schedule to this Act.

Appropriation of the amount aforesaid.

3. No part of the amount mentioned in section one of this Act shall be issued out of the Consolidated Revenue Fund after the end of the year mentioned in that section.

Lapse of balances outstanding at end of year.

4. This Act may be cited as the Appropriation Act, 1962, and shall apply throughout the Federation.

Short title and extent.

SCHEDULE

Head	Amount
21 State House	£ 79,290
22 Cabinet Office	492,520
23 Police	4,967,240
24 Ministry of Commerce and Industry	708,810
25 Ministry of Communications	6,063,470
26 Ministry of Defence	67,020
27 Royal Nigerian Army	4,203,420
28 Royal Nigerian Navy	782,110
29 Nigerian Air Force	200,000
<i>Carried forward</i>	<u>£17,563,880</u>

SCHEDULE—continued

Head	Amount
<i>Brought forward</i>	£17,563,880
30 Ministry of Economic Development	400,100
31 Agriculture (Research)	264,870
32 Fisheries Service	57,410
33 Forestry (Research)	108,190
34 Statistics	192,690
35 Veterinary (Research)	248,850
36 Ministry of Education	2,705,250
37 Antiquities	98,790
38 National Archives	95,530
39 Ministry of Establishments and Service Matters	494,420
40 Pensions and Gratuities	757,750
41 Ministry of Finance	2,505,360
42 Board of Customs and Excise	780,070
43 Inland Revenue	236,090
44 Ministry of Foreign Affairs and Commonwealth Relations	2,133,240
45 Ministry of Health	3,451,050
46 Ministry of Information	2,316,530
47 Ministry of Internal Affairs	219,590
48 Prisons	1,257,310
49 Ministry of Justice	206,290
50 Ministry of Labour	541,220
51 National Provident Fund	115,350
52 Ministry of Lagos Affairs	1,213,800
53 Ministry of Mines and Power	272,320
54 Geological Survey	127,010
55 Ministry of Transport	940,150
56 Coastal Agency	131,270
57 Inland Waterways	745,260
58 Ministry of Works and Surveys	6,050,980
59 Audit	95,940
60 Electoral Commission	23,510
61 Judicial	166,890
62 Parliament	713,460
63 Public Service Commission	97,280
64 Contributions to the Development Fund	4,600,000
65 Non-statutory appropriations of revenue	157,000
Total	£52,084,700



1962, No. 6

AN ACT TO ESTABLISH A FOURTH REGION OF THE FEDERATION OF NIGERIA;
AND FOR PURPOSES CONNECTED THEREWITH.

[See section 2(2)]

Commence-
ment.

WHEREAS a proposal to establish a further Region of the Federation of Nigeria consisting of the area in Western Nigeria specified in the Schedule to this Act has been approved by a resolution of each House of Parliament supported by the votes of at least two-thirds of all the members of that House and by a resolution of each legislative house of Northern Nigeria and Eastern Nigeria:

NOW THEREFORE 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) There shall be a new Region of the Federation which shall be known as Mid-Western Nigeria and shall consist of the area specified in the Schedule to this Act.

Establish-
ment of
fourth
Region.

(2) Accordingly, section three of the Constitution of the Federation shall have effect subject to the following amendments, that is to say—

(a) for subsection (1) there shall be substituted the following subsection—

“(1) There shall be four Regions, that is to say, Northern Nigeria, Western Nigeria, Eastern Nigeria and Mid-Western Nigeria.”;

(b) at the end of subsection (3) (which specifies the area comprised in Western Nigeria) there shall be added the words “, other than the area comprised in Mid-Western Nigeria.”; and

(c) after subsection (4) there shall be inserted the following subsection—

“(4A) Mid-Western Nigeria shall comprise the parts of Nigeria specified in the Schedule to the Mid-Western Region Act, 1962.”.

2.—(1) This Act may be cited as the Mid-Western Region Act, 1962, and shall apply throughout the Federation.

Short title,
extent and
commence-
ment.

(2) This Act shall come into operation on such date as the Governor-General may by order appoint.

SCHEDULE

Benin Province, including Akoko Edo District in Afenmai Division, and Delta Province, including Warri Division and Warri Urban Township area.

DISEASES OF ANIMALS ACT, 1962



1962, No. 7

AN ACT TO REGULATE THE IMPORTATION AND EXPORTATION BY AIR OF ANIMALS, ANIMAL PRODUCTS AND THINGS WHICH MAY CARRY ANIMAL DISEASES, AND THE IMPORTATION AND EXPORTATION BY ANY MEANS OF ANIMAL VACCINES AND SIMILAR SUBSTANCES AND ANIMAL SEMEN ; AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

[12th May, 1962]

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. The powers of the Minister to make regulations under section three of the Diseases of Animals Act for prohibiting or restricting the importation and exportation by land and sea of animals, carcasses and the other things there mentioned shall extend to the importation and exportation thereof by air ; and for the avoidance of doubt it is hereby declared that the references in that section to those things include references to animal semen and to any of the substances commonly known as vaccines, sera, toxins, anti-toxins and antigen which are intended to be used for veterinary purposes.

Extension of
power to
regulate
importation
and
exportation
of animals,
etc.
Cap. 54.

2. This Act may be cited as the Diseases of Animals Act, 1962, and shall apply throughout the Federation ; and this Act and the Diseases of Animals Act may be cited together as the Diseases of Animals Acts, 1917 and 1962.

Citation
and extent.



1962, No. 8

AN ACT TO INCREASE THE LIMIT ON THE SUMS WHICH MAY BE BORROWED ON THE SECURITY OF TREASURY BILLS.

[12th May, 1962]

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) In subsection (2) of section three of the Treasury Bills Act, 1959 (which, as amended by the Treasury Bills (Amendment) Act, 1961, provides that the principal sums represented by outstanding Treasury Bills are not to exceed twenty per cent of the estimated federal revenue during the current year) for the words "twenty per cent" there shall be substituted the words "forty per cent".

Increase of
Treasury
Bills issue.
No. 11 of
1959.
1961, No. 5.

(2) The said Act of 1961 is hereby repealed.

2. This Act may be cited as the Treasury Bills Act, 1962, and shall apply throughout the Federation.

Short title
and extent.



1962, No. 9

AN ACT TO AUTHORISE THE RAISING OF DEVELOPMENT LOANS ABROAD ; AND
FOR CONNECTED PURPOSES.

[12th May, 1962]

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) The Minister of the government of the Federation res-
ponsible for finance may, in any manner authorised by the General Loan
and Stock Act or the Government Promissory Notes Act, 1960, raise
loans outside Nigeria not exceeding in the aggregate—

Power to
raise loans
abroad for
develop-
ment.
Cap. 74.
No. 6 of
1960.

(a) the sum of three hundred million Nigerian pounds ; and

(b) such further sums as may be necessary to defray any expenses
incurred in connection with the raising of the loans.

(2) The proceeds of any loan raised by virtue of paragraph (a) of the
foregoing subsection shall be paid to the Development Fund mentioned
in the Finance (Control and Management) Act, 1958, and, notwith-
standing the provisions of that Act relating to the purposes for which the
fund may be used but subject to the other provisions of that Act, shall be
applied for both or either of the following purposes, that is to say—

No. 33
of 1958.

(a) the purposes of the development programme ;

(b) for the making of loans to the governments of the Regions on
such terms as may be approved by the said Minister.

(3) No loan shall be made to the government of a Region by virtue
of the last foregoing subsection unless there is in force a law made by the
Legislature of the Region authorising that government to raise loans
from the government of the Federation and providing that the loans
shall not be used otherwise than for the purposes of a development plan
approved by that Legislature.

(4) In this section, "the development programme" means the
Development Programme, 1962 to 1968, of the government of the
Federation set out in Sessional Paper No. 1 of 1962, with such modifica-
tions (either by way of additions, deletions or alterations) as may from
time to time be set out in any subsequent Sessional Paper relating to the
programme.

2. This Act may be cited as the External Loans Act, 1962, and shall
apply throughout the Federation.

Short title
and extent.



1962, No. 10

AN ACT TO AUTHORISE THE RAISING OF DEVELOPMENT LOANS IN NIGERIA;
AND FOR CONNECTED PURPOSES.

[12th May, 1962]

Commence-
ment.

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

1. (1) The Minister of the government of the Federation responsible for finance may, in any manner authorised by the Local Loans (Registered Stock and Securities) Act or the Government Promissory Notes Act, 1960, raise loans in Nigeria not exceeding in the aggregate—

Power to
raise loans
in Nigeria
for develop-
ment.
Cap. 111.
No. 6 of
1960.

(a) the sum of one hundred million Nigerian pounds; and

(b) such further sums as may be necessary to defray any expenses incurred in connection with the raising of the loans.

(2) The proceeds of any loan raised by virtue of paragraph (a) of the foregoing subsection shall be paid to the Development Fund mentioned in the Finance (Control and Management) Act, 1958, and, notwithstanding the provisions of that Act relating to the purposes for which the fund may be used but subject to the other provisions of that Act, shall be applied for both or either of the following purposes, that is to say—

No. 33 of
1958.

(a) the purposes of the development programme; and

(b) for the making of loans to the governments of the Regions on such terms as may be approved by the said Minister.

(3) No loan shall be made to the government of a Region by virtue of the last foregoing subsection unless there is in force a law made by the Legislature of the Region authorising that government to raise loans from the government of the Federation and providing that the loans shall not be used otherwise than for the purposes of a development plan approved by that Legislature.

(4) In this section, "the development programme" means the Development Programme, 1962 to 1968, of the government of the Federation set out in Sessional Paper No. 1 of 1962, with such modifications (either by way of additions, deletions or alterations) as may from time to time be set out in any subsequent Sessional Paper relating to the programme.

2. This Act may be cited as the Internal Loans Act, 1962, and shall apply throughout the Federation.

Short title
and extent.

PARLIAMENTARY DISQUALIFICATION (NORTHERN PROVINCIAL COUNCILS) REMOVAL ACT, 1962

A 39



1962, No. 11

AN ACT TO REMOVE ANY DISQUALIFICATION FOR MEMBERSHIP OF PARLIAMENT IMPOSED ON ANY PERSON BY PARAGRAPH (e) OF SUBSECTION (1) OF SECTION FORTY OF THE CONSTITUTION OF THE FEDERATION BY REASON OF HIS MEMBERSHIP OF A PROVINCIAL COUNCIL IN NORTHERN NIGERIA; AND FOR PURPOSES CONNECTED THEREWITH.

[12th May, 1962]

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. A person shall not be disqualified for selection as a Senator or election to the House of Representatives by virtue of paragraph (e) of subsection (1) of section forty of the Constitution of the Federation (which provides for the disqualification of members of the civil and military services and holders of other public offices of emolument) by reason only of his being, or receiving allowances as, a member of a provincial council established in pursuance of the Provincial Councils Law, 1959, of Northern Nigeria.

Removal of
parlia-
mentary
disqualifi-
cation of
members of
Northern
Provincial
Councils.

2. This Act may be cited as the Parliamentary Disqualification (Northern Provincial Councils) Removal Act, 1962, and shall apply throughout the Federation.

Short title
and extent.



ARRANGEMENT OF SECTIONS

Section

- | | |
|---|--|
| 1. Establishment of Council of Legal Education.
2. Restrictions on enrolment without suitable qualifications.
3. Qualifying certificates. | 4. Approved courses and examinations, etc., for the purposes of qualifying certificates.
5. Expenses.
6. Short title, extent, interpretation and commencement. |
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1962, No. 12

AN ACT TO MAKE FURTHER PROVISION WITH RESPECT TO THE LEGAL PROFESSION BY ESTABLISHING A COUNCIL OF LEGAL EDUCATION AND BY RESTRICTING TO SUITABLY QUALIFIED PERSONS THE RIGHT TO PRACTISE THAT PROFESSION; AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

[See section 6 (3)]

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) There shall be established a body, to be known as the Council of Legal Education (and hereafter in this Act referred to as “the council”), which shall be charged with general responsibility for the legal education of persons seeking to become members of the legal profession.

Establish-
ment of
Council of
Legal
Education.

(2) The council shall consist of the Chief Justice of the Federation who shall be chairman of the council, and of the following other members, that is to say—

- (a) the Attorney-General of the Federation;
- (b) the Attorneys-General of the Regions;
- (c) two persons appointed by the Prime Minister;
- (d) the chairman of the Nigerian Bar Association (hereafter in this Act referred to as “the association”);
- (e) two persons who hold or have held high judicial office, to be appointed by the Chief Justice of the Federation;
- (f) the principal of any law school maintained by the council;
- (g) two persons entitled to practise as legal practitioners in Nigeria, to be appointed by the association; and
- (h) the head of each faculty of law of a university in Nigeria which grants a degree or other qualification in connection with a course of legal studies conducted by the faculty, being a degree or qualification by virtue of which the holder is entitled to obtain a qualifying certificate in pursuance of the following provisions of this Act.

(3) A person appointed as a member of the council in pursuance of paragraph (c), (e) or (g) above shall, unless he previously resigns or is removed from office, hold office for such period not exceeding four years as may be specified in his instrument of appointment and shall, on ceasing to hold office, be eligible for reappointment.

(4) The quorum of the council shall be four, and the council may regulate its own procedure; and the validity of any proceedings of the council shall not be affected by any vacancy in the membership of the council or by any defect in the appointment of a member, or by reason that a person not entitled to do so took part in the proceedings.

(5) The council shall have power to do such things as it considers expedient for the purpose of performing its functions, but no remuneration or allowances shall be paid to any member of the council in respect of his office.

Restrictions
on enrol-
ment
without
suitable
qualifi-
cations.

2.—(1) Subject to subsection (2) of this section, the name of a person shall not be entered on the roll after the commencement of this Act unless that person produces to the registrar a qualifying certificate issued to him under the next following section.

(2) The Attorney-General of the Federation may by regulations provide that the foregoing subsection shall not apply in such cases and on such conditions (if any) as may be prescribed by the regulations; and regulations under this subsection may make different provision for different circumstances but shall not come into force until approved by a resolution of each House of Parliament.

Qualifying
certificates.

3. A person shall be entitled to have a certificate issued to him by the council stating that he is qualified to have his name entered on the roll (in this Act referred to as a "qualifying certificate") if—

- (a) he applies to the council for the issue of such a certificate; and
- (b) he has satisfied the council—

- (i) that he has attended a course of study approved by the council under the next following section; and
- (ii) that the course was conducted at an institution so approved, or partly at one such institution and partly at another or others; and
- (iii) that he holds a qualification so approved; and
- (iv) in any case in which the council thinks it proper so to require, that he has a proper knowledge of the law in force in Nigeria; and

(c) after satisfying the council as aforesaid, he has successfully completed a course of practical training which lasted for not less than one year and was conducted under arrangements made by the council.

Approved
courses and
examina-
tions, etc.,
for the
purposes of
qualifying
certificates.

4.—(1) The council may approve for the purposes of the last foregoing section—

(a) any course of study which the council considers is designed to confer on persons completing it the knowledge of the principles of law required by a legal practitioner, and which persons are ineligible to attend unless they have such preliminary qualifications as the council considers appropriate;

(b) any institution in Nigeria or elsewhere which the council considers is properly staffed and organised for conducting the whole or any part of a course of study approved by the council under this section;

(c) any qualification which, as the result of an examination or examinations taken in conjunction with a course of study approved by the council under this section, is granted to candidates reaching a standard at the examination or examinations indicating, in the opinion of the council, that they have the knowledge aforesaid.

(2) The council may withdraw its approval under this section for any course, institution or qualification, either without reservations or with reservations for the benefit of persons participating in the course immediately before the approval was withdrawn, but the withdrawal of an approval shall not prejudice any person who by virtue of the approval has satisfied the council, or immediately before the withdrawal could have satisfied the council, as mentioned in sub-paragraphs (i) to (iii) of the last foregoing section; and on withdrawing an approval the council shall, except in a case falling within the next following subsection, notify the body or person by whom in the opinion of the council the course or institution is directed or the qualification is granted.

(3) The council may if it thinks fit—

(a) prepare courses of study designed to confer the knowledge aforesaid on persons completing them;

(b) establish and maintain a school for conducting courses of study prepared by the council;

(c) hold examinations in connection with a course of study prepared by the council and conducted at the school or elsewhere;

(d) grant diplomas to candidates reaching a standard at any such examination indicating, in the opinion of the council, that they have the knowledge aforesaid;

and the power to approve courses, institutions and qualifications conferred by subsection (1) of this section shall include power to approve a course prepared or a school maintained or a diploma granted by the council.

(4) It shall be the duty of the council to keep itself informed of the nature of—

(a) the instruction given at approved institutions to persons attending approved courses of study; and

(b) the examinations as a result of which approved qualifications are granted;

and where it appears to the council appropriate to do so for the purpose of performing that duty the council shall, subject to the agreement of the persons in charge of the institutions or examinations in question, appoint persons to visit and report on approved institutions and to attend and report on examinations as a result of which approved qualifications are granted.

(5) Nothing in this section shall be construed as prejudicing the generality of subsection (5) of section one of this Act.

5.—(1) There shall be paid to the council out of moneys provided by Parliament such sums by way of grant or loan as Parliament may from time to time determine.

Expenses.

(2) Any loan to the council of moneys provided by Parliament shall be made on such terms as may be determined by the Minister of the government of the Federation responsible for finance.

(3) The said Minister shall make regulations as to the keeping of accounts and records by the council, or by an officer of the council, with respect to sums paid to the council out of moneys provided by Parliament and as to the audit of the accounts; and the regulations shall provide for the laying in every year of a copy of the accounts before each House of Parliament.

Short title,
extent,
interpreta-
tion and
commence-
ment.

6.—(1) This Act may be cited as the Legal Education Act, 1962, and shall apply throughout the Federation.

(2) In this Act—

“the registrar” means the Chief Registrar of the Federal Supreme Court; and

“the roll” means the roll of barristers and solicitors maintained by the registrar.

(3) This Act shall come into force on such date as the Attorney-General of the Federation may by order appoint.

TRUSTEE INVESTMENTS ACT, 1962



1962, No. 13

AN ACT TO ENLARGE THE INVESTMENT POWERS OF TRUSTEES.

[12th May, 1962]

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) Subject to subsections (2) and (3) of this section, the power of investment conferred on trustees by subsection (1) of section three of the Government and Other Securities (Local Trustees' Powers) Act shall include power to invest in debentures and fully paid-up shares of any company incorporated by and registered under the Companies Act (other than a private company within the meaning of that Act); and subsection (2) of that section and section four of the first-mentioned Act shall have effect accordingly.

Extension of
powers of
investment
of trustees.
Cap. 78.
Cap. 37.

(2) The power conferred by the foregoing subsection shall not be exercisable unless, at the time when it is proposed to exercise it—

(a) the nominal value of the fully paid-up shares issued by the company in question is not less than five hundred thousand pounds; and

(b) the price of the debentures or shares of the class in question is quoted on the Lagos Stock Exchange; and

(c) in the case of an investment in shares of a company, dividends have been paid during each of the three calendar years immediately preceding the current year on all the shares of the company issued when the dividends became due, and the aggregate amount of the dividends paid during each of those years in respect of each share ranking for dividend throughout that year was not less than five per cent of the nominal value of the share.

(3) No investment shall be made in exercise of the power conferred by subsection (1) of this section if the investment would cause—

(a) the value of the part of the trust fund invested in the exercise of that power to exceed one-third of the total value of the fund; or

(b) the value of the part of the fund so invested in the shares and debentures of a particular company to exceed one-tenth of the total value of the fund; or

(c) the value of the part of the fund so invested in the shares of a particular company to exceed one-twentieth of the total value of the fund.

(4) For the purposes of this section—

(a) "share" includes stock, and "debenture" includes debenture stock;

(b) a trust fund shall consist of so much of the property (other than an interest in expectancy) as is held by the trustee on trusts which, either as respects the objects of the trust or the beneficiaries or their interests or the powers of the trustee, are not identical with the trusts on which he holds other property;

(c) a valuation in writing of, or of a part of, a trust fund obtained by a trustee from a person whom he reasonably believes to be competent to make it shall be conclusive as to the value of that fund or part on the date of the valuation.

(5) The Minister of the government of the Federation responsible for finance may by regulations provide for the application of this Act, subject to such additions, alterations or omissions as may be specified by the regulations,—

(a) in cases where a company is amalgamated with or acquired or controlled by or has its business taken over by another company;

(b) in cases where shares are issued in place of the payment of the whole or part of any dividend;

and the regulations may make different provision for different circumstances.

Citation and
extent.

2.—(1) This Act may be cited as the Trustee Investments Act, 1962, and this Act and the Act aforesaid may be cited together as the Trustee Investments Acts, 1957 and 1962.

(2) This Act shall apply throughout the Federation.