

CUSTOMS AND EXCISE PREVENTIVE SERVICE
REGULATIONS, 1962

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L.N. 1 of 1963

CUSTOMS AND EXCISE MANAGEMENT ACT
(No. 55 OF 1958)

Customs and Excise Preventive Service Regulations, 1962

Commencement : 21st November, 1962

In exercise of the powers conferred by subsection (1) of section one hundred and seventy-one of the Customs and Excise Management Act and section one of the Customs Preventive Service (Firearms) Act, 1962, and of all other powers enabling him in that behalf, the Governor-General, acting in accordance with the advice of the Council of Ministers, has made the following Regulation—

- | | |
|---------------------------|---|
| Citation and application. | 1. These regulations may be cited as the Customs and Excise Preventive Service Regulations, 1962, and shall apply throughout the Federation. |
| Interpretation. | 2. In these regulations, unless the context otherwise requires—
“Board” means the Board of Customs and Excise established under section 3 of the Customs and Excise Management Act ;
“Chairman” means the Chairman of the Board ;
“Service” means the Customs and Excise Preventive Service established under regulation 3 of these regulations. |

PART I—ESTABLISHMENT AND APPOINTMENTS

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|---------------------------------------|---|
| Establishment of the Service. | 3.—(1) There shall be established a Customs and Excise Preventive Service.

(2) The Service shall be under the control and management of the Board except that the Chairman shall be responsible for matters affecting recruitment, advancement and discipline within the Service. |
| Officers of the Service. | 4. There may be appointed to the Service—
a commandant ;
a deputy commandant ;
assistant commandants ;
senior superintendents ;
superintendents ;
assistant superintendents ;
senior preventive officers ;
preventive officers ; and
assistant preventive officers. |
| Precedence of members of the Service. | 5.—(1) The precedence of the members of the Service shall be—
commandant ;
deputy commandant ;
assistant commandant ;
senior superintendent ;
superintendent ;
assistant superintendent ;
senior preventive officer, grade I ;
senior preventive officer, grade II ;
preventive officer ;
assistant preventive officer. |

(2) Officers of the same rank shall take precedence among themselves in accordance with the date of their appointment to that rank.

(3) Where other officers are assigned from time to time for duty within the Service the rank and precedence of such officers shall be determined by the Board.

6. For the purpose of carrying out or enforcing the provisions of the customs and excise laws a member of the Service shall serve in such places and for such periods and in such classifications and rank as the chairman may from time to time decide.

Deployment of members of the Service.

7. A member of the Service shall carry out the lawful commands of his superior officer and shall devote all his time and energy to the carrying out or enforcement of all customs and excise laws and regulations and shall at all times carry out his duties subject to overall direction of the Board without fear or favour, malice or ill-will and with strict impartiality and courtesy towards the general public.

Services required and conduct in performance thereof.

8. The provisions of Parts II and III of these regulations shall not apply to members of the Service of and above the rank of assistant superintendent whose appointments and conditions of service shall be in accordance with the rules and regulations prescribed for members of the Public Service of the Federation.

Application of Parts II and III.

PART II—RANK AND FILE

9.—(1) The qualifications of a person seeking engagement in the Service shall be as follows—

Qualification of candidate for engagement.

(a) he shall not be less than eighteen years of age ;

(b) he shall not be more than twenty-one years of age ;

(c) he shall not be less than five feet six inches in height ;

(d) he shall be certified by a government medical officer in the form set out as Form A in the First Schedule to these regulations as being physically and mentally fit for engagement in the Service.

Form A First Schedule.

(e) he shall be literate and possess such educational qualifications as the Board may from time to time stipulate ; and

(f) he shall be of good character and not have been found guilty of any criminal offence or of any offence against the customs and excise laws.

(2) The Chairman may, where he considers it necessary in the interest of the Service vary or dispense with qualification specified in sub-paragraphs (a) to (c) of paragraph (1).

10.—(1) A candidate seeking engagement in the Service shall answer such questions and make such declaration on oath as contained in Forms B and C set out in the First Schedule to these regulations, and such declaration, which shall be made in a manner the candidate may declare to be most binding on his conscience, shall be made before a magistrate or an officer of the Service not below the rank of superintendent or an officer of customs and excise of equivalent rank who is, for the purposes of this regulation, hereby authorised to administer the oath and receive the declaration.

Form and nature of engagement. Form B and First Schedule.

(2) A candidate who gives any false information or makes any false statement or declaration shall be guilty of an offence and shall on summary conviction be liable to dismissal from the Service.

(3) Where the answers given by the candidate are found to be satisfactory and true, and if he is found to be physically and mentally fit for service and in all other respects qualified and satisfactory, he may be appointed to the Service.

(4) Engagement in the Service shall in the first instance be on probation for three years reckoned in all cases from the day on which the candidate was appointed to the Service and taken on the establishment and members so engaged shall be subject to the provisions of these regulations and other conditions of service prescribed for members of the Public Service of the Federation.

Provided that where those conditions of service are inconsistent with these regulations, the provisions of these regulations shall prevail.

Resignation
from the
Service.

11.—(1) No member of the Service shall be at liberty to resign or to withdraw himself from his duties unless expressly allowed to do so by the Chairman.

(2) Notwithstanding the provision of paragraph (1) of this regulation any member of the Service whose period of service expires during a state of war, insurrection or hostilities may be compulsorily retained and his service prolonged for such period, not exceeding twelve months, as the Board may direct.

Appointment
and pro-
motions by
Chairman.

12. The Chairman may, within the limits of approved establishment, fill by promotion or fresh appointment all vacancies in the Service below the rank of assistant superintendent which may occur from time to time through any cause whatsoever and every such appointment shall be deemed to be an appointment under these regulations.

PART III—DISCIPLINE

Offence
against
discipline.
Second
Schedule.

13. Any member of the Service (hereinafter referred to as "defaulter") who is guilty of an offence specified in the Second Schedule to these regulations shall suffer punishment according to the degree and nature of the offence as may be awarded in accordance with these regulations.

Procedure at
enquiry.

14.—(1) The Chairman or such other officer as the Chairman may authorise either generally or specifically in that behalf, shall inquire into any charge against a defaulter under these regulations and shall, in any matter concerning such enquiry, have the power of summoning and examining witnesses on oath or affirmation and of calling for documents.

(2) The enquiry may be adjourned from time to time.

(3) In every such enquiry where witnesses are examined on oath or affirmation, the proceedings and decision shall be recorded in writing.

Punishment.

15. If, as a result of the enquiry conducted under the last preceding regulation, the charge is proved against a defaulter, the Chairman or any officer authorised by him may—

(a) impose in the case of a defaulter who is a senior preventive officer, preventive officer, or assistant preventive officer, one or more of the following—

- (i) admonition ;
- (ii) severe reprimand or reprimand ;
- (iii) a fine not exceeding 20s ;

(iv) the withholding or deferment of an increment ;

(v) reduction in rank ;

(vi) dismissal in accordance with the provisions of regulation 16.

(b) in the case of other officers, recommend disciplinary action against the officer, in accordance with the general disciplinary orders for the time being in force for members of the Public Service of the Federation ;

Provided that a sentence of reduction in rank, dismissal or the withholding of any increment imposed under this regulation by any officer other than the Chairman shall require the confirmation of the Chairman.

16.—(1) A defaulter may be dismissed under the provisions of regulation 15 only if the enquiry into the charge proved against him has been conducted in accordance with the following provisions—

Dismissal.

(i) the defaulter shall be notified in writing of the charge upon which it is intended to dismiss him and the defaulter shall be given a full opportunity of defending himself ;

(ii) if any witnesses are called to give evidence the defaulter shall be entitled to be present and cross-examine such witnesses ;

(iii) no documentary evidence shall be used against the defaulter unless he has previously been supplied with a copy thereof or given evidence thereto ;

(iv) the enquiry into the charge shall be conducted by a superior officer not below the rank of superintendent ; and

(v) any sentence of dismissal shall, except in the case of an assistant preventive officer, require the confirmation of the Federal Public Service Commission.

(2) This regulation shall not apply to a member of the Service not holding a pensionable appointment.

17.—(1) The Chairman may call for and examine the record of any enquiry into a disciplinary charge conducted under regulation 14 for the purpose of satisfying himself as to the correctness, legality or propriety of any conviction or award of punishment.

Review.

(2) On reviewing any such record, the Chairman may confirm, increase, mitigate, alter or annul any punishment awarded to a defaulter.

18. Appeal against conviction in respect of a disciplinary offence under the regulations or against any punishment awarded therefor or against such conviction and sentence shall within seven days from the date of the decision thereof be—

Appeal.

(a) in case of a defaulter of the rank of senior preventive officer and below, to the Chairman, except in case of dismissal, the appeal in respect of which shall lie to the Federal Public Service Commission ; and

(b) in case of all other defaulters, in accordance with the general disciplinary orders in force for the time being for members of the Federal Public Service,

and upon such appeal the punishment imposed may be increased, confirmed, reduced, or annulled.

19.—(1) A member of the Service who is absent without leave for twenty-one or more consecutive days shall be deemed to be guilty of the offence of desertion, and shall be dismissed from the Service.

Desertion.

(2) A deserter's name shall be struck off as from the first day of such desertion, and when any member of the Service who has been struck off as a deserter returns and applies for reinstatement his case shall be inquired into and the reason for his desertion ascertained by the Chairman or any officer authorised in that behalf by the Chairman.

(3) Where the explanation of the deserter is satisfactory the Chairman shall cancel the order of dismissal.

Interdiction.

20.—(1) If he deems it necessary in the public interest that a member of the Service should cease to exercise the powers and functions of his office instantly, the Chairman may interdict from duty such member pending the hearing of any criminal charge or any enquiry into the conduct of such member under the provisions of these regulations or any other offence of whatsoever nature, but such member shall not by reason of such interdiction cease to be a member of the Service.

(2) The powers, privileges, and benefits of a member of the Service vested in an interdicted member shall, during his interdiction, be in abeyance, but he shall continue to be subject to the same authority and discipline as if he had not been interdicted.

(3) Not less than half-pay shall accrue to any member of the Service in respect of any period during which he is under interdiction awaiting trial which results in his conviction either for an offence against discipline or for any other offence.

(4) If the proceedings taken against any member of the Service do not result in his dismissal or reduction in rank or grade, he shall be entitled to the full amount of the pay which he would have received if he had not been interdicted.

Pay during absence without leave or interdiction.

21.—(1) No pay shall accrue to any member of the Service in respect of any day during which he is absent on desertion or without leave or undergoing any sentence of imprisonment.

(2) No period of such absence, imprisonment or interdiction shall be reckoned as one day for the purpose of this regulation and paragraph (3) of regulation 20 unless the absence, imprisonment or suspension has lasted for six consecutive hours or upwards, whether wholly in one day, or partly in one day and partly in another.

(3) When any period of such absence, imprisonment or interdiction exceeds six consecutive hours as aforesaid, but does not exceed twenty-four hours, it shall not be reckoned as more than one day; but if such period exceeds twenty-four hours, every period of twenty-four hours or part thereof, after the first period of twenty-four hours shall be reckoned as one day.

Surrender, damage or loss of equipment.

22.—(1) Every member of the Service, who may be interdicted or dismissed from or cease to hold or exercise his office, shall forthwith deliver up to the officer under whom he is serving all clothing, accoutrements, Government and Service property which might have been issued or supplied to him or entrusted to his care.

(2) If any member of the Service makes away with or is concerned with making away with (whether by pawning, selling, destruction or otherwise howsoever), loses by neglect, or wilfully or negligently damages any clothing, accoutrements, Government and Service property, he may, in addition to any other punishment, be ordered to make good the amount of such loss or damage by stoppages out of his pay.

23.—(1) All fines imposed upon members of the Service for offences under these regulations shall be recovered by stoppages from the defaulter's pay due at the time of committing such offence and thereafter becoming due.

Fines to be recovered by stoppages.

(2) The amount of the stoppage in respect of any fine shall be at the discretion of the officer authorised to impose fines, but shall in no case exceed one-third of the monthly pay of the defaulter and whenever more than one order of stoppage is in force against the same defaulter, so much only of his pay shall be stopped as shall leave him a residue of at least one-third of his monthly pay.

(3) When more than one order of stoppage are made in respect of the same person, the orders later in date shall, where necessary, be postponed as to their enforcement until the earlier orders are discharged.

24.—(1) All fines and stoppages for loss of or damage to clothing, equipment, Government and Service property may be deducted from the pay of the member of the Service who has incurred the liability.

Fines and stoppages.

PART IV—CUSTODY, ISSUE AND USE OF FIREARMS AND AMMUNITION

25. Firearms and ammunition issued for the use of the officers of the service shall be in the custody of an officer not below the rank of a superintendent and shall be kept in a place of security within a customs station.

Custody of firearms, etc.

26. Such firearms and ammunition as may be required for official use may be issued at the discretion of the superintendent, or any other officer of the service not below the rank of a superintendent, in charge of the station to any officer not below the rank of an assistant superintendent when on a patrol duty.

Issuing and use of firearms, etc.

27. There shall be kept at a customs station to which firearms and ammunition has been issued a register showing the description and number of such firearms, quantity of ammunition, the date of issue and re-issue to the station, the date of issue and re-issue to any officer, name and rank of officer to whom firearms and ammunition has been issued or re-issued, the actual use made of them at any given time and the description, number and quantity of firearms and ammunition in respect thereof and such other particulars as the Board may direct.

Keeping of register.

PART V—GENERAL

28. Subject to the exigencies of the Service, retiring benefits, vacation leave, sick and compensating leave may be granted on the scale and under the conditions prescribed for members of the public service of the Federation.

Retiring benefits, vacation and sick leave.

29.—(1) Every member of the Service shall carry out all lawful orders and shall at all times punctually and promptly perform all appointed duties and attend to all matters within the scope of his office as a member of the Service.

Lawful orders and duties.

(2) Whether a member of the Service is normally on or off duty his responsibility is the same and he is bound to do everything in his power to enforce all the provisions of the customs and excise laws and regulations at all times and by all legal means.

30. Members of the Service shall not be eligible for extra pay in respect of work done outside the normal working hours.

Overtime.

31. Clothing and equipment shall be of such pattern and worn in such manner as the Board shall determine.

Clothing and equipment.

Revocation
of Regula-
tions No. 34
of 1945.

32.—(1) The Customs (Preventive Service) Regulations are hereby revoked.

Third
Schedule.

(2) Notwithstanding the provision of paragraph (1) of this regulation all appointments of members of the Service made under the regulations revoked by this regulation shall for all purposes be deemed to have been lawfully made and shall take effect in accordance with the Conversion Table set out in the Third Schedule hereto as if the appointments were originally made under these regulations.

MADE at Lagos this 29th day of December, 1962.

ISA KOTO,
*Deputy Secretary to the
Council of Ministers*

EXPLANATORY NOTE

The Branch of the Department of Customs and Excise charged with responsibility for preventing the running of contraband is made up of a section known as the Preventive Service, *i.e.*, mostly Officers transferred from the previous Police Preventive Service to the Customs Preventive Service and another section known as the Waterguard Service made up of more educated officers who were recruited from 1950 onwards.

It has become necessary to re-organise the whole Branch and introduce a unified Preventive Service in order to improve on the standard of efficiency and to raise the morale of the personnel and, in enacting these Regulations, the opportunity has been seized to remove certain anomalies which existed in the Customs (Preventive Service) Regulations, 1945, which are superseded by these Regulations.

FIRST SCHEDULE

(Reg. 9 (i) (d))

FORM A

MEDICAL CERTIFICATE

I hereby certify that I have examined.....

1. His height is.....feet.....inches

2. His unexpanded chest measurement is.....inches

3. His vision is :—

right eye.....

left eye.....

4. His hearing is.....

5. He has distinctive marks or scars as follows :—

.....

.....

He suffers from no deformities other than.....

.....

and I find him physically and mentally fit for service with the Preventive Service.

Place.....

Date.....

.....
Medical Officer

FORM B

ATTESTATION

(Reg. 10 (1))

I,.....
an applicant seeking engagement in the Nigeria Customs Preventive Service,
give my answers to the following questions :—

1. What is your full name ?.....

2. What is your present age ?.....

Give date of birth.....

(Birth Certificate to be produced if available)

3. Where were you born ?.....
4. To what tribe do you belong ?.....
5. Who is your next-of-kin ?.....
(Give name, relationship, address and occupation).....
.....
.....
6. Where were you educated ?.....
.....
7. What standard of education have you reached ?.....
.....
8. What educational certificate do you hold ?.....
.....
9. What is your present occupation ?.....
.....
10. What are your sports or hobbies ?.....
11. Have you ever been employed in Government Service or in the Service
of a Native Authority ?.....
.....
If so, give particulars and reasons for leaving
.....
12. Have you ever been in prison ?.....
If so, why ?.....
13. Have you ever been convicted of any criminal offence ?.....
If so, give particulars.....
14. Have you ever suffered from any serious illness ?.....
If so, give particulars.....

15. Are you engaged in or connected with any commercial undertaking whatsoever?.....

If so, give particulars.....

16. Are you in debt to any one?

If so, give particulars.....

17. Are you a judgment debtor?.....

Or are there any writs for debt outstanding against you?.....

If so, give particulars.....

18. Are you married?.....

If so, give number of wives and their names.....

.....

19. Have you any children?.....

If so, give names, sex and ages.....

.....

.....

Ihereby declare that the replies given by me to the above questions and recorded hereon are true. I understand that if any of my replies to these questions are subsequently proved to be false I shall be liable to prosecution.

.....
Signature of Witness

.....
Signature of Applicant

Place.....

Date.....

I certify that the above declarations have been made before me and signed in my presence and that applicant.....(name) understands the nature of the questions asked and that his replies have been correctly recorded hereon.

.....
Magistrate/Superintendent

Date.....

Place.....

NOTES

(1) This form is to be completed in original only in the applicant's own handwriting.

(2) Copies of School Certificates, copies of references from any employer, and not less than two personal references as to character should be sent with this application to The Chairman, Board of Customs and Excise, H. M. Customs and Excise, Mosaic House, Lagos.

(3) Originals of certificates, or references should not on any account be forwarded with this application but must be produced at the time of interview.

FIRST SCHEDULE

(Reg. 10 (1))

Form C

DECLARATION

I, do hereby solemnly and sincerely declare and promise that I will be faithful and bear allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, and that I will faithfully serve the Government of the Federation of Nigeria as a member of the Customs and Excise Preventive Service during my period of service and will obey all orders of the Governor-General and the officers placed over me, and subject myself to all Acts, regulations and other enactments relating to members of the Service now in force or which may from time to time be in force.

Place.....

Applicant

Date.....19.....

Witness

I hereby certify that the above declaration on oath, in accordance with regulation 10 of the Customs and Excise (Preventive Service), Regulations, 1962 has been made and signed by..... in my presence this day.

Place.....

Magistrate/Superintendent

Date.....19.....

SECOND SCHEDULE

(Regulation 13)

OFFENCES

1. Insubordination.
2. Disobedience of lawful orders given him by his superior in rank, whether such orders be given verbally or in writing or by authorised signal on parades.
3. Disrespect in word, act or demeanour to his superior in rank.
4. Use of abusive or insulting language to, or quarrels with any member of the Service.

5. Oppressive or tyrannical conduct towards an inferior in rank.
6. Pawning, selling, losing by neglect, wilfully damaging or failing to report any damage to any of the articles of clothing, arms, accoutrements or necessities issued to him, or any Government property committed to his charge.
7. Inattention on parade, or talking, or otherwise misbehaving himself on parade.
8. Lateness for duty.
9. Appearing on duty, dirty or untidy in his person, arms, clothing or accoutrements.
10. If permitted the use of Government quarters or barracks, failing to keep such quarter or barrack and their adjacent surroundings clean and tidy or admitting unauthorised persons thereto.
11. Drunkenness.
12. Drinking any intoxicating liquor when on duty.
13. Entering any place licensed for the sale of spirituous liquors when on duty, except when his presence is required there in the execution of his duty.
14. Failing to perform a patrol properly, or irregularity on sentry.
15. Idling or gossiping or sitting or lying down without cause or sleeping when on duty.
16. Leaving his patrol, point, or other place to which he has been ordered, without permission or without sufficient and proper reason.
17. Using unnecessary violence to, or ill-using any person in his custody.
18. Negligently permitting a person in custody to escape.
19. Negligence of duty.
20. When knowing where any offender is to be found failure to report the same or exert himself to make the offender amenable to the law.
21. Omitting to make any necessary entry in any official document, book or paper.
22. Making or signing any false statement in any official document, book or paper.
23. Prevarication before any court or at any inquiry.
24. Withholding or failing to report promptly any complaint or report against any member of the service.
25. Negligence or refusal to assist in the apprehension of any member of the service charged with any offence.
26. Making or joining in making any anonymous complaint.
27. Making any frivolous or vexatious complaint.
28. Lending money to or borrowing money from any member of the service.
29. Incurring debt, either recklessly or without any reasonable prospect or intentions of paying the same, or having incurred any debt making no reasonable effort to pay the same.
30. Divulging any matter or thing which it is his duty to keep secret.
31. Conveying information directly or indirectly to any person of any warrant or summons which has been issued against such person.
32. Communicating to any unauthorised person matters concerned with the Service without leave from the superior officer under whom he is serving.

33. Absence without leave.
34. Malingering or feigning sickness without due cause, concealing any venereal or contagious disease, or neglecting or failing to report the fact if he is suffering from the same.
35. Gambling, or permitting or failing to report, gambling in the station.
36. Wanting in civility to any member of the public.
37. Trading in any form by himself or permitting any member of his family to trade in the neighbourhood of his station.
38. Any act, conduct, disorder or neglect to the prejudice of good order and discipline though not herein specified.
39. Failing to comply with or disobeying any relation of the Service or rule issued by the Board.

THIRD SCHEDULE

(Regulation 32)

CONVERSION TABLE

<i>Rank or Grade in the Nigeria Customs Preventive Service under Customs (Preventive Service) Regulations (No. 34 of 1945)</i>		<i>Rank or Grade of Conversion</i>
<i>Preventive</i>	<i>Waterguard</i>	
Assistant Preventive Officer, IV	}	Assistant Preventive Officer
Assistant Preventive Officer, III		
Assistant Preventive Officer, II		
Assistant Preventive Officer, I		
Preventive Officer	Waterguard Officer, III	Preventive Officer
Chief Preventive Officer	Waterguard Officer, II	
Superintendent (Third Class)	—	Senior Preventive Officer, II
Superintendent (Second Class)	Waterguard Officer, I	
—	Senior Waterguard Officer	Senior Preventive Officer, I
—	Assistant Collector	Assistant Superintendent-in-Training/ Assistant Superintendent
—	Collector	Superintendent
—	Senior Collector	Senior Superintendent
—	Inspector/Instructor (Waterguard)	Assistant Commandant
Chief Inspector (Preventive)	—	Deputy Commandant

THE LAGOS LOCAL GOVERNMENT ACT, 1959
(No. 18 of 1959)

The Removal of Vehicles (Lagos) (Amendment) Bye-Laws, 1962

Commencement : 3rd January, 1963

In exercise of the powers conferred upon the Lagos Town Council by the Lagos Local Government Act, 1959, the following bye-laws have been made with the approval of the Governor-General after consultation with the Council of Ministers—

1. These Bye-Laws may be cited as the Removal of Vehicles (Lagos) (Amendment) Bye-Laws, 1962. Citation.
 2. For the expression "testing officer" wherever it occurs in bye-laws two, three and four of the Removal of Vehicles (Lagos) Bye-Laws, 1959 (hereinafter referred to as the principal bye-laws) substitute the expression "chief traffic officer". Amendment of bye-laws 2, 3 and 4 of L.N. 222 of 1959.
 3. After bye-law four of the principal bye-laws, insert the following new bye-law, that is to say— Addition of bye-law 4A to L.N. 222 of 1959.
- "Power to dispose of broken down vehicles. 4A. If, after the expiration of three months from the time that the chief traffic officer has exercised his power of removal in accordance with bye-law 4, the owner or the person responsible for leaving the vehicle fails to claim it, the vehicle shall be deemed to have been abandoned and the Council may sell or dispose of the vehicle as it seems fit; and in the case of sale the money realised will be paid into Treasury of the Council".

MADE by the Lagos Town Council this 24th day of January, 1962.

S. J. MAYAKI,
Town Clerk

Approved by the Governor-General in Council this 19th day of December, 1962.

ISA KOTO,
Deputy Secretary to the Council of Ministers

EXPLANATORY NOTE

The amendments give effect to a change in the designation of the "Testing Officer" to "Chief Traffic Officer" and empower the Council to dispose of the unclaimed broken down vehicle and utilise the proceeds to defray the expenses incurred in removing the broken down vehicles.