

Supplement to Official Gazette Extraordinary, No. 17, Vol. 50. 22nd March,
1963—Part C

The following Bills, which will in due course be presented to Parliament for enactment, are published for general information.

ELECTORAL (TRANSITIONAL PROVISIONS) BILL

EXPLANATORY MEMORANDUM

The purpose of the Bill is to revive the Electoral (Transitional Provisions) Act of 1961 to enable the Electoral Register of 1959 to be revived for use during the Mid-West Referendum and the Bye-Elections due to be held to the House of Representatives.

SHEHU SHAGARI,
Minister of Internal Affairs

ELECTORAL (TRANSITIONAL PROVISIONS) BILL

A BILL

FOR

AN ACT TO REVIVE THE ELECTORAL (TRANSITIONAL PROVISIONS) ACT, 1961 ;
AND FOR PURPOSES CONNECTED THEREWITH.

[]

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 :

- 5 1. Without prejudice to the operation of subsection (1) of section
one hundred and sixty-six of the Electoral Act, 1962, (which, when it
comes into force, repeals the Electoral (Transitional Provisions) Act,
1961), the said Act of 1961 shall have effect, and be deemed always to
have had effect, with the omission of section five (which provides for
that Act to expire on the 31st day of December, 1962) and with the
10 substitution in paragraph (a) of subsection (2) of section three (which
provides that the Elections (House of Representatives) Regulations,
1958, shall be deemed to have been made under that Act) for the words
from the beginning to the word "revoked" of the words "the Regula-
tions".

Revival of
1961, No. 16.
1962, No. 33.

- 15 2. This Act may be cited as the Electoral (Transitional Provisions)
Act, 1963, and shall apply throughout the Federation.

Short title
and extent.

(862)

PRODUCE (CONSTITUTIONAL AMENDMENT) BILL

EXPLANATORY MEMORANDUM

The object of this Bill is to enable an order designating "produce," made in accordance with section 154 (1) of the Constitution of the Federation of Nigeria, to take effect from a date before the commencement of the Constitution. This is necessary to validate certain Regional legislation touching taxes on the sale or purchase of such produce.

F. S. OKOTIE-BOH,
Minister of Finance

THE PRODUCE (CONSTITUTIONAL AMENDMENT) BILL

A BILL

FOR

AN ACT TO AUTHORISE THE MAKING OF ORDERS WITH RETROSPECTIVE EFFECT
DEFINING PRODUCE FOR THE PURPOSES OF THE PRESENT AND FORMER
CONSTITUTIONS OF THE FEDERATION.

[See section 2 (2)]

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) An order made for the purposes of the definition of “pro-
duce” contained in subsection (1) of section one hundred and fifty-four
of the Constitution of the Federation may be made so as to take effect
from such date, either before or after the commencement of the Constitu-
tion, as may be specified by the order ; and in so far as such an order has
effect in relation to any period before the commencement of the Constitu-
tion, it shall be deemed to have been duly made in exercise of powers
conferred by the Constitution of the Federation as in force during that
period.

Extension of
power to
make orders
defining
produce.

(2) Where an order is made by virtue of this section, a person who,
before the date when the order came into operation was convicted of,
or punished for, an offence under an enactment validated by virtue of the
order shall, notwithstanding anything in subsection (7) of section
twenty-one of the Constitution of the Federation (under which convic-
tions in respect of acts or omissions which were not offences at the time
when they occurred and retrospective increases in liability to punishment
are prohibited), be deemed to have been duly convicted of or, as the case
may be, punished for that offence ; but no criminal proceedings shall be
instituted on or after the date aforesaid by virtue of the order in respect
of any act or omission which occurred before that date.

2.—(1) This Act may be cited as the Produce (Constitutional
Amendment) Act, 1963, and shall apply throughout the Federation.

Short title,
extent and
commence-
ment.

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

(865/1—22.2.63)

CINEMATOGRAPH BILL**EXPLANATORY MEMORANDUM**

The existing Cinematograph Act (Cap. 32) is some 30 years old and does not meet the present developments in the Cinematograph Industry in Nigeria. The main purpose of the new Bill is to ensure a high standard of Censorship of Films throughout the Federation and to remove certain anomalies in the existing Legislation.

SHEHU SHAGARI,
Minister of Internal Affairs

CINEMATOGRAPH BILL

ARRANGEMENT OF CLAUSES

Part I—Federal Censorship of Films

1. Cinematograph films to be approved for exhibition.
2. Power to enter and view premises for exhibition of films.
3. Federal censorship board. Regulations.

Part II—Federal Territory Provisions

4. Exhibition of films in Federal territory.

5. Exhibitions under special control.

6. Regulations.

7. Exemption for certain exhibitions.

Part III—Supplemental

8. Interpretation.

9. Short title, application and repeal.

A BILL

FOR

AN ACT TO MAKE BETTER PROVISION FOR THE CENSORSHIP OF FILMS FOR PUBLIC EXHIBITION AND FOR RELATED MATTERS.

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.—FEDERAL CENSORSHIP OF FILMS

1.—(1) Subject to the provisions of this Act, no person shall exhibit or cause or allow to be exhibited any film without the approval for exhibition in Nigeria given by the federal board of film censors under this Act.

Cinematograph films to be approved for exhibition.

(2) Nothing in this section shall apply,—

(a) to any exhibition given in premises to which the public are not admitted ;

(b) to any film exempted by the board under this Act and imported, produced or issued by or by the direction of,—

(i) the Federal Government or any Regional Government ;

(ii) the diplomatic representative of any Commonwealth or foreign country ;

(iii) the United Nations Organization or any organ of that organization ;

(iv) any educational, scientific or cultural body or society including any broadcasting and television organization.

(3) Any person who,—

(a) exhibits or causes or allows to be exhibited any film contrary to the provisions of this section, or

(b) being the owner of a cinematograph or occupier of premises uses or allows the cinematograph or premises to be used in contravention of this section,

commits an offence and is liable on conviction to a fine of two hundred pounds, and where the offence is a continuing one shall for each day during which the offence continues, be liable to a further fine of ten pounds for every such day.

CINEMATOGRAPH BILL

ARRANGEMENT OF CLAUSES

Part I—Federal Censorship of Films

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Power to enter and view premises for exhibition of films.

2.—(1) Where a police officer or any person authorised in that behalf by the Minister in writing has reasonable cause to believe that an exhibition is or is about to be given, he may on production of his pass or other proper authority, enter on the premises for the purposes of compelling compliance by the occupier with the provisions of this Act or of any regulations made thereunder.

5

(2) Any person who obstructs or otherwise prevents the entry by any person authorised under this section to enter on premises shall be guilty of an offence, and liable on conviction to a fine of twenty pounds.

(3) For the avoidance of doubt, the expression "Minister" as used in this section shall, in a Region, mean the Minister in that Region charged with responsibility for the control of the exhibition of films.

10

Federal censorship board. Regulations.

3.—(1) The Minister may from time to time obtain the names of fit persons and organisations representing the thought and opinion of persons resident in Nigeria and from such names the Minister may compile a panel of film censors. The panel of film censors may at any time be amended, and if it is compiled, the Minister may by regulations establish a federal board of film censors with headquarters in the Federal Territory; and such board while it continues to operate shall have all powers for the censorship of films as may from time to time be conferred upon it by any such regulations.

15

(2) Without limiting the generality of the power to make regulations under this section, regulations may be made,—

(a) for prescribing the procedure to be followed for the censorship generally of any film submitted to the board and the fees to be paid;

25

(b) for providing the form of approval to be given by the board and the conditions and limitations on exhibition which may be imposed and the method of display or publication of the approval of the board;

(c) for prescribing the powers and duties of the president, the secretary, and members of the board;

30

(d) for providing exemption from censorship of such classes of film as the board may think fit or of any film intended to be exhibited before any particular group or groups of persons;

(e) for the retention of film or any part of film if approval is withheld and for the imposition of restrictions on the possession or disposal of any such film or part;

35

(f) for prescribing the method of review of a decision of the board by appeal to the Minister;

(g) for approving posters and advertisements for display in connection with any exhibition;

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(h) for prescribing offences and penalties not exceeding a fine of fifty pounds and in the case of a continuing offence a fine of twenty pounds for each day in respect of which an offence continues.

PART II—FEDERAL TERRITORY PROVISIONS

Exhibition of films in Federal territory.

4.—(1) Notwithstanding that any film has been approved for exhibition under the provisions of Part I of this Act, it shall not be exhibited in the Federal Territory if the film is inflammable or of any otherwise dangerous nature except on premises licensed for the purpose under this Part of this Act.

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5 (2) The Minister may in his discretion license or refuse to license premises for the purpose of exhibiting inflammable or otherwise dangerous film and, subject to the provisions of any regulation made under this Part of this Act, licences if issued shall be on and subject to such terms, conditions and regulations as the Minister may prescribe; and any such licences may at time be amended, varied, or revoked.

(3) No licence shall be granted in respect of any premises unless the Minister is satisfied that the premises are safe and otherwise suitable for the exhibition of films.

10 (4) A licence under this section unless previously revoked shall continue in force for the period for which it was granted, and if no time is stated it continue in force for the period of one year.

15 (5) Any person who exhibits or causes or allows to be exhibited any inflammable or otherwise dangerous film contrary to the provisions of this section shall be guilty of an offence and liable on conviction to a fine of two hundred pounds or to imprisonment for a term of two years or to both; and where the offence is a continuing one, the offender shall in addition be liable to a fine of five pounds for each day during which the offence continues.

20 (6) For the purposes of this section, "premises" includes any vehicle, or being a ship, includes any vessel used in navigation whether or not propelled by oars.

25 5.—(1) Where the Minister has issued a licence upon the condition that an exhibition is to be conducted under special superintendence, the person superintending the exhibition may at any time direct the stopping of the exhibition, or if he thinks fit, give any other direction necessary to ensure the safety of persons attending the exhibition or the safety from fire of the premises.

Exhibitions
under special
control.

30 (2) Any person who hinders or obstructs the person superintending the exhibition shall be guilty of an offence and liable on conviction to a fine of fifty pounds.

6. The Minister may make regulations generally for the purposes of this Part of this Act, and without limiting the generality of such power regulations may be made,—

Regulations.

35 (a) for prescribing the procedure and fees payable on application for a licence and the terms, conditions and restrictions to be imposed;

40 (b) for controlling and regulating the production of any film intended for exhibition so as to prevent the performance of undesirable or dangerous acts or the exhibition of any film not otherwise approved under this Act;

(c) for prescribing fire safety conditions to be observed on premises within the meaning of this Part of this Act where exhibitions are given, and conditions to be observed for the safety and control of persons attending any exhibition;

45 (d) for prescribing any particular make or description of film as inflammable or of a dangerous nature;

50 (e) for prescribing the penalties to be imposed for the breach of regulations under this Part of this Act, not exceeding a fine of two hundred pounds or imprisonment for two years or for both; and in addition, where the offence is a continuing one, for a fine not exceeding five pounds for each day during which the offence continues.

Exemption
for certain
exhibitions.

7. Nothing in this Part of this Act shall apply to any exhibition on premises to which the public are not admitted.

PART III.—SUPPLEMENTAL

Interpreta-
tion.

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

“the board” means the federal board of film censors under Part I of this Act ; 5

“celluloid” includes substances containing nitrated solutions or other nitrated products ;

“cinematograph” includes any apparatus for the projection of enlarged images by means on a screen or elsewhere ; 10

“exhibition” means the display or showing of pictures or other optical effects by means of a cinematograph ;

“film” means a film designed for use with a cinematograph (not being a film of eight millimetres or less in width) and includes film containing celluloid or other materials of an inflammable or dangerous nature as may be prescribed by regulations under this Act ; 15

“Minister” means the Federal Minister charged with responsibility for the control of the exhibition of films ;

“occupier” with reference to premises includes any manager or any person who receives the rent of premises ; 20

“premises” includes land, buildings, and any ship.

Short title,
application
and repeal.

9.—(1) This Act may be cited as the Cinematograph Act 1963 and shall, as to Parts I and III, apply throughout the Federation ; and as to Part II shall apply to the Federal Territory only.

Cap. 32 of
1948 edition
the Laws of
Nigeria as
affected by
L.N. 40 of
1959.

(2) Nothing in this Act shall be construed so as to restrict or limit the right of the legislature of a Region to make provision for the censorship and control of the exhibition of any film in a Region additional to that prescribed by Part I of this Act ; and subject thereto the Cinematograph Act in its application throughout Nigeria is hereby repealed. 25

831(2)/24/1 30

COMMONWEALTH CITIZENSHIP BILL**EXPLANATORY MEMORANDUM**

This Bill provides that a citizen of any of the countries mentioned in the Schedule (which attained independence since the Constitution of the Federation came into force) shall have the status of a commonwealth citizen in accordance with section 13 of the Constitution.

JAJA WACHUKU,
*Minister of Foreign Affairs and
Commonwealth Relations*

A BILL

FOR

AN ACT TO PROVIDE THAT CITIZENS OF SIERRA LEONE, TANGANYIKA, JAMAICA, TRINIDAD AND TOBAGO, AND UGANDA SHALL BE COMMONWEALTH CITIZENS.

[]

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 :—

- 5 1. Each of the countries specified in the Schedule to this Act is hereby prescribed, with effect from the beginning of the day so specified in relation to that country, for the purposes of subsection (3) of section thirteen of the Constitution of the Federation (which provides that a citizen of the countries mentioned in that subsection and of such other countries as may be prescribed by Parliament shall have the status of a
10 Commonwealth citizen).

Common-
wealth
citizenship.

2. This Act may be cited as the Commonwealth Citizenship Act, 1963, and shall apply throughout the Federation.

Short title
and extent.

SCHEDULE

Section 1.

Prescribed countries

<i>Country</i>					<i>Date</i>
Sierra Leone	..	..	..	..	27th April, 1961.
Tanganyika	..	..	..	..	9th December, 1961.
Jamaica	..	..	..	..	6th August, 1962.
Trinidad and Tobago	..	..	..	..	31st August, 1962.
Uganda	..	..	..	..	9th October, 1962.

TANGANYIKA REPUBLIC BILL

EXPLANATORY MEMORANDUM

This Bill is intended to secure that the operation of Nigerian law in relation to Tanganyika is not affected by the changed status of Tanganyika from a Dominion to a Republic within the Commonwealth.

JAJA WACHUKU,
*Minister of Foreign Affairs and
Commonwealth Relations*

A BILL

FOR

AN ACT TO MAKE PROVISION AS TO THE OPERATION OF THE LAW IN RELATION TO TANGANYIKA IN CONSEQUENCE OF TANGANYIKA'S BECOMING A REPUBLIC WITHIN THE COMMONWEALTH.

[9th December, 1962]

Commence-
ment.

WHEREAS on the ninth day of December, 1962, Tanganyika became a Republic while remaining a member of the Commonwealth:

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

1.—(1) All existing law, that is to say, all law which, whether being a rule of law or a provision of an Act of Parliament or of any other enactment or instrument whatsoever, is in force on the appointed day or has been passed or made before that day and comes into force
10 thereafter, shall, until provision to the contrary is made by an authority having power to alter that law, have the same operation in relation to Tanganyika, and to persons and things in any way belonging to or connected with Tanganyika, as it would have had if Tanganyika had not become a Republic.

Operation
of existing
law in rela-
tion to
Tanganyika.

15 (2) The Governor-General may by order make such adaptations of any Act of Parliament passed before the appointed day, or of any instrument having effect by virtue of such an Act, as appear to him to be expedient in consequence of Tanganyika's becoming a Republic; and
20 any such order may contain provision for the order to have effect from such date, not being earlier than the appointed day, as may be specified by the order.

(3) Nothing in this section shall be construed as purporting to amend the Constitution of the Federation or a Region.

25 (4) In this Act, "the appointed day" means the ninth day of December, 1962.

2.—(1) This Act may be cited as the Tanganyika Republic Act, 1963, and shall apply throughout the Federation.

Short title,
extent and
commence-
ment.

(2) This Act shall be deemed to have come into force on the appointed day.

MERCHANT SHIPPING (AMENDMENT) BILL

EXPLANATORY MEMORANDUM

The purpose of this Merchant Shipping (Amendment) Act, 1963 is to clarify the designation of forfeitures and wages ordered by a court, and to correct certain printing errors in the principal Act.

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

A BILL

FOR

AN ACT TO PROVIDE FOR THE PAYMENT INTO THE CONSOLIDATED REVENUE FUND OF FORFEITED WAGES IN SPECIAL CASES AND OTHERWISE TO AMEND THE MERCHANT SHIPPING ACT, 1962.

[By notice section 3 (2)]

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. For the avoidance of doubt it is declared that where under the Merchant Shipping Act, 1962 (in this Act referred to as "the principal Act") wages are ordered by a court to be forfeited otherwise than for desertion and the court does not direct to the contrary, the provisions of subsection (2) of section one hundred and twenty-two of the principal Act (which prescribes the destination of forfeited wages in certain cases) shall have effect as if the wages so ordered to be forfeited were forfeited for desertion, and they shall be recoverable and be paid into the Consolidated Revenue Fund accordingly.

Recovery of
wages for-
feited by a
court in
special cases.
1962, No. 30.

2. The principal Act is amended,—

- (a) by substituting in subsection (1) of section three hundred and thirty three the word "of" for the word "off";

Miscel-
laneous
amendments.

(b) by inserting in subsection (1) of section three hundred and seventy six immediately following the word "before" where it first occurs, the word "any";

- (c) by repealing in subsection (1) of section four hundred and seventeen the words "of this Act", and substituting therefor the words "purpose by notice in the Gazette has reasonable cause to suspect that any of the provisions of this Act,".

- 3.—(1) This Act may be cited as the Merchant Shipping (Amendment) Act, 1963 and this Act and the principal Act may be cited together as the Merchant Shipping Acts, 1962 and 1963.

Short title
application,
etc.

(2) This Act shall apply throughout the Federation, and shall come into force on a day to be appointed by the Minister by notice in the Gazette.

FIRE SERVICE BILL, 1963

EXPLANATORY MEMORANDUM

Although the Fire Brigade was transferred to the Ministry of Internal Affairs in April 1961, the Brigade continues to operate under sections 44-54 of the Police Act (Cap. 172, 1948 Edition). This Bill is designed to achieve two objects, namely, to replace this Administrative arrangement by permanent Legislation and secondly, to provide for the improvement of the existing Fire Services.

SHEHU SHAGARI,
Minister of Internal Affairs

FIRE SERVICE BILL, 1963

ARRANGEMENT OF CLAUSES

Clause

PART I—ORGANIZATION AND
ADMINISTRATION

1. Establishment of the Fire Service.
2. General duties of the Fire Service.
3. Constitution of the Fire Service.
The Federal Fire Commissioner
4. Responsibility of the Fire Commissioner.—Delegation of powers.
The Minister

5. Provision of equipment: Training: Inspection of buildings; etc.
6. Powers included in Ministerial powers.

Enlistment and Service

7. Enlistment.
8. Re-Engagement.
9. Transfer of police officers to the Fire Service.

PART II—GRATUITIES, ANNUAL
ALLOWANCES AND PENSIONS

10. Pensions, gratuities and annual allowances.
11. Loss of annual allowance or pension on conviction.
12. Pensions in case of incapacity.
13. Pensions and gratuities on death.

PART III—FIRE FIGHTING, FIRE
PREVENTION AND OTHER SERVICES

14. Provision of water supply and Regulations thereon.

15. Regulations.—Application to High Court of Lagos.

16. Standing Orders.

17. Affixing of fire alarms, etc.

18. Arrangements with persons within the Federal Territory.

19. Arrangements with Regional Governments, fire authorities and persons outside the Federal Territory.

20. Major disaster.—Relief of distress in Regions.

PART IV—POWERS OF MEMBERS
OF FIRE SERVICE

21. Powers of firemen and police in extinguishing fires.—Regulation of Traffic.

22. Right of members of Fire Service to enter upon lands.—Injuries and damage when deemed injuries or damage by fire.

PART V—MISCELLANEOUS PROVISIONS

23. Establishment of Fire Service Reward Fund.

24. Charges for services of Fire Service.

25. Fire Service not to be used for suppressing civil disturbances.

26. Fire Service training facilities available to non-members.

27. Fire-fighting and fire prevention deemed public purposes.

PART VI—OFFENCES

28. Contravention of this Act or of Regulations.

29. Personation of members of the Fire Service.

30. Obtaining admission into the Fire Service by fraud.
31. Communication of confidential or secret information.
32. Obstruction of and assault on members of the Fire Service.—Obstruction of fire engines.
33. Failure to yield right of way to Fire Engines.
34. False alarm.
35. Interference with fire-fighting equipment.

36. Contravention or failure to comply with Regulations *re* buildings.

PART VII—INTERPRETATION

37. Interpretation.

PART VIII—APPLICATION, ETC.

38. Short title, Application, Commencement.
39. Amendment of Liquor Licensing (Fire Precautions) Act, 1962.
40. Extent of Repeal.

A BILL

FOR

AN ACT TO MAKE PROVISION FOR THE ORGANISATION, DISCIPLINE, POWERS AND DUTIES OF THE FEDERAL FIRE SERVICE, AND FOR MATTERS INCIDENTAL THERETO OR CONNECTED THEREWITH.

[By Notice, see section 39]

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.—ORGANIZATION AND ADMINISTRATION

5 1. There shall be established a fire-fighting service to be known as the Federal Fire Service (hereinafter referred to as the "Fire Service.")

Establish-
ment of the
Fire
Service.

2. The Fire Service shall be employed for the extinguishment, control and prevention of fire, the saving and protection of life and property and for such other humanitarian and other works as may be required of them under the authority of the Minister.

General
duties of
the Fire
Service.

10 3. The Fire Service shall consist of a Federal Fire Commissioner (hereinafter referred to as the "Fire Commissioner"), and such other officers and firemen of such ranks as may from time to time be appointed by the Public Service Commission of the Federation.

Constitution
of the Fire
Service.

15 *The Federal Fire Commissioner*

4.—(1) The Fire Service shall be under the command of the Fire Commissioner, who, subject to the general orders and directions of the Minister, shall be responsible to the Minister for the efficient administration and government of the Fire Service.

Responsi-
bility of
the Fire
Commis-
sioner—
Delegation
of powers.

20 (2) Any power conferred and any duty imposed upon the Fire Commissioner may, in the absence of the Fire Commissioner at any time, be exercised or performed by any member of the Fire Service authorised generally or specifically in that behalf by the Fire Commissioner or the Minister.

25 5. The Minister may make provision for fire-fighting, fire prevention and the alleviation of distress, and in particular may secure—

(a) The service of such fire equipment as may be necessary and practicable to meet efficiently all normal requirements.

(b) the efficient training of members of the Fire Service.

30 (c) efficient arrangements for dealing with calls for the assistance of the Fire Service in case of fire or other emergency.

Provision
of equip-
ment :
Training :
Inspection of
buildings,
etc.

(d) efficient arrangements for obtaining by inspection or otherwise information required for fire-fighting and fire prevention purposes with respect to the character of buildings and other property, the available water supplies and the means of access thereto, and other material circumstances.

5

(i) For the purposes of such arrangements any member of the Fire Service shall be empowered to enter any building or other property at all reasonable hours if authorised so to do in writing by the Fire Commissioner.

(ii) If any member of the Fire Service so authorised, as required by sub-paragraph (i), to enter any building or other property is refused admission thereto the court, on the *ex parte* application of the Fire Commissioner or of the member so authorised, may order the person having custody of the said building or other property to admit the member thereto.

15

(iii) Any such court order shall continue in force until the purposes for which the entry was necessary have been fulfilled.

(e) efficient arrangements for the giving, when requested, of advice in respect of buildings and other property as to fire prevention or the restriction of the spread of fires, and as to means of escape in case of fire.

20

Powers
included in
Ministerial
powers.

6.—The Minister's powers shall include power—

(a) to provide accommodation for the Fire Service and its equipment; including housing and other accommodation for members of the Fire Service and furniture reasonably required for such accommodation.

25

(b) to pay to persons, not being members of the Fire Service maintained in pursuance of this Act, who render services for fire-fighting purposes, such rewards as the Fire Commissioner deems fit.

(c) to provide and maintain fire alarms in such positions in any street or public place as he deems proper, and to affix any such fire alarm to any wall or fence adjoining a street or public place.

30

(d) efficient arrangements for ensuring that reasonable steps are taken to prevent or mitigate damage to property resulting from measures taken in dealing with fires.

35

(e) to employ the Fire Service, or use any of the equipment maintained by it, for purposes other than fire-fighting purposes for which it appears to the Minister to be suitable and, if the Minister deems fit, to make such charge as he may prescribe for any service rendered in the course of such employment or use.

40

(f) to employ the Fire Service, or use any of its equipment, outside the Federal Territory.

Enlistment and Service

Enlistment.

7. Every fireman, shall, on appointment, be enlisted to serve in the Fire Service for three years, or for such other period as may be fixed by the Public Service Commission to be reckoned in all cases from the day on which he has been approved for service and taken on to the strength.

45

Re-
engagement.

8.—(1) Any fireman of good character may within six months before completion of his first period of enlistment and with the prescribed approval, re-engage to serve for a further period of six years and may similarly re-engage for a second period of six years, and may thereafter similarly re-engage either to serve until the expiration of a third period of six years or until he reaches the age of forty-five years (whichever is earlier).

(2) Upon completion of such third period of six years, or if he has re-engaged until reaching the age of forty-five years then upon reaching such age, the fireman may if he so desires and with the prescribed approval continue in the Fire Service in the same manner in all respects as if his term of service were still unexpired, except that he may be discharged or may claim a discharge upon six months prescribed notice thereof being given to or by him.

(3) The prescribed approval referred to in subsections (1) and (2) shall be that of the Public Service Commission or of any member of the Fire Service to whom the Public Service Commission has delegated the power to give such approval, and the prescribed notice referred to in subsection (2) shall be given by or to the Public Service Commission or by or to any member of the Fire Service to whom the Public Service Commission has duly delegated the power of giving or receiving such notice.

(4) If a fireman offers to re-engage within six months after having received his discharge he will, if his offer of service is accepted, on re-engagement be entitled to the rank which he was holding at the time of his discharge, provided there is a vacancy in the establishment of that rank at the time he re-engages. If, however, no vacancy exists in the establishment of that rank at that time, he may be appointed to the nearest lower rank in the establishment of which a vacancy exists; and he shall be entitled to promotion to the rank he was holding at the time of his discharge as soon after his re-engagement as a vacancy arises in the establishment of that rank.

(5) The service of a fireman who has re-engaged under this section shall be deemed to be continuous for the purposes of pension or annual allowance or gratuities, as the case may be, the fireman being regarded as on leave without pay during the period between discharge and re-engagement.

(6) No fireman may apply for re-engagement after a period of six months has elapsed since his discharge, but a fireman may be permitted to re-enlist subsequent to that period if his offer of service is accepted.

(7) The question of the reinstatement of a re-enlisted fireman to the rank he held prior to his discharge shall be decided by the Fire Commissioner.

(8) Any fireman whose term of service expires during a period of emergency, insurrection, or hostilities, may be compulsorily retained and his service prolonged for such period, not exceeding twelve months, as the Public Service Commission may direct.

(9) Subject to the provisions of subsection (1) of section 7 of the Pensions Act and to the provisions of subsection (2) of this section, no fireman shall be at liberty to resign or withdraw himself from his duties without the approval of the Public Service Commission or of any member of the Fire Service to whom the Public Service Commission has delegated the power to give such approval.

Cap. 147.

(10) For the purposes of this section the term "period of emergency" has the same meaning as it has in section 65 of the Constitution of the Federation.

Transfer
of police
officers to
the Fire
Service.
Cap. 172
(1948 Ed.)

9.—(1) Not later than three months after the commencement of this Act, any police officer who is a member of a Police Fire Brigade established under the provisions of the Police Act must declare in writing whether or not he elects to transfer to the Fire Service, and if he so elects to transfer, may with the approval of the Fire Commissioner, and with the consent of the Inspector General, the Police Service Commission and the Public Service Commission be transferred from the Nigeria Police Force to the Fire Service. 5 10

(2) For the purposes of this Act the length of service in the Nigeria Police Force of such transferred police officer shall be deemed to be length of service in the Fire Service.

(3) (a) The conditions of service of any such transferred police officer shall not, during the period in which he retains the rank in the Fire Service to which he was initially appointed at the date of his transfer, be altered or amended in such a manner or to such an extent as to render such conditions of service less advantageous to the said transferred police officer than they would have been should he have not so transferred and have remained a member of the Nigeria Police Force under the conditions of service applicable to police officers, under the Police Act, at the date of his transfer to the Fire Service. 15 20

Cap. 154.

(b) Whether any alteration of or amendment to the conditions of service of the Fire Service constitutes an infringement of the provisions of paragraph (a) shall be determined by the Public Service Commission. 25

(c) If the Public Service Commission determine that an alteration of or amendment to the conditions of service constitutes an infringement of the provisions of paragraph (a) they shall, as soon as is convenient, notify the Fire Commissioner of their decision. Whereupon the Fire Commissioner shall give notice in writing of such decision to each transferred police officer who is then serving in the rank to which he was initially appointed at the date of his transfer. 30

(d) Any such transferred police officer affected by such altered or amended conditions of service may, within one month from the date of his receipt of the notice from the Fire Commissioner under paragraph (c), elect to— 35

(i) accept the altered or amended conditions of service and continue to serve subject thereto, or

(ii) resign from the Fire Service. 40

(e) In the event of a transferred police officer resigning from the Fire Service under the provisions of sub-paragraph (d) (ii), the said transferred police officer shall, for the purposes of gratuities, annual allowances and pensions under this Act, be deemed to have completed the full term of his enlistment at the date of his resignation. 45

(4) For the purposes of this section the words "transferred police officer" mean a member of the Nigeria Police Force who has transferred to the Fire Service under the provisions of subsection (1).

PART II.—GRATUITIES, ANNUAL ALLOWANCES AND PENSIONS

Pensions,
gratuities
and annual
allowances.
Cap. 147.

10.—(1) Members of the Fire Service of or above the rank of Leading Fireman who are pensionable under the provisions of the Pensions Act if promoted or reappointed to such pensionable rank 50

after the expiration of their initial period of enlistment, shall be deemed to be confirmed with effect from the date of such promotion or re-appointment.

5 (2) Subject to the provisions of this section, there shall be paid to a fireman on discharge after continuous good service extending over a period of not less than three years a gratuity calculated at a rate of one-half of a month's pay at the rate pertaining at the date of discharge for each completed year of service, and in addition he may be granted the following retiring benefits—

10 (a) on completion of ten or more years continuous service—

(i) subject to his having reached the age of forty-five years or being required to retire on medical grounds, an annual allowance calculated at one nine hundred and sixtieth of his annual emoluments at the date of retirement for each completed month of service, or

(ii) a gratuity calculated at one twentieth of a month's pay for each completed month of service,

20 (b) on completion of five years but less than ten years continuous service a gratuity calculated at one twentieth of a month's pay for each completed month of service.

(3) Where a fireman has rendered at least twenty-five years good service and has attained the age of forty-five years but whose service has not been continuous, the Minister may, in his discretion, treat such service, for the purpose of calculation of the annual allowance and gratuities for which the fireman might otherwise have been eligible under subsection (2) on final discharge, as continuous service, provided that there shall be deducted from any gratuities so granted any sums previously paid to such fireman by way of gratuities, and further provided that any annual allowance previously granted under subsection (2) shall have been suspended during any such further period of service.

(4) Where the service of a fireman has not been such as to justify the payment of the full annual allowance and gratuities on discharge for which he would otherwise have been eligible, the Minister may, on the recommendation of the Fire Commissioner approve the award of such reduced annual allowance and gratuities as he may deem just.

40 (5) Where a fireman has completed more than six years continuous service and is discharged as unfit for further service or on reduction of establishment, he shall receive on discharge such proportion as the Minister may deem just of the annual allowance and gratuities for which he would otherwise have been eligible had he attained the age of forty-five years at the date of his discharge.

45 (6) (a) Where a fireman who has completed more than three years continuous service dies while serving in the Fire Service, the gratuities for which he would have been otherwise eligible under the provisions of this section shall be calculated to the date of death and the Minister may cause such gratuities to be paid to or for the benefit of the widow or widows or child or children or any of the dependants or next of kin of such fireman, and if such gratuities are paid to or for the benefit of more than one person, in such proportion as the Minister may deem just.

(b) Where a fireman dies while serving in the Fire Service before he has completed three years continuous service, the Minister may, on the recommendation of the Fire Commissioner, award gratuities calculated on the rate of pay pertaining at the date of the death of such fireman bearing such proportion to the gratuities for which he would otherwise have been eligible had he completed six years service at the said rate of pay as the number of years of actual service bears to six years and where any such gratuities are awarded the provisions for the payment of gratuities under paragraph (a) of this subsection shall apply to the payment of such gratuities.

Loss of
annual
allowance or
pension on
conviction.

11. If any person to whom an annual allowance or pension has been granted under this Act is convicted before any court in the Federation of Nigeria and sentenced to death, penal servitude, or to any form of imprisonment with hard labour for a period of not less than three months such annual allowance or pension shall cease from the date of conviction :

Provided that—

(a) if the conviction is before a native court in Nigeria, such annual allowance shall not cease unless the offence for which the sentence was imposed is an offence, which, if committed within the Federal Territory, would be punishable by the general criminal law of the Federal Territory with death or imprisonment :

(b) where an annual allowance or pension has ceased under this section, the Minister on the recommendation of the Fire Commissioner may direct all or any part of the money, to which the person to whom such conviction relates would have been entitled by way of annual allowance or pension, to be paid to or applied for the maintenance and personal support and benefit of all or any, to the exclusion of the other or others, of the following persons, namely, any wife, child or children of such person, in such proportion and manner as the Minister on the recommendation of the Fire Commissioner thinks proper and such money shall be paid or applied accordingly ;

(c) where an annual allowance or pension has ceased under this section the Minister on the recommendation of the Fire Commissioner may, on the expiration of a sentence of penal servitude or imprisonment or in the case of a sentence of death on the expiration of any sentence of penal servitude or imprisonment substituted therefor, direct that the annual allowance or pension or any part thereof be restored to the person to whom the conviction relates ;

(d) if after conviction a person whose annual allowance or pension has ceased under this section is granted a free pardon, such annual allowance or pension shall be restored with effect from the date of conviction ; but in determining whether arrears of such allowance or pension are payable to such person and in computing the amount thereof, account shall be taken of all moneys paid or applied under the provisions of paragraph (b) or (c).

Pension in
case of
incapacity.

12. Where a fireman has been permanently incapacitated by an injury sustained or sickness contracted—

(a) in the actual discharge of his duty ; and

(b) without his own default ; and

(c) on account of circumstances specifically attributable to the nature of his duty,

and his discharge is thereby necessitated or materially accelerated, any annual allowance or gratuities granted to him under this Act may be supplemented by a pension based on the following proportions of his annual rate of pay at the date of his injury—

- 5 When his capacity to contribute to his support is—
- | | |
|-----------------------------|-------------------|
| slightly impaired | five-sixtieths |
| impaired | ten-sixtieths |
| materially impaired | fifteen-sixtieths |
| totally destroyed | twenty-sixtieths: |

- 10 Provided that the amount of such pension may be reduced to such an extent as the Minister deems reasonable where the injury or sickness is not the sole cause of discharge or where the fireman so incapacitated has continued to serve for not less than one year after sustaining the injury or contracting the sickness in respect of which he receives his
- 15 discharge: Provided further that the annual value of his combined annual allowance and pension shall not exceed fifty-sixtieths of his annual rate of pay at the date he sustained the injury or contracted the sickness.

- 20 13.—(1) Where a fireman who has completed more than three years continuous service dies while serving in the Fire Service, the Minister on the recommendation of the Fire-Commissioner may grant to his estate or to any person being a relative or dependant of such fireman, in addition to any other gratuities payable under the provisions of section 10, a sum not exceeding one year's pay.

Pensions and
gratuities on
death.

- 25 (2) The Minister on the recommendation of the Fire Commissioner may direct that any sum so awarded be paid to or applied for the maintenance and personal support and benefit of all or any, to the exclusion of the other or others, of the following persons, namely, any wife, child, children, relative or dependant of the fireman in such manner as the
- 30 Minister on the recommendation of the Fire Commissioner, may deem just.

- (3) If a fireman dies as a result of injuries received in the execution of his duty or is killed on duty it shall be lawful for the Minister on the recommendation of the Fire Commissioner to grant in addition to the
- 35 award provided for in subsection (1) the pensions set out in this subsection, that is to say—

- (a) if such fireman leaves a widow or widows, a pension to her or divided equally between them whilst unmarried and of good character at a rate not exceeding ten-sixtieths of his pay or fifteen pounds a
- 40 year whichever is the greater;

- (b) if such fireman leaves a widow or widows to whom a pension is granted under the preceding paragraph and a child or children, a pension in respect of each child until such child reaches the age of twenty-one years, of an amount not exceeding one-eighth of the
- 45 pension prescribed under the preceding paragraph;

- (c) if such fireman leaves a child or children but does not leave a widow, or leaves a child or children and a widow or widows to whom no pension under paragraph (a) has been granted, then a pension in respect of each child of double the amount prescribed in paragraph
- 50 (b) until such child attains the age of twenty-one years;

(d) if such fireman leaves a child or children and a widow to whom a pension is granted under paragraph (a), and the widow subsequently dies, a pension of double the amount prescribed in paragraph (b) in respect of each child as from the date of the death of the widow until such child attains the age of twenty-one years ;

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(e) if such fireman does not leave a widow, or if no pension is granted to his widow, and if his mother was wholly or mainly dependent on him for support, a pension to the mother while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow :

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Provided that—

(i) all such pensions shall be in the discretion of the Minister acting on the recommendation of the Fire Commissioner and any pension so granted shall cease if at any time the Minister is satisfied that the person in respect of whom such pension has been granted is adequately provided with other means of support ; and

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(ii) pensions shall not be payable under this paragraph at any time in respect of more than six children ; and

(iii) a pension granted to a female child under this paragraph shall cease upon the marriage of such child under the age of twenty-one years ; and

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(iv) if in any case it appears to the Minister acting on the recommendation of the Fire Commissioner that it would be proper so to do having regard to the law or custom of any area, payment of the foregoing pensions may by his discretion be paid to such authority having jurisdiction in that area as he may specify, for disbursement in the interests of the persons entitled thereto under the provisions of this subsection.

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(4) If any fireman proceeding by a route approved by the Minister, acting on the recommendation of the Fire Commissioner, to or from the Federal Territory at the commencement or termination of his service therein or of a period of leave therefrom, dies as a result of damage to any vessel, vehicle or aircraft in which he is travelling, or of any act of violence directed against such vessel, vehicle or aircraft, and the Minister, acting on the recommendation of the Fire Commissioner, is satisfied that such damage or act is attributable to circumstances arising out of any war in which Her Majesty may be engaged, such fireman shall be deemed for the purposes of this section to have died under the circumstances described in subsection (3) of this section.

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(5) For the purposes of this section the word "child" includes—

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(a) a posthumous child ; and

(b) a step-child or illegitimate child born before the date of the injury or death and wholly or mainly dependent upon the deceased fireman for support.

PART III.—FIRE-FIGHTING, FIRE PREVENTION AND OTHER SERVICES

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Provision of
water
supply ; and
Regulations
thereon.

14. The Minister may take all reasonable measures for ensuring the provision of an adequate supply of water, and for securing that it will be available for use, in case of fire ; and, after consultation with the Minister responsible for the Lagos Water Supply, may from time to time make regulations—

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(a) for securing on such terms as to payment or otherwise as may be therein specified that an adequate supply of water will be available to the Fire Service in case of fire.

5 (b) for the provision of such additional supply of water for such Fire Service as may be necessary from time to time.

(c) for the provision at the expense of the Fire Service of fire hydrants or other sources of the supply of water at points to be indicated by the Fire Commissioner.

10 (d) for the provision at the expense of the Fire Service of distinguishing marks denoting the situation of each fire hydrant or other such supply of water : which distinguishing marks may be placed or erected upon, or adjoining, any street or public place.

15 (e) for providing for uniformity in fire hydrants and other such sources of water supply ; and in the distinguishing marks denoting the location of such fire hydrants or other sources of water supply ; and in the positions where such distinguishing marks are to be placed.

20 (f) for the regulation of the pressure of water available from such fire hydrants or other sources of water-supply, and for the provision at the expense of the Fire Service of such auxiliary pumping plant and equipment as may be necessary.

25 (g) for the provision of prior notice from the Lagos Water Supply to the Fire Service of any proposed installation of new main water pipes, or of the carrying out of major alterations to any existing main pipes ; together with details, plans and other information of such proposed works.

15.—(1) Save as provided by section 14 of this Act, the Minister may from time to time make regulations ; Regulations.

(a) On the recommendation of the Public Service Commission :—

30 (i) with respect to the organisation and administration of the Fire Service ;

(ii) with respect to appointments to the Fire Service and to offices therein ;

(iii) with respect to the training of members of the Fire Service.

35 (iv) with respect to the promotion, transfer, dismissal and disciplinary control of members of the Fire Service.

(b) Setting out the scales of charges permitted under subsection (2) of section 24 for services rendered by the Fire Service.

(c) with respect to the administration of the Fire Service Reward Fund established under the provisions of section 23.

40 (d) with respect to the prevention of fire, the reduction of the risk of fire and the safety of persons or animals in or near any building, or class of building, from fire hazards.

45 (e) with respect to the prohibition or control of the use, in the erection, alteration, improvement or repair of any building or other structure, of materials deemed by the Minister to constitute a fire hazard ; or of the use of any materials in the erection, alteration, improvement or repair of any building or other structure which materials, because of the use or proposed use of the said building or other structure, or because of its location or proposed location or otherwise, the Minister deems to constitute a fire hazard.

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(f) requiring owners of multiple dwellings, cinemas, theatres, office buildings and other such buildings, structures or places to which the public resort from time to time to take such precautions as the Minister may specify for the safety against fire hazards of the tenants, occupiers, invitees or other users of such buildings, structures, or places.

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For this purpose the Minister may classify such buildings, structures or places into different categories, and each such category may be subject to different safety requirements hereunder; and further, for the purposes hereof, the Minister may empower the Fire Commissioner to limit the numbers of persons occupying or using such buildings, structures or places at any one time, and to require such owners to instal such fire-fighting equipment of such standard as the Minister may prescribe and as the Fire Commissioner may deem necessary, and generally to regulate the user of such buildings, structures or places; so that at all times the tenants, occupiers, invitees, or users thereof shall have free access to such fire-fighting equipment.

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(g) prescribing the type of signals, audible or visual, to be used on fire-engines or other mobile fire-fighting equipment;

(h) relating to the establishment and good management of canteens and recreation rooms for the benefit of the Fire Service;

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(i) such as he deems necessary or desirable to give effect to the provisions of this Act.

Application
to High
Court of
Lagos.

(2) If any owner of a building, structure or place feels aggrieved by any regulation, requirement or classification made under paragraphs (e) or (f), he may apply to the High Court of Lagos by summons against the Minister for an order of the said Court declaring that the said regulation requirement or classification is unreasonable and should not be made applicable to the said building, structure or place. The High Court of Lagos shall have jurisdiction to hear and determine such application.

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Standing
Orders.

16.—(1) The Minister may make Standing Orders:

(a) After consultation with the Public Service Commission, with respect to:—

(i) Any matter relating to the organisation and administration of the Fire Service;

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(ii) Any matter relating to appointments to the Fire Service, and to the promotion, transfer, discipline and control of members of the Fire Service;

(iii) Any matter relating to the discipline and control of persons undergoing training under section 26;

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(iv) Any matter relating to the duties to be performed by members of the Fire Service and for their guidance in the discharge of those duties.

(b) with respect to the description and issue of fire-fighting and fire prevention equipment, accoutrements, uniforms and other necessities to be supplied to the Fire Service ;

5 (c) with respect to the management and good government of fire stations, training schools, recreation centres and canteens.

(2) Such Standing Orders shall be binding upon all members of the Fire Service and on all persons under training but need not be published in the Gazette.

10 17.—(1) Any Fire alarm, or any mark indicating the location of any fire hydrant or other water supply as required or prescribed by this Act may be affixed or placed upon any land, or other property for the purposes of this Act without the consent of the owner of such land or other property and without compensation therefor.

Affixing of
Fire Alarms,
etc.

(2) For the purposes of this section :

15 "Mark" includes any notice, tablet, plate, pillar, post or other distinguishing mark ;

"Land" includes buildings, walls, or fences ;

"Owner" includes any lessee, tenant, licensee, or occupier ;

20 18.—(1) The Minister on the recommendation of the Fire Commissioner, may enter into arrangements with persons who maintain fire-fighting units within the Federal Territory to secure, on such terms as to payment or otherwise as may be agreed, the provision by those persons of assistance for the purpose of dealing with fires or other emergencies occurring in the Federal Territory.

Arrange-
ments with
persons
within the
Federal
Territory.

25 (2) Members of such fire-fighting units while engaged upon operations under any such arrangements may exercise all of the powers and duties, and shall possess all of the immunities exercisable and possessed by members of the Fire Service under this Act.

30 19.—(1) The Minister, on the recommendation of the Fire Commissioner, and on such terms as to payment or otherwise as may be agreed, may enter into arrangements with—

Arrange-
ments with
Regional
Governments
fire authori-
ties and
persons
outside
Federal
Territory.

(i) the Government of any Region, or any fire authority within any Region, which maintains a fire-fighting service, or

35 (ii) any person who maintains a fire-fighting unit outside the Federal Territory :

(a) to secure the provision, by such Regional Government, fire authority or person, of assistance for the purpose of dealing with fires or other emergencies occurring within the Federal Territory, or

40 (b) to provide to such Regional Government, or fire authority or person assistance by the Fire Service for the purpose of dealing with fires or other emergencies occurring outside the Federal Territory.

45 (2) No arrangement under paragraph (b) of subsection (1) may be entered into by the Minister unless the Government of the Region where the fire-fighting service or fire-fighting unit is maintained approves of such arrangement and agrees to indemnify the Fire Service and every member thereof against damages for injury to persons or property caused by any act or omission on their part during the course of such

operations within that Region, which said act or omission would, if done or omitted to be done within the Federal Territory, be lawful under this or any other Act.

Major
disaster.—
Relief of
distress in
Regions.

20.—(1) If any major disaster occurs anywhere within the Federation outside of the Federal Territory and if either the fire authority or the Commissioner of Police for the Region in which said major disaster has occurred so requests, the Fire Commissioner may, in his discretion, provide assistance—

(a) by utilizing or lending, with or without compensation therefor, to the Regional Government or fire authority, the equipment, supplies, facilities, personnel and other resources of the Fire Service.

(b) by performing on public or private lands protective and other work essential for the preservation of life and property and the alleviation of suffering.

(2) The Government of the Federation shall not be liable for any claim based upon the Fire Service's exercise or performance of any function or duty in carrying out the provisions of this section.

(3) For the purposes of this section, "major disaster" means any flood, fire, hurricane, earthquake, storm or other catastrophe in any part of the Federation which in the determination of the local fire authority or of the Commissioner of Police for the Region is, or threatens to be, of sufficient severity and magnitude to warrant assistance by the Fire Service to supplement the efforts and available resources of the fire authority and local fire-fighting services in alleviating the damage, hardship and suffering caused thereby.

PART IV—POWERS OF MEMBERS OF FIRE SERVICE

Powers of
firemen and
police in
extinguishing
fires.

21.—(1) The most senior member of the Fire Service present at any fire shall have the sole charge and control of all operations for extinguishing the fire, including the fixing of the positions of fire engines and apparatus, the attaching of hose to any water pipes, or the use of any water supply, and of the selection of the parts of the building, object, or place, where the fire is, or of adjoining buildings, objects or places, against which the water is to be directed; and all other measures deemed by him to be necessary towards the extinguishing of the fire or the assistance of persons or animals in distress by reason thereof, or by reason of such fire-fighting or fire prevention measures.

Regulation of
traffic.

(2) The most senior police officer present at any fire or, in the absence of a police officer, the most senior officer of the Fire Service present, may close to traffic any street or thoroughfare, or may stop or regulate the traffic thereon or may remove any person, including the owner or occupier of the property on fire, or of adjacent or neighbouring property, from the said street or thoroughfare if in the opinion of that officer it is necessary or desirable to do so for fire-fighting purposes.

(3) For the purposes of ensuring or expediting the free passage of any fire engine or other mobile fire-fighting equipment while proceeding to a fire, any member of the Fire Service may stop or regulate the traffic on any street or thoroughfare or may remove any person or vehicle from the said street or thoroughfare if, in his opinion, it is necessary or desirable to do so for the purpose of ensuring or expediting such free passage of the said fire engine or other mobile fire-fighting equipment.

(4) All persons and vehicles using any street or thoroughfare shall yield right of way to fire engines and other mobile fire-fighting equipment proceeding to a fire and operating any prescribed signal audible or visual; and police officers, if present, shall give such assistance as may be necessary for the purpose.

22.—(1) Any member of the Fire Service who is on duty or any member of a Regional or other fire authority or of a fire-fighting unit who is acting within the Federal Territory in pursuance of any arrangement entered into under section 18 or section 19 of this Act, or any police officer, may, without the consent of the owner—

Right of
Members of
Fire Service
to enter upon
lands.

(a) enter, and if necessary break into, any building or place in which a fire has, or is reasonably believed to have, broken out;

(b) enter, and if necessary break into, any building or place, which he believes it is necessary to enter for the purpose of protecting the building or place from fire or from acts done for fire-fighting purposes; or for the purpose of extinguishing a fire therein or on property adjacent thereto;

(c) having entered such building or place, do such acts therein as he may deem necessary for extinguishing any such fire or for protecting such building or place or property adjacent thereto or any property therein from fire or from acts done for fire-fighting purposes;

(d) having entered such building or place, do such acts therein as he may deem necessary for the protection, rescue or assistance of persons or animals;

(e) pull down any building or other structure, or destroy or remove any property, as he may deem necessary to extinguish or limit the spread of any fire;

(f) take water from any source whatsoever, without payment or other compensation therefor, for the purpose of extinguishing a fire or of limiting the spread thereof.

(2) Any injury to person or damage to property caused by any member of the Fire Service or any police officer while acting in the execution of his duties in the extinguishing of fires or in aid or assistance to persons or animals under the provisions of this Act shall be deemed to be injuries or damage by fire.

Injuries and
damage
when
deemed
injuries or
damage by
fire.

PART V—MISCELLANEOUS PROVISIONS

23. There shall be established a fund to be called the "Fire Service Reward Fund," into which there shall be paid all pay forfeited by members of the Fire Service for offences against discipline, and all fines levied for assaults on members of the Fire Service. Such fund shall be applied and administered by the Fire Commissioner in accordance with regulations made under section 15.

Establish-
ment of Fire
Service
Reward
Fund.

24.—(1) No charge shall be made for any service rendered by the Fire Service in extinguishing fires.

Charges for
services of
Fire Service.

(2) Charges may be made for services, other than extinguishing fires, rendered by the Fire Service at rates to be prescribed.

(3) Any such prescribed charge may be sued for and recovered in a court of competent jurisdiction in the Federal Territory by the Fire Commissioner in his official name with full costs of action from the person charged therewith as a debt to the Government of the Federation.

Fire Service
not to
be used
for suppress-
ing civil dis-
turbances.

25. Save when expressly so authorised by the Minister or the Fire Commissioner, the Fire Service shall not be employed for the purpose of the prevention, control or suppression of civil commotion, riot, or other civil disturbance.

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Fire Services
training
facilities
available to
non-mem-
bers.

26. Any person who is not a member of the Fire Service may, with the approval of the Minister and on such terms as to payment or otherwise as may be prescribed, be admitted to all or part of such training in fire-fighting and fire prevention as is established under this Act for the training of members of the Fire Service.

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Fire-fighting
and fire
prevention
deemed
public
purposes.
Cap. 167
Cap. 96.

27. For the purposes of the Public Lands Acquisition Act and the Land and Native Rights Act, fire-fighting and fire prevention shall be deemed to be public purposes.

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PART VI—OFFENCES

Contraven-
tion of this
Act or of
Regulations.

28. Any person who contravenes or fails to comply with any of the provisions of this Act, or with any regulation or requirement made thereunder, for which no other penalty is specifically provided shall be guilty of an offence and on summary conviction thereof shall be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding two months or to both such fine and imprisonment.

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Personation
of members
of the Fire
Service.

29. Any person not being a member of the Fire Service who puts on or assumes, either in whole or in part, the dress, name, designation or description of any member of the Fire Service, or in any way pretends to be a member of the Fire Service or to possess authority from or on behalf of the Fire Service, for the purpose of obtaining admission into any building or other place, or of doing any act which such person would not by law be entitled to do of his own authority, shall be guilty of an offence, and on summary conviction thereof shall be liable to a fine of one hundred pounds or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

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Obtaining
admission in-
to the Fire
Service by
fraud.

30. Any person who knowingly uses or attempts to pass off any forged or false certificate, character, letter, or other document for the purpose of obtaining admission into the Fire Service, or who, on applying for admission shall make any false statement whether orally or in writing, shall be guilty of an offence and on summary conviction thereof shall be liable to a fine not exceeding fifty pounds or to a term of imprisonment not exceeding three months or to both such fine and imprisonment; and, if having been admitted to the Fire Service, shall further be liable to dismissal therefrom.

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31.—(1) Any member of the Fire Service who at any time communicates or attempts to communicate any confidential or secret information obtained by him in the course of his duties as a member of the Fire Service to any unauthorised person shall be guilty of an offence and on summary conviction thereof shall be liable to a fine not exceeding fifty pounds or to a term of imprisonment not exceeding three months or to both such fine and imprisonment, and shall further be liable to dismissal from the Fire Service.

Communication of confidential or secret information.

(2) For the purposes of this section an "unauthorised person" means any person other than a person to whom a member of the Fire Service is authorised by the Minister to communicate such information.

32. Any person who—

(i) wilfully obstructs, interferes with, assaults or resists any member of the Fire Service in the execution of his duty under this Act or who aids, invites, induces or abets any other person to obstruct, interfere with, assault, or resist any such member of the Fire Service, or any person aiding or assisting such member, in the execution of his duty under this Act; or

Obstruction of and Assault on members of the Fire Service.

(ii) wilfully obstructs or delays the passage of any fire engine or other mobile fire-fighting equipment proceeding to a fire; shall be guilty of an offence under this Act and on summary conviction thereof shall be liable to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Obstruction of fire engines.

33. Any person who fails to yield right of way to a fire engine or other mobile fire-fighting equipment as required by this Act, shall be guilty of an offence and on summary conviction thereof shall be liable to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month, or to both such fine and imprisonment.

Failure to yield right of way to Fire Engines.

34. Any person who wilfully gives or causes to be given a false alarm of a fire to the Fire Service maintained in pursuance of this Act or to any member of such Fire Service shall be guilty of an offence and upon summary conviction thereof shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

False alarm.

35.—(1) Any person who unlawfully interferes with, damages, or removes any fire-fighting equipment maintained by the Fire Service shall be guilty of an offence, and upon summary conviction thereof shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

Interference with fire-fighting equipment

(2) For the purposes of this section "fire-fighting equipment" includes any fire engine, mobile fire-fighting equipment, fire extinguisher, fire escape, fire alarm, fire hydrant, fire hydrant cover, or any post, pillar, plate, tablet or other mark used to indicate the position of a fire hydrant or other source of water; or any other equipment so prescribed.

36.—(1) (a) Any person who is the owner of a building and who contravenes or fails to comply with any regulation or requirement prescribed or made under this Act—

(i) prohibiting, controlling or limiting the use of the said building for any particular purpose, or at any particular time, or by more than any specified number of persons at any particular time; or

Contravention or failure to comply with Regulations re buildings.

(ii) requiring the installation or maintenance of any fire-fighting equipment in or upon the said building : or

(b) Any person who is the owner of lands upon which a building is being erected, or who is the owner of a building which is being altered or repaired ; or who is employed by the owner of the said lands to erect a building thereon or by the owner of a building to alter or repair the same whether under contract or otherwise ; and who contravenes or fails to comply with any regulation or requirement prescribed or made under this Act prohibiting, controlling or limiting the use of certain specified materials in or about the erection, alteration or repair of the said building : 5 10

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

(2) (a) Upon conviction of any owner of any building under paragraph (b) of subsection (1) the court may in its absolute discretion order that the said building be demolished, or that the said materials be removed therefrom at the expense of the owner without compensation. 15

(b) Any demolition or removal order made under paragraph (a) shall be executed by the said convicted owner within the time decreed by the said order. 20

(3) For the purposes of this section—"building" includes any building, structure or place or any multiple dwelling.

PART VII—INTERPRETATION

Interpreta-
tion.

37. In this Act unless the context otherwise requires— 25
"court" means the Magistrates' Court.

"fire authority" means any Regional or local authority or other body responsible under any law for the provision of fire-fighting or fire protection services in any Region or part of a Region.

"fire engine" means any vehicle used for the carriage of members of the Fire Service or of fire-fighting or rescue equipment. 30

"fire-fighting equipment" includes fire extinguishers, fire escapes, emergency exits and other such means of fire-fighting, fire-prevention and escape, as may be prescribed.

"fire-fighting unit" means fire-fighting personnel and mobile fire-fighting equipment maintained as such by any person other than a fire authority for use in the fighting and prevention of fires on such person's property. 35

"Fire Service" means the Federal Fire Service established under this Act. 40

"fireman" means any member of the Fire Service of or below the rank of sub-officer.

"Minister" means the Minister for the time being charged with responsibility for matters relating to fire-fighting and fire protection.

"mobile fire-fighting equipment" means any fire-fighting equipment, not being a fire engine, so constructed as to be movable from place to place on a wheel or wheels. 45

5 "multiple dwelling" means a building or group of buildings constructed or adapted to be let in separate portions for purposes of residence to more than six separate tenants or occupiers under separate agreements whether verbal or written; and includes an hotel, guest-house, rest-house or other building used for similar purposes.

"Owner" includes lessee, licensee and occupier.

"prescribed" means prescribed by this Act or by Regulations made under this Act.

PART VIII—APPLICATION, ETC.

10 38.—(1) This Act may be cited as the Fire Service Act, 1963, and shall apply to the Federal Territory only.

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

Short title,
application,
commence-
ment.

15 39. Section one of the Liquor Licensing (Fire Precautions) Act, 1962, is hereby amended—

(a) by substituting the words "Federal Fire Commissioner" for the words "Federal Inspector of Fire Services", in subsection (1) of the said section; and

20 (b) by substituting the word "Commissioner" for the word "Inspector", in subsection (2) of the said section.

Amendment
of Liquor
Licensing
(Fire
Precautions)
Act, 1962.
1962 No. IV.

40. Sections 44 to 54 inclusive of the Police Act, in so far as they apply to the Federal Territory, are hereby repealed.

Extent of
Repeal.
Cap 172
(1948 Ed.)

JUDICIAL, ETC. OFFICES AND APPEALS BY PROSECUTORS BILL

EXPLANATORY MEMORANDUM

This Bill provides for—

- (i) the prescription of certain offices connected with the Courts so that appointments thereto become the responsibility of the Judicial Service Commission of the Federation ;
- (ii) the qualification for appointment of certain judges and law officers ;
- (iii) the new grade of Senior Magistrates in Lagos and their jurisdiction ;
and
- (iv) appeals in criminal proceedings brought by prosecutors.

T. O. ELIAS,
*Attorney-General of the Federation,
and Minister of Justice*

A BILL

FOR

AN ACT TO PROVIDE FOR APPOINTMENTS TO CERTAIN COURT OFFICES TO BE MADE BY THE JUDICIAL SERVICE COMMISSION OF THE FEDERATION; TO MAKE FURTHER PROVISION AS TO THE APPOINTMENTS OF CERTAIN JUDGES, LAW OFFICERS AND MAGISTRATES; TO MAKE FURTHER PROVISION WITH RESPECT TO APPEALS IN CRIMINAL PROCEEDINGS BROUGHT OTHERWISE THAN BY THE ACCUSED PERSONS; AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

[]

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 :—

5 1.—(1) The offices specified in the next following subsection are hereby prescribed in pursuance of section one hundred and twenty-one of the Constitution of the Federation (which, among other things, provides that appointments to such offices connected with the courts there mentioned as may be prescribed by Parliament shall be made by the Judicial Service Commission of the Federation).

Appointment
of registrars,
etc., by
Judicial
Service
Commis-
sion.

10 (2) The said offices are—

(a) as respects the Federal Supreme Court, the offices of chief registrar, senior registrar, registrar, assistant registrar (grade I) and assistant registrar (grade II);

15 (b) as respects the High Court of Lagos, the offices mentioned in paragraph (a) above, and the offices of deputy sheriff and registrar (probate registry); and

(c) as respects the magistrates' court of Lagos, the offices of registrar, assistant registrar (grade I) and assistant registrar (grade II).

20 (3) Without prejudice to any power exercisable by the said Commission by virtue of this section, the coming into force of this section shall not operate to vacate any office prescribed by this section.

25 2.—(1) The powers of appointment conferred by section four of the Magistrates' Court (Lagos) Act (which relates to the appointment of magistrates for Lagos) as amended by virtue of the Constitution Order shall include power to appoint persons to be or act as magistrates, who shall be styled senior magistrates; and, subject to the following subsection, references to magistrates in that Act shall be construed accordingly.

Appointment
of senior
magistrates
for Lagos.
Cap. 113.

(2) The Act aforesaid shall apply in relation to a senior magistrate as it applies in relation to a chief magistrate as if for any reference to five hundred pounds or five years imprisonment in sections fourteen and fifteen (which relate to the civil and criminal jurisdiction of magistrates) there were substituted a reference to three hundred pounds and three years imprisonment respectively; but nothing in this section shall be construed as affecting the references to a chief magistrate in sections seven and fifty-one of that Act. 5

Transitional provisions as to the appointment of certain judges and law officers. 1962, No. 33.

3.—(1) Where a person—

(a) was eligible for office within the meaning of this section immediately before the date of the coming into force of the Legal Practitioners Act, 1962; or 10

(b) was not then eligible for office but would, apart from that Act, be so eligible on or after that date,

nothing in that Act shall affect his eligibility for office on or after that date. 15

(2) Accordingly, the law relating to legal practitioners in force immediately before the date aforesaid shall apply, in the case of a person falling within paragraph (a) or (b) of the foregoing subsection, for the purpose of determining his eligibility for office; but nothing in this section shall be construed as prejudicing the eligibility for office of a person who is eligible for office by virtue of the said Act of 1962, or by virtue of that Act or the law aforesaid. 20

(3) Paragraph (b) of subsection (1) of this section shall cease to have effect on such day as the Attorney-General of the Federation may by order appoint, and different days may be so appointed in relation to different territories. 25

(4) In this section, "eligible for office" means qualified to hold office as, or to act as, or to perform the functions of, a judge of any court established for the Federation or any part thereof or the Attorney-General or Director of Public Prosecutions of the Federation or a Region; and cognate expressions shall be construed accordingly. 30

(5) This section shall be deemed to have come into force on the date mentioned in subsection (1) of this section.

Appeals by prosecutors in criminal cases.

4.—(1) Where an appeal to the Federal Supreme Court from a decision of the High Court of a territory sitting at first instance is brought in any criminal proceedings by any person or authority (other than the accused person) in pursuance of the provisions of section one hundred and ten of the Constitution of the Federation and of any relevant law of that territory, the Federal Supreme Court shall, as it considers just, either— 35 40

(a) dismiss the appeal; or

(b) remit the case to the High Court with a direction to decide the case in accordance with the ruling of the Federal Supreme Court on the questions involved in the grounds of the appeal; or 45

(c) quash the decision and either—

(i) order a new trial of the case by the High Court; or

(ii) itself determine the case;

and for the purposes of subparagraph (ii) above the Federal Supreme Court may exercise, in addition to any powers exercisable by that court apart from this section, any of the powers of the High Court from which the appeal was brought.

- 5 (2) Nothing in the foregoing subsection shall be construed as prejudicing the provisions of Part IV of the Federal Supreme Court Act, 1960 (which contains other provisions as to appeals to that court in criminal cases from other courts sitting at first instance). No 12 of 1960.

- 10 (3) The period within which notice of appeal or of an application for leave to appeal to the Federal Supreme Court must be given by a person or authority other than the accused person in a case which involves or could involve sentence of death or a verdict of guilty of manslaughter or culpable homicide shall be seven days from the date of the decision in question, and the Federal Supreme Court shall not have
15 power to extend that period.

(4) Where an accused person is the respondent to an appeal brought by virtue of the provisions mentioned in subsection (1) of this section, then—

- 20 (a) Part VI of the said Act of 1960 (which contains supplementary procedural provisions as respects appeals) shall, with the necessary modifications and subject to the last foregoing subsection and paragraphs (b) and (c) below, apply in relation to the respondent as it applies in relation to the appellant;

- 25 (b) the respondent shall be entitled if he so desires, and the court may if it thinks fit require him, to be present on the hearing of the appeal and when any sentence is passed in consequence of the appeal; and

- 30 (c) without prejudice to the operation of subsection (4) of section thirty-four of that Act (which authorises representations in writing in the absence of counsel) as modified by virtue of paragraph (a) above in relation to the respondent, that subsection shall not apply in relation to the appellant.

- 35 (5) Where a person or authority (other than the accused person) who is entitled, either as of right or subject to obtaining leave, to bring from a decision of any court—

(a) such an appeal as is mentioned in subsection (1) of this section; or

- (b) an appeal in criminal proceedings to Her Majesty in Council,
40 gives to the court by which the decision in question was given, immediately after the giving of the decision, notice of his intention to bring or seek leave to bring the appeal, the court to which the notice is given may by order make such provision it thinks just as to the detention of the accused person and his release on bail while the appeal is pending and during such period before the appeal is brought as may be specified by the order.

- 45 (6) In this section "decision" has the same meaning as in subsection (7) of the said section one hundred and ten, and "decide" shall be construed accordingly.

Short title
and extent,
etc.

5.—(1) This Act may be cited as the Judicial etc. Offices and Appeals by Prosecutors Act, 1963.

(2) This Act shall apply throughout the Federation, so however, that section two and (except in relation to the Federal Supreme Court) section one of this Act shall apply only to the Federal territory.

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(3) In this Act, "territory" has the same meaning as in the Constitution of the Federation.

(864/2—25.2.62)