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L.N. 113 of 1964

IMMIGRATION ACT, 1963
(1963, No. 6)

M. Mounir Thomas—Prohibited Immigrants Order, 1964

WHEREAS as provided under subsection (3) of Section 18 of the Immigration Act, 1963, I am of the opinion that M. MOUNIR THOMAS should be classed as a prohibited immigrant :

NOW THEREFORE in exercise of the powers conferred on me by the said subsection (3) of Section 18 of the Immigration Act, 1963, and of all other powers enabling me in that behalf, I hereby order that the said M. MOUNIR THOMAS, be classed as a prohibited immigrant and deported from Nigeria and shall leave on the next available opportunity and remain thereafter out of Nigeria.

MADE in Lagos, this 5th day of October, 1964.

ALHAJI SHEHU SHAGARI,
Federal Minister of Internal Affairs

M.I.A/S. 131/T. 1

L.N. 114 of 1964

MERCHANT SHIPPING ACT, 1962
(No. 30 OF 1962)

Merchant Shipping (Declaration of Certificates) Order, 1964

Commencement : 10th September, 1964

In exercise of the powers conferred by section nine of the Merchant Shipping Act, 1962, and of all other powers enabling me in that behalf, I hereby make the following Order—

1. Foreign-going certificates of competency as Master, First Mate, Second Mate and First and Second Class Engineer issued by competent authorities in the countries listed in the Schedule hereto are hereby declared to have the same force as if they are certificates granted under the Merchant Shipping Act, 1962.

Declaration
in respect of
certificates.

2. This Order may be cited as the Merchant Shipping (Declaration of Certificates) Order, 1964.

Short title.

SCHEDULE

Australia

Canada

Hong Kong

India

Republic of Ireland

Malaysia

New Zealand

Pakistan

MADE at Lagos, this 10th day of September, 1964.

R. A. NJOKU,
Minister of Transport

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L.N. 115 of 1964

MERCHANT SHIPPING ACT, 1962
(1962, No. 30)

Merchant Shipping (Recognition of Schools of Nautical Cookery)
Regulations, 1964

Commencement : 10th September, 1964

In exercise of the powers conferred by section 427 of the Merchant Shipping Act, 1962, and of all other powers enabling me in that behalf, I hereby make the following regulations—

Short title.

1. These regulations may be cited as the Merchant Shipping (Recognition of Schools of Nautical Cookery) Regulations, 1964.

Recognised
Schools of
Nautical
Cookery.

2. For the purposes of sub-regulation 5 of regulation 2 of the Merchant Shipping (Manning) Regulations, 1963, the following Schools of Nautical Cookery are recognised for the purpose of granting Certificates of Competency as Ship's Cook :

The Robert Gordon's Technical College, Aberdeen.

Grimsby Nautical School, Orwell Street, Grimsby.

Leith Nautical College, 59 Commercial Street, Edinburgh, 6.

City of Liverpool Nautical Training School for Ships' Stewards and Cooks, Oldham Street, Liverpool, 1.

London School of Nautical Cookery, The Sailors' Home and Red Ensign Club, Dock Street and Ensign Street, London, E.1.

National Sea Training Schools of Nautical
Cookery at

Cardiff
Glasgow
Hull
South Shields

Royal Naval School of Cookery at.

Chatham
Devonport
Portsmouth

The Army Catering Corps Training Centre

Aldershot

The Army Catering Corps Schools

British Army of the
Rhine.
Middle East Land
Forces
Far East Land Forces

R.A.F. Catering Centre at

Halton
Innsworth

3. The Government Inspector of Shipping may by notice recognise other schools for the purpose of granting certificates of competency as a ship's cook and when published in the Gazette the notice of recognition shall have effect as if any such school had been included in these regulations.

MADE at Lagos this 10th day of September, 1964.

R.A. Njoku,
Minister of Transport

MERCHANT SHIPPING ACT, 1962

(1962, No. 30)

The Merchant Shipping (Marine Boards) Regulations, 1964

ARRANGEMENT OF REGULATIONS

1. Citation and commencement.
2. Interpretation.
3. Attorney-General to appear for Government.
4. Summoning of Marine Board.
5. Notice of investigation.
6. Parties to the proceedings.
7. Parties by permission.
8. Notice to produce.
9. Notice to admit.
10. Evidence.
11. Proceedings of Board.
12. Addresses and evidence for the parties.
13. Examination of witnesses.
14. Questions for the Board.
15. Addresses.
16. Adjournment.
17. Decision of the Board.
18. Costs.
19. Copy of report.

20. Re-hearing of the case.
21. Service of notices.
22. Proof of service.
23. Assessors allowances.
24. Publication of regulations.

SCHEDULE—Prescribed Forms.

L.N. 116 of 1964

MERCHANT SHIPPING ACT, 1962

(1962, No. 30)

The Merchant Shipping (Marine Boards) Regulations, 1964

In exercise of the power conferred by section 427 of the Merchant Shipping Act, 1962, and of all other powers enabling me in that behalf, I hereby make the following regulations—

1. These regulations may be cited as the Merchant Shipping (Marine Boards) Regulations 1964, and shall come into force on the 8th day of October, 1964.

Short title
and com-
mencement.

2. In these regulations, unless the context otherwise requires—

Interpreta-
tion.

"Attorney-General" means the Attorney-General of the Federation and includes any person authorised by him to exercise his functions under these regulations;

"Board" means a Marine Board constituted under section 268 of the Act;

"investigation" means a formal investigation into a shipping casualty or into a charge of incompetency or misconduct;

"prescribed fee" means the fee which may be prescribed by regulations made under section 427 (r) of the Act;

"President" means the president of the Marine Board.

3. Every investigation shall be conducted on behalf of the Government by the Attorney-General.

Attorney-
General to
appear for
Govern-
ment.

4. When any investigation has been ordered, the Minister shall summon the Board by summons as in Form 1 in the Schedule and he shall, at the same time, cause notice of the sitting as in Form 2 in the Schedule hereto to be served upon the Attorney-General and upon the owner, master and officers of the ship, and upon any other person who in his opinion ought to be served.

Summoning
of Marine
Board.

5.—(1) When an investigation has been ordered, the Attorney-General may cause a notice (hereinafter referred to as "notice of investigation") to be served upon the persons already served with notices of the sitting and upon any other person who in his opinion ought to be served with such notice.

Notice of
investigation.

(2) The notice of investigation shall contain a statement of the questions which on the information then in the possession of the Attorney-General, he intends to raise on the hearing of the investigation and shall be as in Form 3 in the Schedule hereto.

(3) The Attorney-General may, at any time before the hearing of the investigation, by a subsequent notice amend, add to or omit any of the questions specified in the notice of investigation.

6. The Attorney-General, the owner, the master, and any officer of the ship and any other person upon whom a notice of investigation has been served, shall be deemed to be the parties to the proceedings.

Parties to
the pro-
ceedings.

7. Any other person may, by leave of the President, appear, and any person who appears under this regulation shall thereupon become a party to the proceedings.

Parties by
permission.

Notice to
produce.

8. A party may give to any other party notice in writing to produce any documents relating to the matters in dispute which may be lawfully produced and which are in the possession or under the control of such other party; and, if the notice is not complied with, secondary evidence of the contents of any such document may be given by or on behalf of the party who gave such notice.

Notice to
admit.

9. A party may give to any other party notice in writing to admit any documents; and, in case of neglect or refusal to admit after such notice, the party so neglecting or refusing shall be liable for all the costs of proving the documents, whatever may be the result, unless the President is of the opinion that the refusal to admit was reasonable; the cost of proving any document shall not be allowed when the notice required by this section has not been given unless the officer by whom the costs are taxed is of the opinion that the omission to give the notice constitutes a saving of expense.

Evidence.

10. Affidavits and statutory declarations may, by permission of the President, be used as evidence at the hearing if sworn to or taken in the manner provided by the law of Nigeria.

Proceedings
of Board.

11. At the time and place appointed for holding the investigation, the Board may proceed with the investigation whether the parties, upon whom a notice of investigation has been served, or any of them, are present or not.

Addresses
and evidence
for the parties.

12. (1) After the question for the opinion of the Board has been stated, the Board shall proceed to hear the parties to the investigation and determine the question so stated.

(2) Each party to the investigation shall be entitled to address the Board and to produce witnesses, or to recall any of the witnesses who have already been examined for further examination, and generally to adduce evidence.

(3) The parties shall be heard and their witnesses examined, cross-examined and re-examined in such order as the President may direct.

(4) The Attorney-General may also produce and examine further witnesses, who may be cross-examined by the parties and re-examined by him.

Examination
of witnesses.

13. (1) The proceedings on the investigation shall commence with the production and examination of witnesses by the Attorney-General.

(2) These witnesses, after being examined by or on behalf of the Attorney-General, may be cross-examined by the parties in such order as the President may direct and may then be re-examined by the Attorney-General.

(3) Questions asked and documents tendered as evidence in the course of the examination of these witnesses shall not be open to objection merely on the ground that they do, or may raise questions which are not contained in, or which vary from, the statement of the case or questions specified in the notice of investigation or subsequent notices referred to in regulation 5.

Questions
for the
Board.

14. (1) When the examination of the witnesses produced by the Attorney-General has been concluded, the Attorney-General shall state in an open session of the Board the questions in reference to the casualty, and the conduct of the officers, or other persons connected therewith, upon which the opinion of the Board is desired.

(2) In framing the questions for the opinion of the Board, the Attorney-General may make such modifications, in addition to or omissions from the questions in the notice of investigation or subsequent notices referred to in regulation 5 as, having regard to the evidence which has been given, he may think fit.

15. When the whole of the evidence in relation to the questions for the opinion of the Board has been concluded, any of the parties who desires to do so may address the Board upon the evidence, and the Attorney-General may address the Board in reply upon the whole case.

Addresses.

16. The President may adjourn the investigation from time to time and from place to place; where an adjournment is asked for by a party to the investigation or by the Attorney-General, the President may impose such terms as to payment of costs or otherwise as he may think just as a condition of granting such adjournment.

Adjournment.

17.—(1) When the certificate of an officer is cancelled or suspended, the decision of the Board to that effect shall always be given in an open session of the Board.

Decision of Board.

(2) In other cases, the President may give the decision in an open session of the Board or by serving a copy thereof on the parties.

(3) The decision of the Board shall be in the form of a report as in Form 5 in the Schedule to these Regulations.

(4) This Report shall be sent to the Minister immediately after the conclusion of the investigation.

18.—(1) The President may order that the costs and expenses of the investigation, or any part thereof, shall be paid by the Attorney-General or by any other party.

Costs.

19. The Minister shall, if application is made to him therefor, give to any party to the proceedings, a copy of the Board's report, on payment of a prescribed fee.

Copy of report.

20. Where the High Court remits a case for re-hearing in accordance with section 271 (1) of the Act, the Minister shall cause such reasonable notice of the remission, as the circumstances of the case may, in his opinion, permit, to be given to the parties whom he considers to be affected thereby.

Re-hearing of the case.

21. Any notice, summons or other document issued under these regulations may be served by sending the same by registered letter to the address of the person to be served.

Service of notices.

22. The service of any notice, summons or other document may be proved by the oath or affidavit of the person by whom it was served.

Proof of service.

23. There shall be paid by the Board to each assessor who is not a member of the Public Service the sum of five pounds for each day of the hearing or a part thereof.

Assessors allowance.

24. A copy of these regulations shall be kept at every Ministry, Mercantile Marine and Harbour Masters' Office and any person desiring to peruse them shall be entitled to do so.

Publication of regulations.

SCHEDULE
(Regulations 4, 5 (2), 18 (2) and 19)

PRESCRIBED FORMS

FORM 1

(Regulation 4)

SUMMONS TO BOARD

In the matter of a formal investigation to be held at.....
into the circumstances attending the.....

In pursuance of the Merchant Shipping Act, 1962 and of the Merchant Shipping (Marine Boards) Regulations, 1964, I hereby summon you to attend as President (or Member or Scientific referee) on this investigation

at.....on the.....day of.....
at the hour of.....in the.....noon.

Dated this.....day of....., 19.....

.....
Minister of Transport

I will attend as summoned.

.....
Signature of Person summoned

FORM 2

(Regulation 4)

NOTICE OF SITTING OF BOARD

In the matter of a formal investigation to be held at.....
into the circumstances attending the.....

To.....the Master, Managing
Owner, or Owner of.....shares in the ship,
the appellant (or the Attorney-General).

Take notice that the Board for the above investigation will meet at.....
on the.....day of.....19.....
at.....o'clock in the.....noon to
hear the above matter.

DATED this.....day of.....19.....

.....
Minister of Transport

FORM 3

(Regulation 5 (2))

NOTICE OF INVESTIGATION

To Master, Mate, Engineer, M.E.A.,
Owner, etc., of or belonging to the ship
of

I hereby give you notice that the Minister has ordered a formal investigation into the circumstances attending the and subjoined hereto is a copy of a report (or statement of the case) upon which the said investigation has been ordered. You are hereby required to produce to the Marine Board all documents relevant to this case which may be in your possession and in particular, the following documents—

I further give you notice that on the information at present available to me, the questions annexed hereto are those upon which it appears desirable, to seek the opinion of the Marine Board; these questions are however subject to alteration, addition, omission or amendment at any time before the hearing of the investigation.

DATED this day of 19

Attorney-General

I. Report (or statement of case)

II. Questions.

1. Whether the

(Here insert the proposed questions).

FORM 4

(Regulation 18 (2))

ORDER ON A PARTY FOR PAYMENT OF COSTS
OF INVESTIGATION

In the matter of a formal investigation held at
on the days of
before assisted by
into the circumstances attending the

The Board orders—

(1) That of
do pay to the Attorney-General the sum of on account of
the expenses of this investigation; or

(2) That the Attorney-General do pay to
of the sum of on account
of the expenses of this investigation.

GIVEN under my hand this day of 19

President

* Here state all the days on which the Marine Board sat.

FORM 5

(Regulation 19)

REPORT OF BOARD

In the matter of a formal investigation held at

on the* day of

before

assisted by into the circumstances
attending the

The Marine Board, having carefully inquired into the circumstances attending the above-mentioned shipping casualty, finds, for the reasons stated in the Annex hereto, that the (here state finding of the Board).

DATED this day of , 19

President

I do, do not† concur in the above report.

Member.

Member.

Member.

Member.

ANNEX TO THE REPORT

(Here state fully the circumstances of the case, the opinion of the Marine Board touching the causes of the casualty, and the conduct of any persons implicated therein, and whether the certificate of any officer is either suspended or cancelled, and if so for what reasons).

MADE at Lagos this 8th day of October, 1964.

R. A. NJOKU

Federal Minister of Transport

EXPLANATORY NOTE

These regulations prescribe the Rules of Procedure to be followed by a Marine Board when making investigations as to casualties affecting ships or of charges of incompetency or misconduct on the part of officers of ships.

* Here state all the days on which the Marine Board sat.

† If a Member does not concur in the report his reasons for dissenting therefrom shall be annexed to the report.