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1964—Part A

EVIDENCE (AMENDMENT) ACT, 1964



1964, No. 24

AN ACT TO AMEND THE EVIDENCE ACT AS TO CERTAIN CERTIFICATES IN CRIMINAL CASES.

[12th October, 1964]

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.—Where a certificate purports to be signed by an officer of the Central Bank of Nigeria who himself adds after his signature the words “duly authorised by the Governor of the Central Bank of Nigeria for the purposes of section forty-one of the Evidence Act” it shall be accepted by all courts and persons as sufficient evidence of the facts stated in the certificate, and no certificate shall be questioned on the ground only of the authorisation; but subject thereto, the proviso to subsection (1) of section forty-one of the Evidence Act shall have effect with regard to any such certificate.

Certificates
of Central
Bank officers
as evidence
in criminal
cases.

Cap. 62.

2.—(1) This Act may be cited as the Evidence (Amendment) Act, 1964 and shall be read as one with the Evidence Act.

Short title,
repeal and
operation.

(2) The Evidence (Amendment) Act, 1960 is hereby repealed.

Cap. 62.

(3) This Act shall apply throughout the Federation.

No. 14 of
1960.

SURVEY ACT, 1964



1964, No. 25

AN ACT TO ALTER THE CONSTITUTION OF THE SURVEYORS LICENSING BOARD AND THE QUALIFICATIONS REQUIRED FOR THE ISSUE OF A SURVEYOR'S LICENCE; AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

[12th October, 1964]

Commencement.

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

1.—(1) The Surveyors Licensing Board (hereafter in this section referred to as “the board”) shall, instead of being constituted as provided by section three of the Survey Act, be constituted in accordance with the following provisions of this section; and accordingly the provisions of that section from the words “consisting of” onwards are hereby repealed.

Alteration of constitution of Surveyors Licensing Board.

Cap. 194.

(2) The board shall consist of the following members, that is to say,—

(a) the Director of Federal Surveys, who shall be the chairman of the board;

(b) the Surveyor-General of each Region or a licensed surveyor nominated by him; and

(c) three licensed surveyors of whom—

(i) two shall be appointed by such body as the Minister may designate as being in his opinion representative of licensed surveyors in Nigeria; and

(ii) the other shall be appointed by the Minister and shall be a person appearing to the Minister to be engaged in the training, at a university or school of survey in Nigeria, of persons seeking to become surveyors.

(3) A person appointed as a member of the board by virtue of paragraph (c) above—

- (a) may resign his office by notice in writing to the Minister;
- (b) may be removed from office by the Minister for misbehaviour or for inability to perform the functions of his office;
- (c) shall, unless he previously resigns or is removed from office, hold office for such period not exceeding three years as may be specified in his instrument of appointment; and
- (d) shall, on ceasing to hold office, be eligible for re-appointment.

(4) The quorum of the board shall be three, and the validity of any proceedings of the board shall not be affected by any vacancy in the membership of the board or by any defect in the appointment of a member.

(5) For the avoidance of doubt it is hereby declared that any person (other than the Director of Federal Surveys) who is a member of the board immediately before the day when this Act comes into force shall cease to be such a member on that day.

(6) In this section "licensed surveyor" has the same meaning as in the Survey Act.

2. No surveyor's licence shall be granted after the commencement of this Act by virtue of paragraph (c) of section five of the Survey Act (which authorises the grant of such a licence in certain circumstances to a person who has completed fifteen years service as a surveyor in the survey department of the Federation or a Region); and accordingly the said paragraph (c) is hereby repealed.

3. This Act may be cited as the Survey Act, 1964, and shall apply throughout the Federation.

Abolition of power to license as surveyors persons qualified only by experience in public departments.

Short title and extent.

PHARMACISTS ACT, 1964



ARRANGEMENT OF SECTIONS

Section

The Pharmacists Board of Nigeria

1. Establishment of Pharmacists Board
2. Financial provisions.
3. Control of board by the Minister.

The Register

4. Appointment of registrar and preparation etc. of registers.
5. Publication of registers and lists of corrections.

Registration

6. Examination qualifications.
7. Registration of pharmaceutical chemists
8. Approval of courses, qualifications and institutions.
9. Supervision of instruction and examinations leading to approved qualification.

Professional discipline

10. Establishment of disciplinary committee and investigating panel.

Miscellaneous and general

11. Penalties for unprofessional conduct, etc.
12. Offences.
13. Employment in the public service or the armed forces.
14. Miscellaneous supplementary provisions.
15. Regulations, rules and orders.
16. Transitional provisions and repeals.
17. Change of title of Pharmacy Act.
18. Interpretation, etc.
19. Short title, extent and commencement.

Schedules

1. Supplementary provisions relating to the pharmacists board.
2. Supplementary provisions relating to the disciplinary committee and investigating panel.
3. Enactment repealed and enactment amended.
4. Enactment affected.

1964, No. 26

AN ACT TO MAKE BETTER PROVISION FOR THE REGULATION OF PHARMACEUTICAL CHEMISTS AND FOR PURPOSES CONNECTED THEREWITH: AND TO AMEND CONSEQUENTIALLY THE PHARMACY ACT.

[Section 19(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:—

The Pharmacists Board of Nigeria

1.—(1) There shall be established a body to be known as the Pharmacists Board of Nigeria (in this Act referred to as "the board") which under that name shall be a body corporate with perpetual succession and a common seal and be charged with the general duty of—

Establish-
ment of
Pharmacists
Board.

(a) determining what standards of knowledge and skill are to be attained by persons seeking to become pharmaceutical chemists (in this Act referred to as "pharmacists") and raising those standards from time to time as circumstances may permit;

(b) securing in accordance with the provisions of this Act the establishment and maintenance of—

(i) a register of pharmacists, and

(ii) a register to be known as "the provisional register" of such other persons as the board may recognise for the purposes of this Act,

and thereafter securing the publication from time to time by the secretary to the board of lists of those persons whose names are entered in such registers; and

(c) performing the other functions conferred on the board by this Act.

(2) Subject to the provisions of this Act, the board shall consist of a chairman and members appointed by the Minister and shall comprise,—

(a) the chief pharmacist of the Federal Ministry of Health who shall be chairman; and

(b) the following persons, namely,—

(i) the president of the Pharmaceutical Society of Nigeria,

(ii) the chief pharmacist or as the case may be, the principal pharmacist in each Region,

(iii) the heads of pharmacy sections of institutions in Nigeria approved by the board,

(iv) one member nominated by the council of the pharmaceutical society of Nigeria,

(v) one member from each Region and one member from the Federal territory nominated from those territories by the respective branches of the pharmaceutical society of Nigeria after consultation with the Minister.

(3) The provisions of the First Schedule to this Act shall have effect with respect to the qualifications and tenure of office of members of the board, and of the powers and procedure of the board and other matters there mentioned.

(4) Regulations may provide for increasing or reducing the membership of the board.

Financial provisions.

2.—(1) The board shall prepare and submit to the Minister, not later than the first day of September of the year in which this subsection comes into force and of each subsequent year, an estimate of its expenditure and income during the next succeeding financial year.

(2) The board shall keep proper accounts in respect of each financial year, and proper records in relation to those accounts, and shall cause its accounts to be audited as soon as may be after the end of the financial year to which the accounts relate by a firm of auditors approved, as respects that year, by the Minister of the government of the Federation responsible for finance.

(3) The Minister may, out of moneys provided by Parliament, make to the board either by way of grant or by way of loan, payments of such amounts as Parliament may from time to time determine.

Control of board by the Minister.

3.—(1) The Minister may give to the board directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the board of its functions, and it shall be the duty of the board to comply with the directions.

(2) Before giving a direction under subsection (1) of this section, the Minister shall serve a copy of the proposed direction on the board and shall afford the board an opportunity of making representations to him with respect to the direction; and after considering any representations made to him in pursuance of this subsection the Minister may give direction either without modification or with such modifications as appear to him to be appropriate having regard to the representations.

The Register

Appointment of registrar and preparation etc. of registers.

4.—(1) There shall, on the recommendation of the board be appointed as registrar of the board a fit person who shall be a pharmaceutical chemist in the employ of the Public Service of the Federation:

Provided that the registrar may also be the secretary with the approval of the Minister.

(2) There may likewise be so appointed a deputy registrar and such other officers and employees as may from time to time be necessary for the purposes of this Act.

(3) The registrar shall in accordance with rules made by the board under this section, prepare and maintain a register of the names, addresses and approved qualifications and of such other particulars as may be specified of all persons who are entitled to be registered under this Act and who apply in the specified manner to be so registered.

(4) Subject to the following provisions of this section, the board shall make rules with respect to the form and keeping of the registers and the making of entries therein, and in particular—

(a) regulating the making of applications for registration and providing for the evidence to be produced in support of applications;

(b) providing for the notification to the registrar, by the person to whom any registered particulars relate, of any change in those particulars;

(c) specifying the fees to be paid to the board in respect of the entry of names on the registers and authorising the registrar to refuse to enter a name on a register until any fee specified for the entry has been paid;

(d) specifying anything falling to be specified under the foregoing provisions of this section;

but rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed by order of the Minister.

(5) It shall be the duty of the registrar—

(a) to correct, in accordance with the directions of the board, any entry in a register which the board directs him to correct as being in the opinion of the board an entry which was incorrectly made;

(b) to make from time to time any necessary alterations in the registered particulars of registered persons; and

(c) to remove from the relevant register the name of any registered person who has died, or unless exempted fails after the expiration of one year to pay a retention fee under this Act.

(6) If the registrar—

(a) sends by post to any registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting it; and

(b) upon the expiration of that period sends in like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it,

the registrar may remove the particulars relating to the person in question from the relevant register; and the board may direct the registrar to restore to the appropriate register any particulars removed therefrom under this subsection.

5.—(1) It shall be the duty of the registrar—

(a) to cause the registers to be printed, published and put on sale to members of the public not later than two years from the beginning of the year in which this section comes into force; and

(b) in each year after that in which a register is first published under paragraph (a) of this subsection to cause to be printed, published and put on sale as aforesaid a corrected edition of the registers or as the board thinks fit a list of corrections made to the registers since they were last printed; and

Publication
of registers
and lists of
corrections.

(c) to cause a print of each edition of the registers and of the list of corrections to be deposited at the principal office or offices, as the case may be, of the board;

and it shall be the duty of the board to keep the registers and lists so deposited, open at all reasonable times for inspection by members of the public.

(2) A document purporting to be a print of an edition of a register published under this section by authority of the registrar in the current year or documents purporting to be prints of an edition of a register so published in a previous year and of a list of corrections to that edition so published in the current year shall, as an alternative to any other mode of proof in any proceeding be admissible as evidence that any person specified in the document or in the documents if read together, as being registered under this Act—

(a) is so registered, or

(b) is so registered subject to payment of the annual retention fee; and that if not specified in the registers he is not so registered.

(3) The registers shall show in an appropriately headed column when the annual licence fee was last paid by each person appearing as registered therein, unless exempted under this Act.

Registration

Examination
qualifica-
tions.

6. (1) The board shall from time to time arrange for the examination of candidates as pharmacists and for the issue of diplomas under the provisions of this Act; and for such purpose the board may prescribe fees and appoint examiners from time to time at such remuneration as the Minister may approve.

(2) The board may exempt any person from the requirements of examination under this section either wholly or in part where it is satisfied that such person is the holder of a diploma issued by any authority outside Nigeria; and if such holder is not a citizen of Nigeria, he shall, in addition, satisfy the board that he has been resident in Nigeria for not less than twelve months immediately preceding the date of application for exemption.

(3) A diploma issued under this section shall show that the person named therein is qualified to apply for registration as a pharmacist; and if an applicant is thereafter so registered under this Act he shall, upon payment of the prescribed fee, be entitled to an annual licence to practise as a pharmacist accordingly.

Registration
of pharma-
ceutical
Chemists.

7.—(1) An applicant for registration shall unless otherwise precluded by this Act, be entitled to be registered as a pharmacist if he satisfies the board—

(a) that he is of good character, and is the holder of—

(i) a diploma under this Act, or

(ii) a qualification granted outside Nigeria and for the time being accepted by the board for the purpose of this subsection; and

(b) if the board so requires, that he has had sufficient practical experience as a pharmacist.

(2) Any person aggrieved by a decision of the Board under this section may appeal to the Minister within one month after notice is given to him of the decision.

(3) For the purposes of this section, the board shall from time to time publish in the gazette particulars of the qualifications for the time being accepted by the board.

8.—(1) The board may approve—

(a) any course of training which is intended for persons who are seeking to become, or are already, pharmacists and which the board considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of that profession ;

(b) any institutions, either in Nigeria or elsewhere, which the board considers is properly organised and equipped for conducting the whole or any part of a course of training approved by the board under this section ;

(c) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the board under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the board, that they have sufficient knowledge and skill to practise the profession of a pharmacist.

(2) The board may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution ; but before withdrawing such an approval the board shall—

(a) give notice that it proposes to do so to each person in Nigeria appearing to the board to be a person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be ; and

(b) afford each such person an opportunity of making to the board representations with regard to the proposal ; and

(c) take into consideration any representations made as respects the proposal in pursuance of the last foregoing paragraph.

(3) As respects any period during which the approval of the board under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section ; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before the approval was withdrawn.

(4) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the board may specify in that instrument ; and the board shall—

(a) as soon as may be publish a copy of every such instrument in the gazette ; and

(b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Minister.

9.—(1) It shall be the duty of the board to keep itself informed of the nature of the instruction given at approved institutions to and examinations taken by persons attending approved courses of training and for the purposes of performing that duty the board may appoint, either from among its own members or otherwise, persons to visit approved institutions or to attend such examinations.

Approval of
courses,
qualifica-
tions and
institutions.

Supervision
of instruction
and examina-
tions leading
to approved
qualification.

(2) It shall be the duty of a visitor appointed under this subsection to report to the board on—

(a) the sufficiency of the instruction given to persons attending approved courses of training at institutions visited by him ;

(b) the sufficiency of any examinations attended by him ; and

(c) any other matters relating to the institutions or examinations on which the board may, either generally or in a particular case, request him to report ;
but no visitor shall interfere with the giving of any instruction or the holding of any examination.

(3) On receiving a report made in pursuance of this section, the board shall as soon as may be send a copy of the report to the person appearing to the board to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make observations on the report to the board within such period as may be specified in the request, not being less than one month beginning with the date of the request.

Professional Discipline

Establishment of disciplinary committee and investigating panel.

10. (1) There shall be a committee to be known as the Pharmacists Disciplinary Committee (in this Act hereafter referred to as the "disciplinary committee") which shall be charged with the duty of considering and determining any case referred to it by the panel established by the following provisions of this section, and any other case of which the disciplinary committee has cognisance under the following provisions of this Act.

(2) The disciplinary committee shall consist of the chairman of the board and eleven other members of the board appointed by the board and shall include not less than five members of the board holding office by virtue of sub-paragraphs (iv) and (v) of paragraph (b) of subsection (2) of section one of this Act, or where the number of those members is for the time being less than five, all those members.

(3) There shall be a body, to be known as the Pharmacists Investigating Panel (in this Act hereafter referred to as "the panel"), which shall be charged with the duty of—

(a) conducting a preliminary investigation into any case where it is alleged that a registered person has misbehaved in his capacity as a pharmacist or should, for any other reason be the subject of proceedings before the tribunal ; and

(b) deciding whether the case should be referred to the tribunal.

(4) The panel shall consist of five members to be appointed by the board and shall include one qualified in law to be appointed on the recommendation of the Attorney-General of the Federation ; and the registrar shall be the secretary of the panel, but shall not have a vote.

(5) The provisions of the Second Schedule to this Act shall, so far as applicable to the disciplinary committee and the panel respectively, have effect with respect to those bodies.

Miscellaneous and General

11.—(1) Where—

(a) a registered person is judged by the disciplinary committee to be guilty of infamous conduct in any professional respect; or

(b) a registered person is convicted, by any court in Nigeria or elsewhere having power to award imprisonment, of an offence (whether or not an offence punishable with imprisonment) which in the opinion of the disciplinary committee is incompatible with the status of a pharmacist; or

(c) the disciplinary committee is satisfied that the name of any person has been fraudulently registered,
the disciplinary committee may, if it think fit, give a direction reprimanding that person or ordering the registrar to strike his name off the relevant register or registers.

(2) The disciplinary committee may, if it thinks fit, defer or further defer its decision as to the giving of a direction under the foregoing subsection until a subsequent meeting of the disciplinary committee; but—

(a) no decision shall be deferred under this subsection for periods exceeding two years in the aggregate; and

(b) no person shall be a member of the disciplinary committee for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the disciplinary committee when the decision was deferred.

(3) For the purposes of subsection (1) of this section a person shall not be treated as convicted as mentioned in paragraph (b) of that subsection unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.

(4) When the disciplinary committee gives a direction under subsection (1) of this section, the disciplinary committee shall cause notice of the direction to be served on the person to whom it relates.

(5) The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to the Supreme Court; and the disciplinary committee may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the disciplinary committee, shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

(6) A direction of the disciplinary committee under subsection (1) of this section shall take effect—

(a) where no appeal under this section is brought against the direction within the time limited for the appeal; on the expiration of that time;

(b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;

Penalties for unprofessional conduct, etc.

(c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed ;
and shall not take effect except in accordance with the foregoing provisions of this subsection.

(7) A person whose name is removed from a register in pursuance of a direction of the disciplinary committee under this section shall not be entitled to be registered in that register again except in pursuance of a direction in that behalf given by the disciplinary committee on the application of that person ; and a direction under this section for the removal of a person's name from a register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.

Offences.

12.—(1) Unless otherwise exempted under this Act, any person, not being a fully registered pharmacist or, being a fully registered pharmacist and allowing his licence to expire so that payment of the prescribed fee is in arrears for more than one year, who—

(a) for or in expectation of reward practises or holds himself out as a pharmacist ; or

(b) takes or uses any letters after his name to indicate qualification as a pharmaceutical chemist ; or

(c) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorised by law to practise as a pharmacist,

shall be guilty of an offence.

(2) If any person, for the purpose of procuring the registration of any name, qualification or other matter—

(a) makes a statement which he believes to be false in a material particular ; or

(b) recklessly makes a statement which is false in a material particular,

he shall be guilty of an offence.

(3) If the registrar or any other person employed by the board wilfully makes any falsification in any matter relating to the register he shall be guilty of an offence.

(4) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding fifty pounds ;

(b) on conviction on indictment, to a fine not exceeding five hundred pounds or imprisonment for a term not exceeding two years or to both.

(5) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

13.—(1) A person shall not hold an appointment as a pharmacist in the public service of the Federation or of a Region or in the armed forces of the Federation unless—

Employment in the public service or the armed forces.

(a) he is the holder of an annual licence to practise as a pharmacist ;
or

(b) he is, as the holder of a diploma granted by the board or of some other approved qualification, exempted from the requirement of an annual licence fee.

(2) The Minister may by order in the gazette exempt any class or classes of persons from the requirements of this Act as to annual licences for such period or periods as he thinks fit ; and may at any time amend, vary or revoke any such notice.

14.—(1) A fully registered pharmacist shall be entitled to practise as a pharmaceutical chemist throughout the Federation.

Miscellaneous supplementary provisions.

(2) Without prejudice to the rule of law whereby a contract may be void if it is inconsistent with the provisions of an enactment, no person other than a fully registered pharmacist shall be entitled to bring any proceedings in any court of law for the purpose of recovering any fee or other consideration whatsoever payable in respect of services rendered or facilities or things supplied by him when purporting to act as a pharmaceutical chemist.

(3) It shall be the duty of the person in charge of each school of pharmacy, university or similar institution in the Federation at which there is held a course of training intended for persons who are seeking to become members of the pharmaceutical profession to furnish to the registrar, not later than the thirty-first day of March in every year, a list of the names, and of such other particulars as the board may by order specify, of all persons who attended any such course at the institution in question at any time during the preceding year.

15.—(1) Any power to make regulations, rules or orders conferred by this Act shall include power—

Regulations, rules and orders.

(a) to make provision for such incidental and supplementary matters as the authority making the instrument considers expedient for the purposes of the instrument ; and

(b) to prescribe membership fees in such amount as the Minister may from time to time approve ; and

(c) to make different provision for different circumstances.

(2) The Minister shall lay a copy of all regulations before each House of Parliament as soon as may be after the regulations are made.

16.—(1) A person whose name is not on the register maintained under the Pharmacy Act by reason of its having been removed by order of the Pharmacy Board under that Act shall be deemed for the purposes of this Act to have had his name removed, in pursuance of a direction of the disciplinary committee which took effect on the date when this subsection came into force, from the register maintained under this Act ; and the provisions of subsection (7) of section eleven of this Act shall have effect accordingly as if the direction aforesaid prohibited applications under that subsection for the period of six months.

Transitional provisions and repeals.
Cap. 152

(2) Any proceedings under the Pharmacy Act which, immediately before the date when the provisions of that Act relating to such proceedings are repealed, were pending before the Pharmacy Board established by that Act or before the Minister or in any court on appeal may be continued, and any right of appeal under that Act which was exercisable immediately before that date may be exercised, as if this Act had not been passed; and for the purposes of the foregoing provisions of this section and of enabling effect to be given to any order made or judgment given in connection with any such proceedings or appeal, but not for any other purposes, the register maintained under that Act shall be deemed not to be abolished.

(3) The provisions of the Pharmacy Act shall—

(a) be repealed on such date as the Minister may by order appoint to the extent set out in Part A of the Third Schedule to this Act, and different dates may be appointed in relation to different provisions thereof, and

(b) to the extent to which that Act, as affected by this Act, thereafter continues in force in its application to the Federation or to the Federal territory, as the case may be, it shall have effect subject to the amendments set out in Part B of that Schedule, and to the provisions of the next succeeding section;

and subject to the provisions of subsection (2) of this section, the register maintained under the said Pharmacy Act shall be abolished.

Change of
title of
Pharmacy
Act.

Cap. 152.

17. So much of the Pharmacy Act as is not repealed by this Act may, on the commencement of this Act, be cited as the Poisons and Pharmacy Act, and accordingly—

(a) in the long title, all words after "poisons" up to the end of the long title in its application to the Federation shall be repealed; and

(b) in section one thereof there shall be substituted for all words after "cited" up to the end of the section, the words "as the Poisons and Pharmacy Act.";

and that Act shall have effect to the extent mentioned in section nineteen and set out in the Fourth Schedule to this Act.

Interpre-
tion, etc.

18.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

"approved" means for the time being approved under this Act;

"approved qualifications" means a qualification which is approved in respect of the pharmaceutical profession;

"the board" means the Pharmacists Board of Nigeria;

"the disciplinary committee" means the Pharmacists Disciplinary Committee under section ten of this Act;

"gazette" means the Gazette of the Federation;

"the Minister" means the Minister of the government of the Federation responsible for matters relating to health;

"the panel" has the meaning assigned to it by section ten of this Act;

"pharmacist" means a pharmaceutical chemist registered and permitted to practise as such under this Act;

"prescribed" means prescribed by regulations;

"register" means a register maintained under this Act, and "registered" shall be construed accordingly;

"the registrar" means the registrar appointed in pursuance of section four of this Act;

"regulations" means regulations made by the Minister.

(2) For the purposes of this Act—

(a) a person is fully registered if his name is for the time being entered in the register other than the provisional register; and

(b) a person whose name is in the provisional register is one whose qualifications as a pharmacist are provisionally recognised by the board and are subject to the provisions of this Act and regulations made thereunder, and "registered" shall be construed in accordance with paragraphs (a) and (b) of this subsection.

(3) Any approval, consent, direction, notice, observations, report, representation or request authorised or required to be given or made by or under this Act shall be in writing and may, without prejudice to any other method of service but subject to the provisions of rules made under the Second Schedule to this Act, be served by post.

19.—(1) This Act may be cited as the Pharmacists Act, 1964, and shall apply throughout the Federation, so however that the provisions of the Fourth Schedule shall, save as to subsection (1) of section forty-nine and subsection (1) of section sixty-nine of the Act there cited, have effect in the Federal territory.

(2) The provisions of this Act shall come into force on such date as the Minister may by order appoint, and different dates may be appointed for the purposes of different provisions.

Short title,
extent and
commence-
ment.

SCHEDULES

FIRST SCHEDULE

Section 1 (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE PHARMACISTS BOARD

Qualifications and tenure of office of members

1.—(1) A person shall not be a member of the board unless he is a pharmaceutical chemist.

(2) Members other than those appointed by office shall hold office for a period of three years beginning with the date of his appointment as a member, but shall be eligible for reappointment at the expiration of that period.

(3) Any member other than a member appointed by office may at any time resign his appointment by notice in writing under his hand; and the resignation shall have effect upon signification by any means of its acceptance by the Minister.

(4) Members appointed by office shall cease to be members upon ceasing to hold the office entitling appointment to the board.

Powers of the board

2.—(1) Subject to the provisions of this paragraph, and of any directions of the Minister under this Act, the board shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities.

(2) The board shall not have power to borrow money or to dispose of any property except with the prior consent of the Minister.

(3) Except in accordance with scales approved by the Minister, the board shall not have power to pay remuneration (including pensions) allowances or expenses to any member, officer or servant of the board or to any other person.

Proceedings of the board

3. Subject to the provisions of this Act the board may make standing orders regulating the proceedings of the board or any committee thereof.

4. Where at least one representative from each of the Regions is present seven members including the chairman for the meeting shall be a quorum.

5. The chairman shall preside at all meetings at which he is present ; and in his absence the members attending may elect one of their number present to be chairman of the meeting.

6. Questions for determination shall be decided by a majority of the votes of members present and voting thereon. Every member other than a co-opted member shall have a deliberative vote for the purpose ; and in the event that the votes are equal the chairman shall have in addition to his deliberative vote, a casting vote.

7.—(1) Subject to the provisions of standing orders, the board shall meet whenever it is summoned by the chairman ; and if the chairman is required to do so by notice given to him by not less than five other members, he shall summon a meeting of the board to be held within fourteen days from the date when the notice is given.

(2) Where the board desires to obtain the advice of any person on a particular matter, the board may co-opt that person as a member for such period as it thinks fit ; but a person who is a member by virtue of this subparagraph shall not count towards a quorum.

(3) The first meeting of the board shall, notwithstanding the provisions of this paragraph, be summoned by the Minister who may give such directions as he thinks fit as to the procedure which shall be followed at the meeting. Any other meeting may be convened by the Minister if the chairman fails or refuses to do so.

Committees

8.—(1) The board may appoint one or more committees to carry out, on behalf of the board, such of its functions as the board may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the board, and not more than one-third of those persons may be persons who are not members of

the board; and a person other than a member of the board shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.

(3) A decision of a committee of the board shall be of no effect until it is confirmed by the board.

Miscellaneous

9.—(1) The fixing of the seal of the board shall be authenticated by the signature of the chairman or of some other member authorised generally or specially by the board to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the board by any person generally or specially authorised to act for that purpose by the board.

(3) Any document purporting to be a document duly executed under the seal of the board shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

10. The validity of any proceedings of the board or a committee thereof shall not be affected by any vacancy in the membership of the board or committee, or by any defect in the appointment of a member of the board or of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.

11. Any member of the board, and any person holding office on a committee of the board, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the board or a committee thereof shall forthwith disclose his interest to the board and shall not vote on any questions relating to the contract or arrangement.

12. A person shall not, by reason only of his membership of the board, be treated as holding an office of emolument under the State.

SECOND SCHEDULE

Section 10 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY COMMITTEE AND INVESTIGATING PANEL

The Tribunal

1. The quorum of the disciplinary committee shall be four, who shall all be pharmacists.

2.—(1) The Chief Justice of Nigeria shall make rules as to the selection of members of the disciplinary committee for the purposes of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before such committee.

(2) The rules shall in particular provide—

(a) for securing that notice of the proceedings shall be given, at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;

(b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;

(c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the disciplinary committee;

(d) for enabling any party to the proceedings to be represented by a legal practitioner;

(e) subject to the provisions of subsection (5) of section eleven of this Act, as to the costs of proceedings before the disciplinary committee;

(f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the disciplinary committee adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;

(g) for publishing in the gazette notice of any direction of the disciplinary committee which has taken effect providing that a person's name shall be struck off a register.

3. For the purposes of any proceedings before the disciplinary committee, any member of the said committee may administer oaths and any party to the proceedings may sue out of the registry of the Federal Supreme Court writs of subpoena ad testificandum and duces tecum; but no person appearing before the said committee shall be compelled—

(a) to make any statement before the disciplinary committee tending to incriminate himself; or

(b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.

4.—(1) For the purpose of advising the disciplinary committee on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the said committee who shall be appointed by the board on the nomination of the Chief Justice of Nigeria and shall be a legal practitioner of not less than seven years standing.

(2) The Chief Justice of Nigeria shall make rules as to the functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing—

(a) that where an assessor advises the disciplinary committee on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the said committee is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered;

(b) that every such party or person as aforesaid shall be informed if in any case the disciplinary committee does not accept the advice of the assessor on such a question as aforesaid.

(3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

The panel

5. The quorum of the panel shall be three all of whom shall be pharmacists.

6.—(1) The panel may, at any meeting of the panel attended by not less than six members of the panel make standing orders with respect to the panel.

(2) Subject to the provisions of any such standing orders, the panel may regulate its own procedure.

Miscellaneous

7.—(1) A person ceasing to be a member of the disciplinary committee or the panel shall be eligible for reappointment as a member of that body.

(2) A person may, if otherwise eligible, be a member of both the disciplinary committee and the panel; but no person who acted as a member of the panel with respect to any case shall act as a member of the said committee with respect to that case.

8. The disciplinary committee or the panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to subparagraph (2) of paragraph 7 above) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

9. The disciplinary committee and the panel may each sit in two or more divisions.

10. Any document authorised or required by virtue of this Act to be served on the disciplinary committee or the panel shall be served on the registrar.

11. Any expenses of the disciplinary committee or the panel shall be defrayed by the board.

12. A person shall not, by reason only of his appointment as a legal assessor to the disciplinary committee or as a member of the panel, be treated as holding an office of emolument under the State.

THIRD SCHEDULE

PART A—ENACTMENT REPEALED *Section 16 (3) (a)*

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
152	Pharmacy Act	Part II and Part III except sections 15, 19, 20, 22, 23, 25 and 26

PART B—ENACTMENT AMENDED

Sections 16 (3) (b) and 17

Chapter Short title
152 Pharmacy Act

Extent of amendment

In section two, in the definition of—

- (a) "the Board" there shall be substituted for the words "the Pharmacy Board established under this Act" the words "the Pharmacists Board of Nigeria established under the Pharmacists Act, 1964 ;"
- (b) "chemist and druggist" there shall be substituted for the words defined and the interpretation thereof the following definition—
' "chemist" means a person permitted to practise as a pharmaceutical chemist under the Pharmacists Act, 1964 and authorised under this Act to import, mix, compound, prepare, dispense and sell drugs and poisons, and includes any person who immediately before the commencement of the Pharmacists Act, 1964 was authorised under this Act to so deal in drugs and poisons as a chemist and druggist, which authority or licence, as the case may be, is still in force on the commencement of the Pharmacists Act, 1964, and references in this Act shall be so construed accordingly ; "
- (c) "dispenser" there shall be substituted for all words after "means" the words "the holder of a certificate as such under any enactment repealed by this Act and duly recognised in the provisional register of the Pharmacists Board of Nigeria" ;
- (d) "Pharmaceutical Registrar" there shall be substituted for the words defined the word "registrar" and in the interpretation thereof for the words "section seven" there shall be substituted the words "the Pharmacists Act, 1964".

In section twenty, for the words in paragraph (b) there shall be substituted the words—

"a pharmacist licensed under the Pharmacists Act, 1964".

<i>Chapter</i>	<i>Short title</i>	<i>Extent of amendment</i>
		In section twenty-two in subsections (2), (4), (6) and (7) for the words "Pharmaceutical Registrar" there shall be substituted the word "registrar".
		In section twenty-three in subsection (1), for the words "Pharmaceutical Registrar" there shall be substituted the word "registrar".
		In section forty-nine in subsection (1) there shall be repealed the words "and druggist".
		In section sixty-nine in subsection (1) there shall be repealed—
		(a) paragraph (b)
		(b) the words "certificates, diploma," in paragraph (c)
		(c) the words "certificate, diploma," in paragraph (d).

FOURTH SCHEDULE Sections 17 and 19 (1)

ENACTMENT AFFECTED

<i>Chapter</i>	<i>Short title</i>	<i>Extent affected</i>
152	Poisons and Pharmacy Act	Sections 1 and 2 of Part I ; Sections 15, 19, 20, 22, 23, 25 and 26 of Part III ; and Part IV to the end of the Act.

**SUPPLEMENTARY APPROPRIATION (1964-65)
ACT, 1964**



1964, No. 27

AN ACT TO AUTHORISE THE ISSUE OUT OF THE CONSOLIDATED REVENUE FUND OF EIGHT HUNDRED AND FORTY-SEVEN THOUSAND, FIVE HUNDRED POUNDS FOR THE PURPOSE OF REPLACING ADVANCES FROM THE CONTINGENCIES FUND AND OF MAKING FURTHER PROVISION FOR THE SERVICE OF THE YEAR ENDING ON THE THIRTY-FIRST DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND SIXTY-FIVE ; AND TO APPROPRIATE THAT AMOUNT FOR THE PURPOSE SPECIFIED IN THIS ACT.

[12th October, 1964]

Commence-
ment.

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

1. The aggregate amount mentioned in section one of the Appropriation Act, 1964 (which provides for the issue out of the Consolidated Revenue Fund in respect of the year ending on the 31st day of March, 1965, of sums not exceeding in aggregate £62,275,980) shall be increased by eight hundred and forty-seven thousand five hundred pounds, and the additional amount shall be appropriated—

(a) as to five thousand five hundred pounds to the replacement of an advance from the Contingencies Fund; and

(b) as to eight hundred and forty-two thousand pounds to heads of expenditure as indicated in the Schedule to this Act ;

and subsection (3) of section one of the Appropriation Act, 1964 (which provides for the lapse of balances outstanding at the end of the financial year) shall have effect accordingly.

Issue and
appropria-
tion of
£847,500
from the
Consoli-
dated
Revenue
Fund for
Contin-
gencies
Fund and
for service
of 1964-65
1964,
No. 23.

Short
title and
extent.

2. This Act may be cited as the Supplementary Appropriation (1964-65) Act, 1964, and shall apply throughout the Federation.

Section 1

SCHEDULE

*Head**Amount*

£

23 Police	115,000
36 Ministry of Education	342,000
41 Ministry of Finance	300,000
45 Ministry of Health	15,000
48 Prisons	70,000
Total	<u>£842,000</u>

SUPREME COURT (AMENDMENT) ACT, 1964



1964, No. 28

AN ACT TO AMEND THE SUPREME COURT ACT, 1960 BY PRESCRIBING THE PRECEDENCE OF THE JUSTICES.

[12th October, 1964]

Commencement.

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

1. The Supreme Court Act, 1960 is amended by inserting immediately after section three a new section three A as follows :

Precedence of the Justices.

“3A. The Chief Justice shall take precedence of the other Justices of the Supreme Court, and the other Justices shall take precedence after the Chief Justice in accordance with the instructions of the President, acting on the advice of the Prime Minister.”

2. This Act may be cited as the Supreme Court (Amendment) Act, 1964 and shall be read as one with the Supreme Court Act, 1960 and shall apply throughout the Federation.

Short title, application, etc.
No. 12 of 1960.

EXPORT OF NIGERIAN PRODUCE (MID-WESTERN NIGERIA APPLICATION) ACT, 1964



1964, No. 29

AN ACT TO AMEND THE EXPORT OF NIGERIAN PRODUCE ACT, 1958, SO AS TO
MAKE SPECIFIC PROVISION FOR MID-WESTERN NIGERIA

[12th October, 1964]

Commence-
ment.

WHEREAS the Export of Nigerian Produce Act, 1958 (hereafter in this Act referred to as "the principal Act") makes divers provisions in respect of regional marketing boards and of the application of the regional marketing laws :

No. 36 of
1958.

AND WHEREAS doubts have arisen as to the extent of application of the principal Act to Mid-Western Nigeria and it is necessary that they be resolved :

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

1. In section two of the principal Act (which provides sundry interpretations for use in the principal Act)—

Meaning of
sundry
expressions
extended or
explained.

(a) in the definition of "Regional Marketing Board" that definition shall be amended by inserting at the end thereof the words "or the Mid-Western Region Marketing Board" ; and

(b) the Western Region Marketing Law 1954 referred to in the expression "Regional Marketing Law" shall apply to Mid-Western Nigeria as effectively as it applies to Western Nigeria but subject to section two of the Mid-Western Nigeria (Transitional Provisions) Act, 1963 (which provides for the continuance only in certain circumstances of divers laws).

1963 No. 19

Short title,
citation and
application.

2.—(1) This Act may be cited as the Export of Nigerian Produce (Mid-Western Nigeria Application) Act, 1964, and this Act and the principal Act as heretofore amended may be cited together as the Export of Nigerian Produce Acts 1958 to 1964.

(2) This Act shall apply throughout the Federation.

CIVIL AVIATION ACT, 1964



ARRANGEMENT OF SECTIONS

*Control of air navigation**Section*

1. Power to regulate air navigation.
2. Investigation of accidents.
3. Dangerous flying.

Control of air transport undertakings, etc.

4. Licensing of air transport undertakings.
5. Duty to furnish information about air transport undertakings.

Provision of airports and control of land for aviation purposes

6. Power of Minister to provide airports, etc.
7. Control of land in the interests of aviation.
8. Indication of presence of obstructions near airports.

Special provisions as to trespass, nuisance, salvage and patents, etc.

9. Liability in respect of trespass, nuisance and surface damage from aircraft.
10. Liability in respect of nuisance at airports.
11. Application to aircraft of law of wreck and salvage.
12. Exemption of aircraft etc. from seizure on patent claims.

General

13. Offences.
14. Compensation.
15. Application of Act to the state.
16. Subsidiary legislation.
17. Interpretation, etc.
18. Repeals and transitional provisions.
19. Short title, extent and commencement.

SCHEDULE—Enactments repealed.

1964, No. 30

AN ACT TO MAKE FRESH PROVISION AS RESPECTS CIVIL AVIATION; AND FOR CONNECTED PURPOSES.

[See section 19(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:—

Control of air navigation

1.—(1) The Minister may by regulations make such provision as appears to him to be necessary or expedient—

Power to
regulate air
navigation.

(a) for carrying out the Convention on International Civil Aviation concluded at Chicago on the seventh day of December, 1944, any annex to the convention which relates to international standards and recommended practices and is adopted in accordance with the convention, and any amendment of the convention or of any such annex which is made in accordance with the convention;

(b) generally for regulating air navigation.

(2) Without prejudice to the generality of the foregoing subsection, the powers conferred by that subsection shall in particular include power to make regulations—

(a) as to the registration of aircraft in Nigeria;

(b) for prohibiting aircraft from flying unless certificates of airworthiness issued or validated under the regulations are in force with respect to them and except upon compliance with such conditions as to maintenance and repair as may be prescribed;

(c) for the licensing, inspection and regulation of airports, for access to airports and places where aircraft have landed, for the inspection of aircraft factories, and for prohibiting or regulating the use of airports which are not licensed in pursuance of the regulations;

(d) for prohibiting persons from engaging in, or being employed in or in connection with, air navigation in such capacities as may be prescribed unless they satisfy the prescribed requirements, and for the licensing of persons employed at airports in the inspection, testing or supervision of aircraft;

(e) as to the conditions under which, and in particular the airports to or from which, aircraft entering or leaving Nigeria may fly, and as to the conditions under which aircraft may fly from one part of Nigeria to another;

(f) as to the conditions under which passengers and goods may be carried by air and under which aircraft may be used for other gainful purposes, and for prohibiting the carriage by air of goods of such classes as may be prescribed;

(g) for minimizing or preventing interference with the use or effectiveness of apparatus used in connection with air navigation, and for prohibiting or regulating the use of such apparatus and the display of signs and lights liable to endanger aircraft ;

(h) generally for securing the safety, efficiency and regularity of air navigation and the safety of aircraft and of persons and property carried in aircraft, and for preventing aircraft from endangering other persons and property ;

(i) for requiring persons engaged in, or employed in or in connection with, air navigation to supply meteorological information for the purposes of air navigation ;

(j) for regulating the making of signals and other communications by or to aircraft and persons carried in aircraft ;

(k) for instituting and regulating the use of a civil air ensign and any other ensign established by the Minister for purposes connected with air navigation ;

(l) for prohibiting aircraft from flying over such areas in Nigeria as may be prescribed ;

(m) for applying, with or without modifications, the enactments relating to customs in relation to airports and to aircraft and to persons and property carried in aircraft ;

(n) as to the manner and conditions of the issue, validation, renewal, extension or variation of any certificate, licence or other document required by the regulations (including the examinations and tests to be undergone), and as to the form, custody, production, cancellation, suspension, endorsement and surrender of any such document ;

(o) for the registration of births and deaths occurring in aircraft and of particulars of persons missing, from aircraft ;

(p) for regulating the charges that may be made for the use of airports licensed under the regulations and for services provided at such airports ;

(q) for specifying the fees to be paid in respect of the issue, validation, renewal, extension or variation of any certificate, licence or other document or the undergoing of any examination or test required by virtue of the regulations and in respect of any other matters in respect of which it appears to the Minister to be expedient for the purposes of the regulations to charge fees ;

(r) for exempting from the provisions of the regulations or any of them any aircraft or persons or classes of aircraft or persons.

(3) Regulations under this section may provide for the imposition of penalties for offences against the regulations, not exceeding in the case of any particular offence a fine of five hundred pounds and imprisonment for a term of six months, and, subject to Chapter III of the Constitution of the Federation (which relates to fundamental rights), for the taking of such steps (including firing on aircraft) as may be prescribed as respects aircraft flying over areas of Nigeria over which flying is prohibited by the regulations.

2.—(1) Without prejudice to the generality of subsection (1) of the foregoing section, the Minister may make regulations providing for the investigation of any accident arising out of or in the course of air navigation and either occurring in or over Nigeria or occurring to Nigerian aircraft elsewhere.

Investigation of accidents.

(2) Without prejudice to the generality of the foregoing subsection, regulations under this section may in particular contain provision—

(a) requiring notice to be given of any such accident as aforesaid in such manner and by such persons as may be prescribed ;

(b) applying, with or without modifications, for the purpose of investigations held with respect to any such accidents any of the provisions of any law in force in Nigeria relating to the investigation of deaths or accidents ;

(c) prohibiting, pending investigation, access to or interference with aircraft to which an accident has occurred and authorising any person, so far as may be necessary for the purposes of an investigation, to have access to, examine, remove, take measures for the preservation of, or otherwise deal with, any such aircraft ;

(d) authorising or requiring the cancellation, suspension, endorsement or surrender of any licence or certificate granted in Nigeria in pursuance of this Act or the withdrawal or suspension of any validation conferred in Nigeria of a licence granted by a competent authority elsewhere, where it appears on investigation that the licence, certificate or validation ought to be so dealt with, and requiring the production accordingly of any such licence or certificate.

3.—(1) Where an aircraft is flown in such a manner as to cause danger to any person or property on land or water, the pilot or other person in charge of the aircraft and the owner of the aircraft shall be liable on summary conviction to a fine not exceeding two hundred pounds, or imprisonment for a term not exceeding six months or both.

Dangerous flying

(2) In any proceedings against the owner of an aircraft in respect of an alleged offence under this section, it shall be a defence to prove that the act alleged to constitute the offence was done without the knowledge and consent of the owner.

(3) In this section "owner", in relation to an aircraft and an alleged offence, includes any person by whom the aircraft is hired at the time of the alleged offence.

(4) Nothing in subsection (1) of this section shall be construed as derogating from the powers conferred by section one of this Act.

Control of air transport undertakings, etc.

4.—(1) The Minister may make regulations—

(a) to secure that aircraft shall not be used in Nigeria by any person—

(i) for plying, while carrying passengers or goods for reward, on such journeys or classes of journeys (whether beginning and ending at the same point or at different points) as may be prescribed ;

or

Licensing of air transport undertakings.

(ii) for such flying undertaken for the purpose of any trade or business as may be prescribed,

except under the authority of and in accordance with a licence granted to him by the prescribed authority ;

(b) as to the circumstances in which a licence may or shall be granted, refused, revoked or suspended, and in particular as to the matters to which the licensing authority is to have regard in deciding whether to grant or refuse a licence ;

(c) as to appeals (if any) from the licensing authority by persons interested in the grant, refusal, revocation or suspension of a licence ;

(d) as to the conditions which may be attached to a licence (including conditions as to the fares, freight or other charges to be charged by the holder of the licence), and for securing compliance with any conditions so attached ;

(e) as to the information to be furnished by an applicant for, or the holder of, a licence to such authorities as may be prescribed ; and

(f) specifying the fees to be paid in respect of the grant of a licence, or enabling such fees to be specified by such person or authority as may be prescribed.

(2) Regulations made under this section may provide for the imposition of penalties for offences against the regulations, not exceeding—

(a) in the case of a first offence against any particular provision, a fine not exceeding five hundred pounds or imprisonment for a term not exceeding three months or both ; and

(b) in the case of a second or subsequent offence against the same provision, a fine not exceeding five thousand pounds or imprisonment for a term not exceeding two years or both.

5.—(1) The Minister may make regulations—

(a) requiring any person who carries on the business of carrying passengers or goods in aircraft for reward, on such journeys or classes of journeys (whether beginning and ending at the same point or at different points) as may be prescribed, to furnish to the prescribed authorities such information relating to the use of aircraft for the purpose of the business, and to the persons employed in connection with that use, as may be prescribed ; and

(b) specifying the times at which, and the form and manner in which, any information required under the regulations is to be furnished.

(2) Regulations under this section may provide for the imposition of penalties for offences against the regulations, not exceeding in the case of any particular offence a fine of twenty pounds and a further fine of five pounds for every day on which the offence continues after conviction of it.

(3) No information with respect to any particular undertaking which has been obtained by virtue of regulations under this section shall, without the consent of the person carrying on that undertaking, be disclosed otherwise than in connection with the execution of the regu-

Duty to furnish information about air transport undertakings.

lations ; and if any person discloses any such information in contravention of this subsection he shall be liable, on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding fifty pounds or both or, on conviction on indictment, to imprisonment for a term not exceeding two years or a fine not exceeding one hundred pounds or both.

(4) Nothing in the last foregoing subsection shall apply to the disclosure of any information for the purposes of any legal proceedings which may be taken by virtue of that subsection or of regulations made under this section, or for the purposes of any report of such proceedings ; but save as aforesaid that subsection shall, in relation to any legal proceedings (including arbitration), preclude any person who is in possession of any information obtained by virtue of such regulations from disclosing, and from being required by any court or arbitrator to disclose, that information without the consent of the person carrying on the undertaking to which the information relates.

Provision of airports and control of land for aviation purposes

6.—(1) The Minister may establish and maintain airports and may provide and maintain, in connection with airports established by him, roads, approaches, apparatus, equipment and buildings and other accommodation.

Power of
Minister to
provide
airports, etc.

(2) For the avoidance of doubt it is hereby declared that the following purposes are public purposes of the Federation within the meaning of the Public Lands Acquisition Act, that is to say—

Cap. 167.

(a) the purposes of subsection (1) of this section ; and

(b) the purpose of securing that land in the vicinity of the site of an airport which the Minister has established or acquired or is about to establish or acquire shall not be used in such a manner as to cause interference with, or danger or damage to, aircraft at, approaching or leaving the airport.

7.—(1) The Minister may, if he is satisfied that it is necessary so to do in order to secure the safe and efficient use for civil aviation purposes of any land, structure, works or apparatus vested in him or which he proposes to acquire or instal, by order declare that any area of land specified in the order shall be subject to control by directions given in accordance with the following provisions of this section.

Control
of land
in the
interests of
aviation.

(2) Where any such order is in force, the Minister may, in accordance with provisions of the order in that behalf, give directions

(a) for requiring the total or partial demolition of any building or structure within the area to which the order relates ;

(b) for restricting the height of trees and other vegetation upon any land within the area, or for requiring any tree or other vegetation upon any such land to be cut down or reduced in height ;

(c) for extinguishing any private right of way over land within the area ;

(d) for restricting the installation of cables, mains, pipes, wires or other apparatus over, on or under any land within the area ;

(e) for extinguishing, at the expiration of such period as may be specified by the directions, any subsisting right of installing or maintaining any such apparatus as aforesaid over, on or under any land within the area ; and

(f) for requiring that, before the expiration of such period as may be specified by the directions, any such apparatus shall be removed from land within the area.

(3) An order under this section may contain provision for empowering any person authorised in that behalf by the Minister to move or alter, so as to bring it into conformity with the requirements of any directions given under the order, any building, structure, vegetation or apparatus which contravenes those requirements.

(4) Where the Minister makes or has under consideration the making of an order under this section in respect of any land, any person authorised in that behalf in writing by the Minister may at all reasonable times, on producing if so required evidence of his authority, enter upon any of the land in order to make any survey which the Minister requires to be made for the purposes of any steps to be taken in consequence of the order or, as the case may be, for the purpose of determining whether the order should be made :

Provided that admission shall not, by virtue of this subsection, be demanded as of right to any land which is occupied unless twenty-four hours notice in writing of the intended entry has been served on the occupier.

(5) The Minister shall give notice of any direction given in pursuance of this section by publishing the direction in the Gazette of the Federation and by taking such steps as he considers reasonable for securing that a copy of the direction is served on each person appearing to him to be the owner or occupier of any land to which the direction relates.

(6) A person who obstructs any other person in the exercise of any powers conferred upon that other person by virtue of subsection (3) or subsection (4) of this section shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or a fine of an amount not exceeding one hundred pounds or both.

(7) A person who incurs expense or suffers damage by reason of the giving of a direction in pursuance of this section shall be entitled to receive from the Minister adequate compensation in respect of the expense or damage.

(8) The powers of the Minister under this section shall not be construed as prejudicing his power to acquire land for the purpose of securing the observation of any requirement which might have been imposed under this section in relation to the land.

8.—(1) If the Minister is satisfied, with respect to any building or structure in the vicinity of an airport to which this section applies, that in order to avoid danger to aircraft flying in that vicinity in darkness or conditions of poor visibility, provision ought to be made (whether by lighting or otherwise) for giving to such aircraft warning of the presence of that building or structure, he may by order authorise (subject to any conditions specified in the order) the proprietor of the airport and any person acting under the proprietor's instructions—

Indication
of presence
of obstruc-
tions near
airports.

(a) to execute, instal, maintain, operate, and as occasion requires to repair and alter, such works and apparatus as may be necessary for enabling such warning to be given in the manner specified in the order; and

(b) so far as may be necessary for exercising any of the powers conferred by the order, to enter upon and pass over (with or without vehicles) any such land as may be specified in the order:

Provided that no such order shall be made in relation to any building or structure if it appears to the Minister that there have been made, and are being carried out, satisfactory arrangements for the giving of such warning as aforesaid.

(2) The Minister shall, before making any such order as aforesaid—

(a) cause to be published, in such manner as he thinks best for informing persons concerned, notice of the proposal to make the order and of the place where copies of the draft order may be obtained free of charge; and

(b) take into consideration any representations with respect to the order which may, within such period not being less than two months after the first publication of the notice as may be specified therein, be made to him by any person appearing to him to have an interest in any land which would be affected by the order;

and at the end of that period the order may, subject to the provisions of this section, be made with such modifications (if any) of the original draft as the Minister thinks proper.

(3) Every such order as aforesaid shall provide—

(a) that, except in a case of emergency, no works shall be executed on any land in pursuance of the order unless, at least fourteen days previously, the proprietor of the airport to which the order relates has served in the manner specified by the order on the occupier of that land, and on every other person known by the proprietor to have an interest in the land, a written notice containing such particulars of the nature of the proposed works, and the manner in which and the time at which it is proposed to execute them, as may be specified by the order; and

(b) that if within fourteen days from the service of the said notice on any person having such an interest the proprietor of the airport receives written objection on the part of that person to the proposals contained in the notice then, except in so far as the objection is withdrawn, no steps shall be taken in pursuance of the notice without the specific authority of the Minister;

and shall also provide for requiring the proprietor of the airport to which the order relates to pay to any person having an interest in any land affected by the order adequate compensation for any loss or damage which that person may suffer in consequence of the order; and for the purposes of this subsection any expense reasonably incurred in connection with the lawful removal of any apparatus installed in pursuance of such an order, and so much of any expense incurred in connection with the repair, alteration, demolition or removal of any building, structure or erection to which such an order relates as is attributable to the operation of the order, shall be deemed to be loss or damage suffered in consequence of the order.

(4) The ownership of any thing shall not be taken to be affected by reason only that it is placed in, or affixed to, any land in pursuance of such an order as aforesaid; and (subject to the provisions of the next following subsection) so long as any such order in respect of an airport is in force, no person shall, except with the consent of the proprietor of the airport, wilfully interfere with any works or things which, to the knowledge of that person, are works or things executed or placed in, on or over any land in pursuance of the order.

If any person contravenes the foregoing provisions of this subsection, he shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding two hundred pounds or both; and every person who wilfully obstructs a person in the exercise of any of the powers conferred by such an order as aforesaid shall be liable on summary conviction to a fine not exceeding fifty pounds.

(5) Nothing in this section shall operate, in relation to any building or structure, so as to restrict the doing of any work for the purpose of repairing, altering, demolishing or removing the building or structure if—

(a) notice of the doing of the work is given as soon as may be to the proprietor of the airport; and

(b) the giving of warning of the presence of the building or structure in the manner provided by any order under this section in force in relation thereto is not interrupted.

(6) In this section—

(a) the expression "airport to which this section applies" means—

(i) an airport under the control of the Minister or of the Minister of the government of the Federation responsible for defence; or

(ii) any premises which, in pursuance of regulations made under section one of this Act, are for the time being licensed as an airport for public use; and

(b) the expression "proprietor of the airport" means—

(i) in the case of such an airport as is mentioned in sub-paragraph (i) above, the officer in charge of the airport; and

(ii) in any other case, the holder of the licence issued in respect of the airport in pursuance of this Act.

Special provisions as to trespass, nuisance, salvage and patents, etc.

9.—(1) No action shall lie in respect of trespass or nuisance by reason only of, or of the ordinary incidents of, the flight of an aircraft over any property at a height above the ground which is reasonable having regard to wind, weather and all the circumstances of the case.

Liability in respect of trespass, nuisance and surface damage from aircraft.

(2) Where loss or damage is caused to any person or property on land or water by, or by a person in or an article or person falling from, an aircraft while in flight, taking off or landing, then, without prejudice to the law relating to contributory negligence, damages in respect of the loss or damage shall be recoverable without proof of negligence or intention or other cause of action, as if the loss or damage had been caused by the wilful act, neglect or default of the owner of the aircraft :

Provided that where loss or damage is caused as aforesaid in circumstances in which—

(a) damages are recoverable from the owner in respect of the loss or damage by virtue only of the foregoing provisions of this subsection ; and

(b) a legal liability is created in some person other than the owner to pay damages in respect of the loss or damage ;

the owner shall be entitled to be indemnified by that other person against any claim in respect of the loss or damage.

(3) References in the last foregoing subsection to loss or damage include, in relation to any person, loss of life and personal injury ; and where an aircraft has been bona fide demised or hired out for any period exceeding fourteen days to any other person by the owner of the aircraft and no pilot, commander, navigator or operative member of the crew of the aircraft is in the employment of the owner, the last foregoing subsection shall have effect as if for references to the owner there were substituted references to the person to whom the aircraft has been so demised or hired out.

10.—(1) The Minister may make regulations as to the conditions under which noise and vibration may be caused by aircraft on airports and may provide that subsection (2) of this section shall apply to any airport as respects which provision as to noise and vibration caused by aircraft is so made.

Liability in respect of nuisance at airports.

(2) No action shall lie in respect of nuisance by reason only of the noise and vibration caused by aircraft on an airport to which this subsection applies by virtue of the foregoing subsection so long as the provisions of the regulations in force under that subsection as respects the airport are complied with.

11.—(1) Any services rendered in assisting, or in saving life from, or in saving the cargo or apparel of, an aircraft in, on or over the sea or any tidal water, or on or over the shores of the sea or any tidal water, shall be deemed to be salvage services in all cases in which they would have been salvage services if they had been rendered in relation to a

Application to aircraft of law of wreck and salvage.

vessel; and where salvage services are rendered by an aircraft to any property or person, the owner of the aircraft shall be entitled to the same reward for those services as he would have been entitled to if the aircraft had been a vessel.

The foregoing provisions of this subsection shall have effect notwithstanding that the aircraft concerned is a foreign aircraft, and notwithstanding that the services in question are rendered elsewhere than within the limits of the territorial waters of Nigeria.

(2) The Minister may by regulations direct that any provisions of any law for the time being in force in Nigeria which relate to wreck, to salvage of life or property or to the duty of rendering assistance to vessels in distress shall, with such modifications (if any) as may be prescribed, apply in relation to aircraft as those provisions apply in relation to vessels.

(3) For the purposes of this section, any provisions of any law in force in Nigeria which relate to vessels laid by or neglected as unfit for sea service shall be deemed to be provisions relating to wreck.

Exemption of aircraft etc. from seizure on patent claims.

12.—(1) Any lawful entry into Nigeria or any lawful transit across Nigeria, with or without landings, of an aircraft to which this subsection applies shall not entail any seizure or detention of the aircraft or any proceedings against the owner or operator of the aircraft or any other interference with the aircraft by or on behalf of any person in Nigeria on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is or are an infringement of any patent, design or model.

(2) The importation into and storage in Nigeria of spare parts and spare equipment for an aircraft to which this subsection applies and the use and installation thereof in the repair of such an aircraft shall not entail any seizure or detention of the aircraft or of the spare parts or spare equipment or any proceedings against the owner or operator of the aircraft or the owner of the spare parts or spare equipment or any other interference with the aircraft by or on behalf of any person in Nigeria on the ground that the spare parts or spare equipment or their installation are or is an infringement of any patent, design or model.

(3) Subsections (1) and (2) of this section apply—

(a) to any aircraft (other than an aircraft used in military, customs or police services) registered in a country or territory as respects which there is for the time being in force a declaration made by the Minister, with a view to the fulfilment of the relevant provisions of the convention mentioned in section one of this Act, that the benefit of those subsections extends to that country or territory; and

(b) to such other aircraft as the Minister may by order specify:

Provided that subsection (2) of this section shall not apply in relation to any spare parts or spare equipment which are sold or distributed in Nigeria or are exported from Nigeria for sale or distribution.

(4) Where it is alleged by any person interested that a foreign aircraft which is not an aircraft to which subsection (1) of this section applies and which is making a passage through or over Nigeria infringes in itself or part of it any invention, design or model which is entitled to

protection in Nigeria, it shall be lawful, subject to and in accordance with rules made by the Minister, to detain the aircraft until the owner of it deposits or secures in respect of the alleged infringement a sum (hereafter in this section referred to as "the deposited sum"); and thereupon the aircraft shall not, during the continuance of the passage, be subject to any lien, arrest, detention or prohibition, whether by order of a court or otherwise, on account of the alleged infringement.

(5) The deposited sum shall be such sum as may be agreed between the parties interested or, in default of agreement, as may be fixed by the Minister; and the payment of the deposited sum shall be made or secured to the Minister in such manner as may be specified by rules made by the Minister.

(6) The deposited sum shall be dealt with by such tribunal and in accordance with such procedure as may be prescribed by rules made by the Minister, and the rules may provide generally for carrying the provisions of subsections (4) and (5) of this section into effect.

(7) For the purposes of subsection (4) of this section, the expression "owner" shall include the actual owner of an aircraft and any person claiming through or under him, and the expression "passage" shall include all reasonable landings and stoppages in the course of the passage.

General

13.—(1) Any act done by any person on a Nigerian aircraft outside Nigeria which, if it had been done by him in any part of Nigeria, would have constituted an offence under the law in force in that part shall, for the purposes of any criminal proceedings in that part of Nigeria against that person in respect of that act, be deemed to have been done by him in that part of Nigeria.

Offences.

(2) Except with the consent of the Attorney-General of the Federation, no proceedings shall be instituted by virtue of the foregoing subsection against a person who was not a citizen of Nigeria at the time of the act in question.

(3) Where it is alleged that an offence under this Act or regulations made by virtue of this Act has been committed, proceedings in respect of the offence may be brought in any court in Nigeria which would have had jurisdiction in the matter if the offence had been committed in the part of Nigeria for which the court acts.

14. A person claiming compensation in pursuance of any provision in that behalf of this Act or of an instrument made by virtue of this Act may, for the purpose of determining his interest in the subject-matter of the claim and the amount of the compensation, apply—

Compensation.

(a) where the subject matter of the claim or the usual residence of the claimant is situated in any territory within the meaning of the Constitution of the Federation, to the High Court of that territory;

(b) in any other case, to the High Court of Lagos.

15.—(1) The Minister may by regulations provide that this Act shall bind the state to such extent as may be prescribed.

Application of Act to the state.

(2) Nothing in the foregoing subsection shall be construed as prejudicing the operation of provisions of this Act referring expressly to a Minister or to a person subject to the control of a Minister.

Subsidiary
legislation.

16.—(1) Any regulations, rules or order made by the Minister in pursuance of this Act may contain—

(a) such incidental, supplemental, consequential and transitional provisions; and

(b) such provisions as to the extra-territorial operation of the instrument in question, as the Minister considers expedient for the purposes of the regulations, rules or order.

Interpreta-
tion, etc.

(2) Without prejudice to the generality of the foregoing subsection, regulations under this Act may, for the purpose of securing compliance with the regulations, include provision for the detention of any aircraft to which the regulations relate.

17.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“airport” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft;

“foreign aircraft” means an aircraft other than a Nigerian aircraft;

“the Minister” means the Minister of the government of the Federation responsible for civil aviation;

“Nigerian aircraft” means an aircraft registered in Nigeria in pursuance of regulations made under section one of this Act; and

“prescribed” means prescribed by regulations made under this Act.

(2) Any power conferred by this Act is in addition to and not in derogation of any other power so conferred.

Repeals and
transitional
provisions.

18.—(1) Subject to the following subsection, the enactments specified in the first and second columns of the Schedule to this Act are hereby repealed to the extent shown in the third column of that Schedule.

(2) Anything done under any enactment repealed by the foregoing subsection shall be deemed to have been done under the corresponding provision of this Act; so however that—

(a) without prejudice to the provisions of section sixteen of this Act, nothing in the foregoing provisions of this subsection shall be construed as continuing in force any order, regulations or other instrument of a legislative character having effect by virtue of an enactment so repealed; and

(b) without prejudice to the operation of section six of the Interpretation Act, 1964 (which relates to the effect of repeals), nothing in the foregoing provisions of this subsection or in the foregoing subsection shall affect any proceedings pending on the day when the foregoing subsection comes into force, and accordingly any such proceedings may be continued as if that subsection had not been passed.

1964, No. 1.

Short title,
extent and
commence-
ment.

19.—(1) This Act may be cited as the Civil Aviation Act, 1964, and shall, without prejudice to the operation of any provision of this Act having or relating to extra-territorial effect, apply throughout the Federation.

(2) This Act shall come into force on such day as the Minister may by order appoint, and different days may be so appointed as respects different provisions of this Act.

SCHEDULE

Section 18.

Enactments repealed

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal</i>
Cap. 8.	The Air Navigation (Safety of Navigation) Act.	The whole Act.
Cap. 33.	The Civil Aviation (Births, Deaths and Missing Persons) Act.	The whole Act.
1962, No. 30.	The Merchant Shipping Act, 1962.	In section four hundred and twenty-seven, paragraph (p).
1963, No. 17.	The Director of Civil Aviation (Transfer of Functions) Act, 1963.	The whole Act.
S.I. 1952 No. 868, 1953 Nos. 591 and 1669, 1954 No. 830, 1955 No. 709, 1958 No. 1514, and 1959 No. 1052.	The Colonial Civil Aviation (Application of Act) Orders, 1952 to 1959.	The whole of the Orders.

NIGERIAN CIVIL AVIATION TRAINING CENTRE ACT, 1964



ARRANGEMENT OF SECTIONS

Section

1. Establishment of the Nigerian civil aviation training centre
2. Power to appoint a principal for the training centre.
3. Board of governors.
4. Financial provisions.
5. Report on training centre in each year.
6. Travelling allowances etc. to members of the board.
7. Advisory council.
8. Pensions in special cases.

9. Regulations.
10. Validation of past acts etc.
11. Disposal of property of the special fund.
12. Interpretation.
13. Short title, commencement and application.

SCHEDULES

First Schedule—Supplementary provisions relating to the board.

Second Schedule—Transitional provisions as to property, etc.

1964, No. 31

AN ACT TO MAKE PROVISION FOR A TRAINING ORGANISATION TO BE KNOWN AS THE NIGERIAN CIVIL AVIATION TRAINING CENTRE, TO PROVIDE FOR ITS ORGANISATION, CONTROL AND OPERATION, AND FOR CONNECTED PURPOSES.

[section 13 (1)]

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

Commencement.

1.—(1) There shall be established at Zaria a training organisation to be known as the Nigerian Civil Aviation Training Centre (hereafter in this Act referred to as "the training centre") which shall be a body corporate under that name and, subject to the provisions of this Act, the training centre shall be charged with the general duty of providing—

Establishment of the Nigerian civil aviation training centre.

(a) civil aviation courses, standard or special, designed for use in flight training or in airport operation and management as may from time to time be prescribed under this Act for approved persons:

(b) training of approved persons in the installation, maintenance and operation, as the case may be, of technical equipment the use of which is calculated or likely to increase the margin of operational safety of civil aircraft services:

(c) equipment and necessary facilities for technical research or normal use by approved persons at the training centre as may from time to time be authorised or allowed by the board of governors under this Act.

(2) Courses provided for the purposes of subsection (1) of this section shall include the organisation of incidental study groups and the delivery of necessary series of lectures; and if approved, fees may be calculated and be charged at such rate, not exceeding the estimated cost of course, as may be prescribed under this Act.

(3) The training centre as a body corporate shall have perpetual succession and a common seal which shall be kept in the custody of the principal of the training centre; and the training centre may hold or acquire property, movable and immovable, but shall not mortgage, charge or dispose of any property held by it over the value of fifty pounds without the consent in writing of the Minister.

2. The Minister shall appoint a fit person as head of the training centre and its principal; and the principal shall be responsible to the board of governors under this Act for the day to day administration and control of the training centre, and shall perform such other duties as may from time to time be prescribed under this Act.

Power to appoint a principal for the training centre.

Board of
governors.

3.—(1) There shall be a board of governors (hereafter in this Act referred to as "the board") as members of the training centre charged with responsibility for the organisation, administration and policy planning of the training centre, and the board shall consist of the following members—

(a) one fit person appointed as chairman by the Council of Ministers;

(b) three other fit persons having experience in or some knowledge of aviation problems, to be appointed as members by the Minister;

(c) one fit person to be appointed by the International Civil Aviation Organisation (hereafter in this Act referred to as "the executing agency"): and

(d) The director for the time being of the United Nations' Special Fund programmes in Nigeria (which fund is hereafter in this Act referred to as "the special fund").

(2) The principal of the training centre shall be secretary to the board and shall attend the meetings of the board; and in his absence his deputy shall act as secretary at meetings attended by him, but neither the secretary nor his deputy acting for him in that capacity shall have a vote at meetings of the board.

(3) The Minister may give to the board directions of a general nature or relating generally to particular matters and, in any event while it continues to operate in Nigeria, not inconsistent with the objects of the special fund, or of the executing agency; and the board shall comply with any such directions given by the Minister.

(4) Subject to the provisions of subsection (3) of this section the board may—

(a) prescribe the general policy of the training centre in consultation with the principal of the training centre and the fees to be charged in respect thereof;

(b) regulate the organisation and management of the training centre;

(c) prescribe the duties of the principal of the training centre and any members of its staff;

(d) provide for the appointment, promotion, dismissal and transfer of members of the staff at the training centre and for their salaries;

(e) make provision for a pension scheme for members of the staff at the training centre;

(f) approve annual accounts and estimates;

(g) as and when required make any necessary contact between the training centre and any persons not connected therewith;

(h) submit annual reports to the Minister.

(5) The provisions of the First Schedule to this Act shall have effect with respect to the tenure of office of members of the board and the other matters there mentioned.

(6) In this section "staff" includes all personnel of the training centre other than those employed by the executing agency or by the special fund, or by any other approved foreign agency or organisation.

4.—(1) The funds of the training centre shall comprise—

(a) money allocated to it in each year by the Government of the Federation and, while it continues to operate in Nigeria by the special fund in such shares as may be agreed from time to time :

(b) donations and subsidies ;

(c) fees for training received from the training centre ;

(d) moneys from such other sources as may from time to time be approved by the board on behalf of the training centre.

(2) The board shall cause accounts to be kept at all times of the income and expenditure of the training centre and proper records in relation to those accounts. The accounts of the training centre shall be audited as soon as may be after the end of the financial year to which the accounts relate by a person qualified to investigate the affairs of a company under the Companies Act and approved by the Minister.

(3) The board shall prepare and submit to the Minister not later than the last day of December in each and every year after the commencement of this Act an estimate of the expenditure and income during the next financial year.

5.—(1) The board shall in every year furnish half-yearly reports to the Minister and while the special fund continues to operate in Nigeria, to both the representatives of the executing agency and of the special fund, on the activities of the training centre. The first of such reports shall be furnished not later than the fifteenth day of July, nineteen hundred and sixty-five, and subsequent reports as nearly as may be on or after the fifteenth days of January and July in each year thereafter ; and every report shall be accompanied by a copy of the audited accounts of the training centre, and of the report (if any) by the auditor on the accounts as audited by him.

(2) Copies of the report when made shall be printed and laid before both Houses of Parliament.

6. Members of the board shall be paid such travelling and other allowances at such rate as the Minister may from time to time approve, after consultation with the Minister of the government of the Federation charged with responsibility for finance.

7.—(1) There shall be an advisory council consisting of not less than ten members or more than twenty members appointed from time to time by the Minister from among representatives of governments, airlines and civil aviation bodies making use of the training centre.

(2) Meetings of the advisory council shall be convened by the principal as and when necessary, so however that the advisory council shall meet at least once in each calendar year.

(3) It shall be the duty of the advisory council to make suggestions to the board relative to courses of instruction provided or to be provided by the training centre, and to make recommendations to the Minister for the holding of conferences and meetings at the training centre which members of the advisory council consider suitable or necessary.

Financial provisions.

Cap. 37.

Report on training centre in each year.

Travelling allowances etc. to members of the board.

Advisory council.

(4) The board shall consider all suggestions offered to it by the advisory council under the foregoing subsection and shall give effect to them as far as is practicable.

(5) Members attending a meeting of the advisory council shall appoint the chairman for the meeting and may regulate its own procedure thereat.

(6) The principal or in his absence some person nominated by him shall attend meetings of the advisory council and provide any necessary assistance of a secretarial nature. Any person attending under this subsection may take part in deliberations of the advisory council, but shall not vote on any subject.

Pensions
in special
cases.

Cap. 147
1964 No. 10.

8.—(1) The Minister may by order published in the gazette declare that service with the training centre is an approved service for the purposes of the Pensions Act and upon such publication the provisions of the Pensions Act 1964 (which extends the application of the Pensions Act in certain cases) shall thereupon have effect.

(2) In this section "Minister" means the Minister of the Government of the Federation charged with responsibility for pensions.

Regulations.

9.—(1) Where any act, matter or thing falls to be prescribed under this Act, any such act, matter or thing may be prescribed by regulations made on behalf of the training centre by the board.

(2) Regulations made under this section shall, when approved by the Minister, be published in the gazette.

Validation
of past
acts etc.

10. It is declared for the avoidance of doubt that where any persons have before the commencement of this Act been appointed or have purported to act under powers, however conferred, incidental to the acquisition of land for, or incidental to the erection, supervision or control of, the training centre hereby established, such persons shall be deemed always to have been lawfully appointed, or to have validly exercised the powers, as the case may be.

Disposal
of property
of the
special
fund.

11.—(1) The Council of Ministers after consultation with the executing agency and of the special fund may prescribe a date not earlier than five years after the commencement of this Act for the preparation of a schedule (hereafter in this section referred to as "the transfer schedule") of the assets in Nigeria of the special fund, and the Accountant-General of the Federation shall, when so directed, and acting in collaboration with the executing agency, the special fund and the board, prepare the transfer schedule accordingly. The transfer schedule shall be certified to by the persons so collaborating, and a copy shall be supplied by the principal of the training centre to the Minister.

(2) On a day to be appointed thereafter by the Minister (hereafter in this Act referred to as "the appointed transfer day") the training centre shall have and may exercise administrative control on behalf of the government of the Federation over all property shown as assets in the transfer schedule, and such assets shall vest in the training centre accordingly.

(3) The provisions of the Second Schedule to this Act shall have effect with respect to any matter arising from the transfer by this section to the training centre of the assets in Nigeria of the special fund and with respect to the other matters mentioned in that Schedule.

12. In this Act unless the context otherwise requires

"approved" means approved by the Minister ;

"the appointed transfer day" means the day appointed for the purpose of section eleven of this Act for the vesting of certain property of the special fund in the training centre ;

"the board" means the board of governors under section three of this Act ;

"the executing agency" means the International Civil Aviation Organisation acting on behalf of the special fund ;

"the Minister" means the Minister of the government of the Federation charged with responsibility for civil aviation ;

"prescribed" means prescribed on behalf of the training centre with the approval of the Minister ;

"the principal" means the principal of the training centre ;

"the special fund" means the United Nations' Special Fund administered in Nigeria by the director of the special fund programmes in Nigeria ;

"the training centre" means the Nigerian Civil Aviation Training Centre established under section one of this Act.

13.—(1) This Act may be cited as the Nigerian Civil Aviation Training Centre Act, 1964, and shall come into operation on a day to be appointed by the Minister by order in the gazette.

(2) The Act shall apply throughout the Federation.

Interpretation.

Short title, commencement and application.

SCHEDULES

FIRST SCHEDULE

Section 3 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Qualifications and tenure of office of Members

1.—(1) Subject to the provisions of this paragraph a member of the board shall hold office for such period not exceeding three years as may be set out in the instrument of appointment or if he is a member by office or in a representative capacity he shall be a member while he continues to hold the particular office or be the representative, as the case may be.

(2) Any member of the board who ceases to be a member thereof shall, if he is also a member of a committee thereof cease to hold office on the committee.

(3) Any member appointed by the government of the Federation may by notice in writing under his hand addressed to the Minister and with his consent resign his office, and any member appointed by office or in a representative capacity may, with the consent of the person or body appointing him, resign his office by notice in writing addressed to the minister.

(4) A person who has ceased to be an elected member of the board shall be eligible again to become a member of the board and any appointed member may be reappointed.

(5) If for any reason there is a vacation of office by a member and—

(a) such member was appointed on behalf of the Government of the Federation, another fit person shall be appointed either permanently or temporarily in his stead to be a member of the board ; and

(b) in any other case the vacancy shall be filled by appointment as the circumstances may require.

Powers of board

2. Unless otherwise precluded by this Act, the board shall have power to do anything which in the opinion of the members is calculated to facilitate the carrying on of the activities of the training centre.

Proceedings of the board

3.—(1) Subject to the provisions of this Act the board may in the name of the training centre make standing orders regulating the proceedings of the training centre or of the board, and in the exercise of its powers under this Act, may set out committees in the general interest of the training centre, and make standing orders therefor.

(2) Standing orders shall provide for decisions taken to be unanimous and accordingly the chairman shall not have a second or casting vote. Standing orders made for a committee shall provide that the committee is to report back to the board on any matter not within its competence under this Act to decide.

4. The quorum of the board shall be four of whom one shall be the representative of either the executing agency or of the special fund ; and the quorum of a committee of the board shall be fixed by the board itself.

Meetings

5.—(1) Subject to the provisions of this Act and any standing orders of the board, the board shall meet whenever it is summoned by the chairman ; and if the chairman is required to do so by notice given to him by the Minister, he shall summon a meeting of the board to be held within seven days from the date on which the notice is given.

(2) At any meeting of the board, the chairman shall preside and if he is not present, the members attending may appoint one of their number to be chairman of the meeting.

(3) Where the board desires to obtain advice of any expert on a particular matter touching or concerning the training centre, the board may co-opt him as a member for such period as the board thinks fit ; but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the board, and shall not count towards a quorum.

(4) Notwithstanding any thing in the foregoing provisions of this paragraph, the first meeting of the board shall be summoned by the Minister, who may give such directions as he thinks fit as to the procedure which shall be followed at the meeting.

Committees

6.—(1) The board may appoint one or more committees to carry out on behalf of the board such functions as the board may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the board.

(3) A decision of a committee of the board shall be of no effect until it is confirmed by the board.

Miscellaneous

7.—(1) The fixing of the seal of the training centre shall be authenticated by the signature of the chairman of the board or of the principal if authorised by the board for that purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the training centre by any person generally or specially authorised to act for that purpose by the board.

(3) Any document purporting to be a document duly executed under the seal of the training centre shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

8. The validity of any proceedings of the board shall not be affected by any defect in the appointment of a member of the board or of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.

9. Any member of the board and any person holding office on a committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the board on behalf of the training centre or on behalf of the board or a committee thereof shall forthwith disclose his interest to the Minister in the case of the training centre or to the chairman of the board, as the case may be, and shall not vote on any question relating to the contract or arrangement.

10. A person shall not by reason only of his membership of the board be treated as holding an office of emolument under the State.

SECOND SCHEDULE

Section 11 (3)

TRANSITIONAL PROVISIONS AS TO PROPERTY, ETC.

1.—(1) Every agreement to which the executing agency or the special fund under this Act was a party immediately before the appointed transfer day, whether in writing or not and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned by the said executing agency shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this sub-paragraph, have effect from the appointed transfer day, so far as it relates to property transferred by this Act to the training centre, as if—

(a) the training centre had been a party to the agreement on behalf of the Government of the Federation; and

(b) for any reference (however worded and whether express or implied) to the said executing agency or to the special fund there were substituted, as respects anything falling to be done on or after the appointed transfer day, a reference to the training centre.

(2) Other documents which refer, whether specially or generally, to the executing agency or to the special fund, shall be construed in accordance with sub-paragraph (1) of this paragraph so far as applicable.

(3) Without prejudice to the generality of the foregoing provisions of this Schedule, where, by the operation of any of them or of section eleven of this Act, any right, liability or obligation vests in the training centre, the training centre and all other persons shall, as from the appointed transfer day, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the training centre.

(4) Any application to any authority pending on the appointed transfer day by or against the executing agency under this Act and relating to property transferred by this Act to the training centre may be continued on or after that day by or against the training centre.

(5) If the law in force at the place where any property transferred by this Act is situated provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers the payment of fees or any other matter) apply with the necessary modifications to the transfer of the property aforesaid; and it shall be the duty of the principal to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly, and notwithstanding the disclosure of a trust.

GULF OIL COMPANY TRAINING FUND (ADMINISTRATION) ACT, 1964



ARRANGEMENT OF SECTIONS

Section

- | | |
|--|--|
| <p>1. Establishment of the Gulf Oil Company Training Fund.</p> <p>2. Purposes of the fund.</p> | <p>3. Disbursements from the fund.</p> <p>4. Enactment amended.</p> <p>5. Short title and application.</p> |
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1964, No. 32

AN ACT TO ESTABLISH AND ADMINISTER A FUND TO BE KNOWN AS THE GULF OIL COMPANY TRAINING FUND AND FOR PURPOSES CONNECTED THEREWITH.

[12th October, 1964]

Commencement.

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

1. There shall be established a fund to be known as the Gulf Oil Company Training Fund (in this Act hereafter referred to as "the fund") into which shall be paid all moneys received in terms of an agreement made between the said Company and the Government of the Federation that is to say

Establishment of the Gulf Oil Company Training Fund.

(a) the sum of one hundred and ninety-three thousand, one hundred and thirteen pounds received as part of the moneys so payable; and

(b) any further sums from time to time payable under the said agreement;

and moneys in the fund together with interest (if any) payable in respect thereof shall be applied by the Minister of the government of the Federation responsible for mines and power for any of the purposes set out in section two of this Act.

Purposes of
the fund.

2. The fund shall be available for purposes of training Nigerians as technicians or craftsmen as the case may be in the fields of engineering, science and administration in so far as they relate to the petroleum industry, and to this end the fund may be used—

- (a) to provide scholarships in universities and institutions;
- (b) to maintain or subsidise any such training; or
- (c) to make any suitable endowments to faculties in Nigerian Universities, Colleges, or approved institutes; and
- (d) to make available suitable books and training equipment in the aforesaid fields.

Disburse-
ments from
the fund.
No. 33 of
1958.

3. Disbursements from the fund shall be made in accordance with rules made under section twenty-three of the Finance (Control and Management) Act 1958.

Enactment
amended.
No. 33 of
1958.

4. The First Schedule to the Finance (Control and Management) Act, 1958, is amended by the insertion immediately after item 11 in Part II of the following item—

“(12) Gulf Oil Company Training Fund:

The fund established by section one of the Gulf Oil Company Training Fund (Administration) Act, 1964, for the purposes specified in section two of that Act.”

Short title
and
application.

5. This Act may be cited as the Gulf Oil Company Training Fund (Administration) Act, 1964, and shall apply throughout the Federation.

NIGERIAN RESEARCH INSTITUTES ACT, 1964



ARRANGEMENT OF SECTIONS

Section

1. Establishment and functions of research institutes.
2. Management of affairs of institutes.
3. Financial provisions.
4. Compulsory acquisition of land for institutes.

5. Application of Pensions Act to employment in the service of institutes etc.
 6. Annual report.
 7. Regulations.
 8. Winding up of existing research institutes and their committees.
 9. Short title, extent, commencement and interpretation.
- SCHEDULE—Constitutions etc. of the councils.

1964, No. 33

AN ACT TO ESTABLISH RESEARCH INSTITUTES IN RESPECT OF COCOA, COFFEE AND COLA, IN RESPECT OF THE OIL PALM, IN RESPECT OF RUBBER, AND IN RESPECT OF TRYPANOSOMIASIS ; TO PROVIDE FOR THE TRANSFER TO THOSE INSTITUTES OF CERTAIN ASSETS AND LIABILITIES OF EXISTING BODIES (IF ANY) ESTABLISHED FOR SIMILAR PURPOSES AND FOR THE WINDING UP OF THOSE BODIES ; AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

[See section 9 (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) There shall be established four bodies corporate by the following names, that is to say—

Establish-
ment and
functions
of research
institutes.

- (a) the Cocoa Research Institute of Nigeria ;
- (b) the Nigerian Institute for Oil Palm Research ;
- (c) the Rubber Research Institute of Nigeria ; and
- (d) the Nigerian Institute for Trypanosomiasis Research,

which bodies are hereafter in this Act referred to collectively as "the institutes" and severally as "the Cocoa Institute", "the Oil Palm Institute", "the Rubber Institute" and "the Trypanosomiasis Institute" respectively.

(2) The institutes shall be charged with the general duty of undertaking research into and providing information and advice relating to—

- (a) the production and products of cocoa, coffee and cola in the case of the Cocoa Institute ;
- (b) the production and products of oil palm and of such other palms as the Minister may determine in the case of the Oil Palm Institute ;
- (c) the production and products of rubber ; and
- (d) trypanosomiasis in the case of the Trypanosomiasis Institute.

(3) subject to the following provisions of this section, each of the institutes shall have power to do anything which, in the opinion of the institute, is calculated to facilitate the carrying on of the activities of the institute.

(4) Except with the prior approval in writing of the Minister, an institute shall not have power—

- (a) to incur expenditure outside approved estimates under this Act ; or
- (b) to borrow money.

(5) The Minister may from time to time give to an institute directions of a general nature in writing with respect to the performance of its functions ; and it shall be the duty of the institute to comply with the directions.

Management of affairs of institutes.

2.—(1) There shall be established for each institute a governing council (hereafter in this Act referred to, in relation to the relevant institute, as "the council"), and the provisions of the Schedule to this Act shall have effect, so far as applicable, with respect to the constitutions of the councils and the other matters there mentioned.

(2) The affairs of each institute shall be managed by the council, and references in this Act to the institutes shall be construed accordingly; and without prejudice to the generality of the foregoing provisions of this subsection—

(a) anything falling to be done by or to an institute shall be done by or to the council on behalf of the institute; or by or to such person acting as the representative of the council as the council may determine; and

(b) in particular, any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the institute by any person generally or specially authorised to act for that purpose by the council.

(3) It shall be the duty of the council of each institute—

(a) to prepare a programme of research within the field for which that institute is responsible for such periods of not less than three years as the board may, with the approval of the Minister determine, together with detailed estimates of the expenditure which will be required to carry out the programme;

(b) each year to review, and if necessary revise, the programme approved under paragraph (a) for the following year, together with the estimates of expenditure for that year;

(c) to submit the programmes and estimates of expenditure, and any annual revisions, for approval by the Minister;

(d) to carry out the programmes of research approved by the Minister.

(4) There shall be a director for each institute, who shall be appointed by the Minister on the advice of the council, and shall be a person with wide experience of the matters with which the relevant institute is concerned; and the director shall—

(a) be charged with the day to day management of the affairs of the institute in accordance with such instructions as may from time to time be given to him by the council; and

(b) hold office, subject to the provisions of section five of this Act, in accordance with the terms of the instrument by which he is appointed (including terms as to the payment of his remuneration by the council).

Financial provisions.

3.—(1) Each of the institutes shall establish and maintain a fund from which there shall be defrayed all expenditure incurred by the institute.

(2) There shall be paid or credited to the fund—

(a) such sums out of moneys provided by Parliament as Parliament may from time to time determine;

(b) in the case of any institute other than the Trypanosomiasis Institute, such sums out of moneys to be provided by the legislature of each Region or by the appropriate statutory agency of each Region, in accordance with a formula agreed by the several governments and the government of the Federation ;

(c) such assets of the relevant institute and committee mentioned in section eight of this Act as are transferred to the institute in pursuance of that section ; and

(d) all other assets from time to time accruing to the institute.

(3) The fund shall be managed in accordance with rules made by the Minister and the Minister of the government of the Federation responsible for finance, acting jointly ; and, without prejudice to the generality of the power to make rules conferred by this subsection, the rules shall in particular include provision—

(a) specifying the manner in which the assets of the fund are to be held and regulating the making of payments to and from the fund ;

(b) requiring the keeping of proper accounts and records for the purposes of the fund in such form as may be specified by the rules ;

(c) for securing that the accounts are audited periodically by an auditor appointed by the Ministers aforesaid, acting jointly ;

(d) requiring copies of the accounts and of the auditor's report on them to be furnished to the Minister as soon as may be after the end of the period to which the accounts relate ; and

(e) requiring the Minister to lay before each House of Parliament copies of all accounts and reports received by him in pursuance of the last foregoing paragraph and, in the case of accounts or reports relating to the Cocoa Institute, the Oil Palm Institute, or the Rubber Institute, to send a copy to the Governor of each Region.

4.—(1) For the purposes of the Public Lands Acquisition Act, the purposes of each of the institutes shall be public purposes of the Federation within the meaning of that Act.

(2) The Chief Federal Land Officer may, by an instrument under his hand and seal, vest in the relevant institute any property acquired by the President by virtue of subsection (1) of this section ; and the institute shall pay to the Minister of the government of the Federation responsible for finance a sum equal to the aggregate amount of any expenses (including compensation) incurred on behalf of the President by virtue of the said subsection in respect of any property vested in the institute by such an instrument.

5.—(1) The Minister of the government of the Federation responsible for pensions may by order declare that the office of the director of an institute or of any person employed by an institute shall be a pensionable office for the purposes of the Pensions Act ; and any order made under an enactment repealed by virtue of this Act declaring that an office under an institute or committee abolished by virtue of this Act is a pensionable office for the purposes of that Act, or of pensions enactments superseded by that Act, shall be deemed to have been duly made in pursuance of this subsection, with effect from the date (if any) specified by the order, in respect of any corresponding office in the service of an institute established by this Act.

Compulsory
acquisition
of land for
institutes.
Cap. 167.

Application
of Pensions
Act to
employ-
ment in the
service of
institutes etc.

(2) The Pensions Act shall, in its application by virtue of the foregoing subsection to any office, have effect as if—

(a) the office were an office in the public service of the Federation within the meaning of the Constitution of the Federation;

(b) the references to the Minister of the government of the Federation responsible for pensions in paragraph (1) of section seven of that Act were references—

(i) in the case of the office of director of an institute, to the Minister; and

(ii) in any other case, to the council of the relevant institute; and

(c) section nine of that Act (which relates to compulsory retirement) were omitted.

(3) Nothing in the foregoing provisions of this section shall prevent the appointment of a person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office.

(4) So much of section seven of the Pensions Act as prevents the grant of benefits under that Act in respect of a person retiring before a specified age shall not apply in relation to the retirement of an expatriate officer within the meaning of that Act who—

(a) retires, either before or after the commencement of this Act, from an office which was or is a pensionable office by virtue of any such order as is mentioned in subsection (1) of this section; and

(b) held, on or before the first day of October, nineteen hundred and sixty-two, any such office as is mentioned in paragraph (a) of this subsection:

Annual
report.

6. It shall be the duty of each of the institutes to furnish to the Minister, as soon as may be after the end of each year, a report on the activities of the institute during that year; and the Minister shall—

(a) lay before each House of Parliament a copy of each report received by him in pursuance of this section; and

(b) send a copy of each report to the Governor of each Region.

Regulations.

7.—(1) The council of each institute may make regulations generally for its purposes under this Act; and without prejudice to the generality of the foregoing, regulations may provide for the disciplinary control over the staff of the institute concerned.

(2) Regulations made under the foregoing subsection shall not have effect until they are approved by the Minister and have thereafter been published in the gazette.

Winding up
of existing
research
institutes and
their com-
mittees.
Caps. 218
and 219.

8.—(1) The Minister shall by order provide for—

(a) the winding up of the affairs of the institutes and committees established by the West African Institute for Oil Palm Research Act and the West African Institute for Trypanosomiasis Research Act respectively; and

(b) the winding up as respects Nigeria of the affairs of the institute and committee regulated by the West African Cocoa Research Institute (Nigerian Status) Act, 1950.

and for the transfer of the assets and liabilities of each such institute and committee as aforesaid to the corresponding institute established by this Act; but nothing in this subsection shall be construed as affecting the assets or liabilities of the institute or committee regulated by the said Act of 1950 except to the extent that they arise within Nigeria or by reason of activities carried on or formerly carried on within Nigeria.

(2) An order made in pursuance of subsection (1) of this section may contain such incidental and supplementary provisions as the Minister considers expedient for the purposes of the order.

(3) When it appears to the Minister that the affairs of any institute mentioned in paragraph (a) or (b) of subsection (1) of this section and its committee have been wound up, he shall by order declare the institute and committee to be dissolved on such day as may be specified by the order; and the order—

(a) shall include provision repealing on that day the enactments mentioned in subsection (1) of this section so far as they relate to the institute and committee dissolved by the order; and

(b) may include provision repealing or modifying any other enactment relating to that institute or committee to such extent as the Minister considers expedient in consequence of any other provision made by an order under this section.

9.—(1) This Act may be cited as the Nigerian Research Institutes Act, 1964, and shall apply throughout the Federation.

Short title,
extent, com-
mencement
and interpre-
tation.

(2) This Act shall come into force on such day as the Minister may by order appoint, and a different day may be appointed in pursuance of this subsection in relation to each of the institutes.

(3) In this Act "the Minister" means—

(a) in relation to institutes other than the Trypanosomiasis Institute, the Minister of the government of the Federation responsible for agricultural research; and

(b) in relation to the Trypanosomiasis Institute, the Minister of the government of the Federation responsible for veterinary research.

Section 2

SCHEDULE

Constitutions etc. of the councils

Membership of the councils

1.—(1) Subject to the provisions of this Schedule, the council of the Cocoa Institute shall consist of eleven members and comprise—

- (a) two persons appointed by the Minister.
- (b) the director of the institute;
- (c) five persons appointed by the Government of Western Nigeria;
- (d) one person appointed by the Government of Eastern Nigeria;
- (e) one person appointed by the Government of Northern Nigeria;
- (f) one person appointed by the Government of Mid-Western Nigeria;

(2) Subject to the provisions of this Schedule, the council of the Oil Palm Institute shall consist of ten members and comprise—

- (a) two persons appointed by the Minister.
- (b) the director of the institute;
- (c) one person appointed by the Government of Western Nigeria;
- (d) four persons appointed by the Government of Eastern Nigeria;
- (e) one person appointed by the Government of Northern Nigeria;
- (f) one person appointed by the Government of Mid-Western Nigeria.

(3) Subject to the provisions of this Schedule, the council of the Rubber Institute shall consist of ten members and comprise—

- (a) two persons appointed by the Minister.
- (b) the director of the institute;
- (c) one person appointed by the Government of Western Nigeria;
- (d) one person appointed by the Government of Eastern Nigeria;
- (e) one person appointed by the Government of Northern Nigeria;
- (f) four persons appointed by the Government of Mid-Western Nigeria.

(4) Subject to the provisions of this Schedule, the council of the Trypanosomiasis Institute shall consist of eleven members and comprise—

- (a) five persons appointed by the Minister.
- (b) the director of the institute;
- (c) one person appointed by the Government of Western Nigeria;
- (d) one person appointed by the Government of Eastern Nigeria;
- (e) two persons appointed by the Government of Northern Nigeria;
- (f) one person appointed by the Government of Mid-Western Nigeria.

(5) If the Minister responsible for a particular institute is satisfied that persons who are not members ought, by reason of their experience or professional competence to be admitted to membership he may, by notice in the Gazette, appoint as additional members not more than five persons so qualified; and any person so appointed under this sub-paragraph may attend all meetings and take part in any deliberations of the council, but shall not be entitled to vote thereat.

Tenure of office of members

2.—(1) Subject to the provisions of this paragraph, a member of a council shall hold office for the period of five years beginning—

(a) in the case of a member appointed to fill a vacancy which has not previously been filled, with the day when this Act comes into force as respects the relevant institute;

(b) in any other case, with the day next following that on which the term of office of his predecessor expires by the effluxion of time or, where the predecessor has previously vacated office, on which it would have so expired.

(2) With a view to securing the retirement in rotation of members appointed as additional members of each council, the Minister may by order provide that the term of office of any three of such members shall be such shorter period as the Minister may from time to time approve, but not less in any particular case than three years.

(3) Where a member ceases to hold office at a time when more than three months of his term of office remain unexpired, the authority who appointed him shall as soon as may be appoint a successor who shall, subject to the following provisions of this paragraph, hold office for the residue of that term.

(4) Without prejudice to the provisions of section eleven of the Interpretation Act, 1964 (which, among other things, provides for the removal of appointees by the persons who appointed them), a member of the council shall cease to hold office if he resigns his office by a notice in writing signed by him and served on the Minister.

1964, No. 1.

(5) A person who ceases to hold office as a member of a council shall be eligible for reappointment as such a member.

(6) References in the foregoing provisions of this paragraph to members of a council do not include references to the director of the relevant institute.

Proceedings of councils

3. Subject to the provisions of this Act and of section twenty-six of the Interpretation Act, 1964 (which provides for decisions of a statutory body to be taken by a majority of its members and for the chairman to have a second or casting vote), each council may make standing orders regulating the proceedings of the council or any committee thereof.

4. The quorum of the council shall be five provided that at the meeting there are at least two members present to represent other governments on the council; and the quorum of any committee of a council shall be determined by the council.

5.—(1) The Minister after consultation with the Regional Governments shall appoint the chairman of a council from among its members and every council of its own motion shall elect some other member to be the deputy chairman of the council; so however that notwithstanding the period for which the appointment or election is to have effect, if a chairman or deputy chairman ceases to be a member of the council he shall cease to hold the office to which he was so appointed or elected as the case may be.

(2) At any time while the office of chairman is vacant or the chairman is in the opinion of the council permanently or temporarily unable to perform the functions of his office, the deputy-chairman shall perform those functions, and references in this Schedule to the chairman shall be construed accordingly.

6.—(1) Subject to the provisions of its standing orders, a council shall meet whenever it is summoned by the chairman; and if the chairman is required so to do by notice given to him by not less than four members of the council he shall summon a meeting of the council to be held within twenty-eight days from the date on which the notice is given. If the chairman fails to summon any meeting when so required, the Minister in his discretion may exercise such power.

(2) At any meeting of a council the chairman or in his absence the deputy-chairman shall preside, but if both are absent the members present at the meeting shall elect one of their number to preside at that meeting.

(3) Where a council desires to obtain the advice of any person on a particular matter the council may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this subparagraph shall not be entitled to vote at any meeting of the council and shall not count towards a quorum.

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of each council shall be summoned by the Minister, who may give such directions as he thinks fit as to the member who shall preside and the procedure which shall be followed at that meeting.

Committees

7.—(1) Each council may appoint one or more committees to carry out, on behalf of the council, such of its functions as the council may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the council, and a person other than a member of the council shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.

(3) A decision of a committee appointed under this paragraph shall be of no effect until it is confirmed by the council.

Officers and servants

8. Without prejudice to the generality of subsection (3) of section one of this Act but subject to subsections (4) and (5) of that section, each council shall have power—

(a) to appoint such officers and servants of the institute as the council may determine; and

(b) to pay to any officers and servants of the institute such remuneration as the council may determine.

Miscellaneous

9. Standing orders made by a council may provide for the payment to any member of the council or other person appointed to a committee of the council of such travelling and subsistence allowances in respect of any periods spent on the business of the council as the council may determine; but, notwithstanding anything in section one of this Act, no other remuneration shall be paid by the council to any such member or other person.

10.—(1) The fixing of the seal of each institute shall be authenticated by the signature of the director or of some other member of the council authorised generally or specially by the council to act for that purpose.

(2) Any document purporting to be a document duly executed under the seal of an institute shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

11. The validity of any proceedings of a council or a committee thereof shall not be affected by any vacancy in the membership of the council or committee, or by any defect in the appointment of a member of the council or of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.

12. Any member of a council or of a committee of a council who has a personal interest in any contract or arrangement entered into or proposed to be considered by the council or a committee thereof shall forthwith disclose his interest to the council and shall not vote on any question relating to the contract or arrangement.