

L.N. 32 of 1967

EXTRADITION DECREE 1966
(1966 No. 87)

Extradition (Liberia) Order 1967

Commencement : 8th March 1967

WHEREAS the Treaty concluded between Great Britain and Liberia and signed at London, on 16th December 1892 for the mutual surrender of fugitive criminals, has been recognised as binding on Nigeria subject to the modifications specified in Schedule 1 hereof :

NOW, THEREFORE, in exercise of the powers conferred by section 1 of the Extradition Decree 1966 and of all other powers enabling it in that behalf the Federal Executive Council hereby makes the following Order:—

1. This Order may be cited as the Extradition (Liberia) Order 1967, and shall apply throughout Nigeria.

Citation and application.

2.—(1) The Extradition Decree 1966 shall apply to Liberia for the purpose of giving effect to the Extradition Treaty set out in Schedule 2 of this Order which, subject to the modifications specified in Schedule 1 below, is binding on Nigeria.

Application of Extradition Decree 1966 to Liberia.
1966 No. 87.

(2) Accordingly, in Schedule 1 of that Decree there shall be inserted the following entry:—

“1. Liberia : L.N. 32 of 1967”

SCHEDULE 1

MODIFICATIONS

(a) The expression “High Contracting Parties”, whenever it occurs in the said Extradition Treaty, shall be deemed to refer to the Federal Republic of Nigeria and the Republic of Liberia.

(b) References in the said Extradition Treaty to “British Government”, “United Kingdom” and “British Authorities” shall respectively be read as “Federal Government of Nigeria”, “Nigeria” and “Nigerian Authorities”.

(c) For the first paragraph of Article VIII there shall be substituted the following paragraph:—

Application on behalf of the Federal Government of Nigeria for the surrender of a fugitive criminal in Liberia shall be made by the Diplomatic Representative of Nigeria at Monrovia, or in the absence of such Representative, by an External Affairs Officer not below the rank of First Secretary.”

(d) For Article X there shall be substituted the following Article—

“ARTICLE X

If the fugitive has been arrested in Nigeria his surrender shall be granted if, upon examination by a Magistrate, it appears that the documents furnished by the Liberian Government contain sufficient *prima facie* evidence to justify the extradition. The Magistrate shall admit as valid evidence records drawn up by the Liberian authorities of the depositions

of witnesses, or copies thereof, and records of conviction or other judicial documents or copies thereof, provided that the said documents be signed or authenticated by being sealed with the official seal of the Minister of Justice, or some other Minister of Liberia."

(e) In Article XI for the words "by the seal of a Minister of State of Her Britannic Majesty" there shall be substituted the words "by the seal of the Attorney-General of the Federation."

(f) Article XVII shall not apply to Nigeria.

SCHEDULE 2

Treaty concluded between Great Britain and Liberia for the Mutual Surrender of Fugitive Criminals, signed at London, on 16th December 1892, and recognised as binding on the Federal Republic of Nigeria.

ARTICLE I

The High Contracting Parties engage to deliver up to each other those persons who, being accused or convicted of a crime or offence committed in the territory of the one Party, shall be found within the territory of the other, under the circumstances and conditions stated in the present Treaty.

ARTICLE II

The crimes or offences for which the extradition is to be granted are the following :—

1. Murder, or attempt, or conspiracy to murder.
2. Manslaughter.
3. Assault occasioning actual bodily harm.
4. Maliciously wounding or inflicting grievous bodily harm.
5. Counterfeiting or altering money, or uttering counterfeit or altered money.
6. Knowingly making any instrument, tool, or engine adapted and intended for counterfeiting coin.
7. Forgery, counterfeiting, or altering or uttering what is forged, or counterfeited or altered.
8. Embezzlement or larceny.
9. Malicious injury to property if the offence be indictable.
10. Obtaining money, goods, or valuable securities by false pretences.
11. Receiving money, valuable security, or other property, knowing the same to have been stolen, embezzled, or unlawfully obtained.
12. Crimes against bankruptcy law.
13. Fraud by a bailee, banker, agent, factor, trustee, or director or member or public officer of any company, made criminal by any law for the time being in force.

14. Perjury, or subornation of perjury.
15. Rape.
16. Carnal knowledge, or any attempt to have carnal knowledge, of a girl under 16 years of age.
17. Indecent assault.
18. Administering drugs, or using instruments, with intent to procure the miscarriage of a woman.
19. Abduction.
20. Child stealing.
21. Abandoning children, exposing or unlawfully detaining them.
22. Kidnapping and false imprisonment.
23. Burglary or housebreaking.
24. Arson.
25. Robbery with violence.
26. Any malicious act done with intent to endanger the safety of any person in a railway train.
27. Threat by letter or otherwise, with intent to extort.
28. Piracy by law of nations.
29. Sinking or destroying a vessel at sea, or attempting or conspiring to do so.
30. Assaults on board a ship on the high seas, with intent to destroy life, or do grievous bodily harm.
31. Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas, against the authority of the master.
32. Dealing in slaves in such a manner as to constitute a criminal offence against the laws of both States.

Extradition is also to be granted for participation in any of the aforesaid crimes, provided such participation be punishable by the laws of both the Contracting Parties.

ARTICLE III

Either Government may, in its absolute discretion, refuse to deliver up its own subjects to the other Government.

ARTICLE IV

The extradition shall not take place if the person claimed on the part of the British Government, or the person claimed on the part of the Liberian Government, has already been tried and discharged or punished, or is still under trial, within the territories of the two High Contracting Parties respectively, for the crime for which his extradition is demanded.

If the person claimed on the part of the British Government, or if the person claimed on the part of the Liberian Government, should be under examination, or is undergoing sentence under a conviction, for any other crime within the territories of the two High Contracting Parties respectively, his extradition shall be deferred until after he has been discharged, whether by acquittal, or on expiration of his sentence, or otherwise.

ARTICLE V

The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution, or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applied to.

ARTICLE VI

A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he proves that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character.

ARTICLE VII

A person surrendered can in no case be kept in prison, or be brought to trial in the State to which the surrender has been made, for any other crime or on account of any other matters than those for which the extradition shall have taken place, until he has been restored or had an opportunity of returning to the State by which he has been surrendered.

This stipulation does not apply to crimes committed after the extradition.

ARTICLE VIII

The requisition for extradition shall be made in the following manner :—

Application on behalf of Her Britannic Majesty's Government for the surrender of a fugitive criminal in Liberia shall be made by Her Majesty's Consul at Monrovia.

Application on behalf of the Liberian Government for the surrender of a fugitive criminal in the United Kingdom shall be made by the Diplomatic Representative of Liberia in London, or in the absence of such Representative, by the Consul-General for Liberia in London.

The requisition for the extradition of the accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition.

A sentence passed in contumaciam is not to be deemed a conviction, but a person so sentenced may be dealt with as an accused person.

ARTICLE IX

If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

ARTICLE X

If the fugitive has been arrested in the British dominions he shall forthwith be brought before a competent Magistrate, who is to examine him and to conduct the preliminary investigation of the case, just as if the apprehension had taken place for a crime committed in the British dominions.

In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the British dominions shall admit as valid evidence the sworn depositions or the affirmations of witnesses taken in Liberia, or copies thereof, and likewise the warrants and sentences issued therein, and certificates of, or judicial documents stating the fact of, a conviction, provided the same are authenticated as follows :—

- 1. A warrant must purport to be signed by a Judge, Magistrate, or officer of Liberia.
- 2. Depositions or affirmations, or the copies thereof, must purport to be certified under the hand of a Judge, Magistrate, or officer of Liberia, to be the original depositions or affirmations, or to be the true copies thereof, as the case may require.
- 3. A certificate of or judicial document stating the fact of a conviction must purport to be certified by a Judge, Magistrate, or officer of Liberia.
- 4. In every case such warrant, deposition, affirmation, copy, certificate, or judicial document must be authenticated either by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of Liberia ; but any other mode of authentication for the time being permitted by the law in that part of the British dominions where the examination is taken may be substituted for the foregoing.

ARTICLE XI

If the fugitive has been arrested in Liberia his surrender shall be granted if, upon examination by a competent authority, it appears that the documents furnished by the British Government contain sufficient *prima facie* evidence to justify the extradition.

The Authorities of Liberia shall admit as valid evidence records drawn up by the British authorities of the depositions of witnesses, or copies thereof, and records of conviction or other judicial documents, or copies thereof, provided that the said documents be signed or authenticated by an authority whose competence shall be certified by the seal of a Minister of State of Her Britannic Majesty.

ARTICLE XII

The extradition shall not take place unless the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisoner for trial, in case the crime has been committed in the territory of the said State, or to prove that the prisoner is the identical person convicted by the Courts of the State which makes the requisition, and that the crime of which he has been convicted is one in respect of which extradition could, at the time of such conviction, have been granted by the State applied to. The fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

ARTICLE XIII

If the individual claimed by one of the two High Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other Powers, on account of other crimes or offences committed upon their respective territories, his extradition shall be granted to that State whose demand is earliest in date.

ARTICLE XIV

If sufficient evidence for the extradition be not produced within three months from the date of the apprehension of the fugitive, or within such further time as the State applied to, or the proper Tribunal thereof, shall direct, the fugitive shall be set at liberty.

ARTICLE XV

All articles seized which were in the possession of the person to be surrendered, at the time of his apprehension, shall, if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place, and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

ARTICLE XVI

All expenses connected with extradition shall be borne by the demanding State.

ARTICLE XVII

The stipulations of the present Treaty shall be applicable to the Colonies and foreign possessions of Her Britannic Majesty, so far as the laws for the time being in force in such Colonies and foreign possessions respectively will allow.

The requisition for the surrender of a fugitive criminal who has taken refuge in any of such Colonies or foreign possessions may be made to the Governor or chief authority of such Colony or possession by any person authorized to act in such Colony or possession as a Consular officer of Liberia, or if there is no such Consular officer in the Colony, by the Diplomatic Representative of Liberia in London, or in his absence by the Liberian Consul-General.

Such requisitions may be disposed of, subject always, as nearly as may be, and so far as the law of such Colony or foreign possession will allow, to the provisions of this Treaty, by the said Governor or chief authority, who, however, shall be at liberty either to grant the surrender, or to refer the matter to his Government.

Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign possessions for the surrender of criminals from Liberia who may take refuge within such Colonies and foreign possessions, on the basis, as nearly as may be, and so far as the law of such Colony or foreign possession will allow, of the provisions of the present Treaty.

Requisitions for the surrender of a fugitive criminal emanating from any Colony or foreign possession of Her Britannic Majesty shall be governed by the rules laid down in the preceding Articles of the present Treaty.

ARTICLE XVIII

The present Treaty shall come into force ten days after its publication in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties at any time on giving to the other six months' notice of its intention to do so.

The Treaty shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

MADE at Lagos this 8th day of March 1967.

H. A. EJUEYITCHIE,
*Acting Secretary to the
Federal Military Government*

L.N. 33 of 1967

EXTRADITION DECREE 1966
(1966 No. 87)

Extradition (United States of America) Order 1967

Commencement : 8th March 1967

WHEREAS the Extradition Treaty concluded between the United States of America and Great Britain and signed at London, on 22nd December 1931 for the surrender of fugitive offenders, has been recognised as binding on Nigeria subject to the modifications specified in Schedule 1 hereof :

NOW, THEREFORE, in exercise of the powers conferred by section 1 of the Extradition Decree 1966 and of all other powers enabling it in that behalf the Federal Executive Council hereby makes the following Order :—

1. This Order may be cited as the Extradition (United States of America) Order 1967, and shall apply throughout Nigeria.

2.—(1) The Extradition Decree 1966 shall apply to the United States of America for the purpose of giving effect to the Extradition Treaty set out in Schedule 2 of this Order which, subject to the modifications specified in Schedule 1 below, is binding on Nigeria.

(2) Accordingly, in Schedule 1 of that Decree there shall be inserted the following entry—

“2. The United States of America : L.N. 33 of 1967”.

SCHEDULE 1

MODIFICATIONS

(a) The expression “High Contracting Parties”, wherever it occurs in the said Extradition Treaty, shall be deemed to refer to the Federal Republic of Nigeria and the United States of America.

(b) For the first paragraph of Article 2 there shall be substituted the following paragraph—

“(1) For the purposes of the said Extradition Treaty the territory of the Federal Republic of Nigeria shall be deemed to be the Federal Territory and the Regions.”

(c) In Article 8 for the words “the territory of His Britannic Majesty” there shall be substituted the word “Nigeria”.

(d) The provisions of Articles 14, 15, 16, 17 and the fourth paragraph of Article 18 shall not apply to Nigeria.

SCHEDULE 2

Extradition Treaty between the United States of America and Great Britain, signed at London, on 22nd December 1931, and recognised as binding on the Federal Republic of Nigeria.

Citation and application.

Application of Extradition Decree 1966 to U.S.A. 1966 No. 87.

ARTICLE 1

The High Contracting Parties engage to deliver up to each other, under certain circumstances and conditions stated in the present Treaty, those persons who, being accused or convicted of any of the crimes or offences enumerated in Article 3, committed within the jurisdiction of the one Party, shall be found within the territory of the other Party.

ARTICLE 2

For the purposes of the present Treaty the territory of His Britannic Majesty shall be deemed to be Great Britain and Northern Ireland, the Channel Islands and the Isle of Man, and all parts of His Britannic Majesty's dominions overseas other than those enumerated in Article 14, together with the territories enumerated in Article 16 and any territories to which it may be extended under Article 17. It is understood that in respect of all territory of His Britannic Majesty as above defined other than Great Britain and Northern Ireland, the Channel Islands, and the Isle of Man, the present Treaty shall be applied so far as the laws permit.

For the purposes of the present Treaty the territory of the United States shall be deemed to be all territory wherever situated belonging to the United States, including its dependencies and all other territories under its exclusive administration or control.

ARTICLE 3

Extradition shall be reciprocally granted for the following crimes or offences :—

1. Murder (including assassination, parricide, infanticide, poisoning), or attempt or conspiracy to murder.
2. Manslaughter.
3. Administering drugs or using instruments with intent to procure the miscarriage of women.
4. Rape.
5. Unlawful carnal knowledge, or any attempt to have unlawful carnal knowledge, of a girl under 16 years of age.
6. Indecent assault if such crime or offence be indictable in the place where the accused or convicted person is apprehended.
7. Kidnapping or false imprisonment.
8. Child stealing, including abandoning, exposing or unlawfully detaining.
9. Abduction.
10. Procuration : that is to say the procuring or transporting of woman or girl under age, even with her consent, for immoral purposes, or of a woman or girl over age, by fraud, threats, or compulsion, for such purposes with a view in either case to gratifying the passions of another person provided that such crime or offence is punishable by imprisonment for at least one year or by more severe punishment.
11. Bigamy.

12. Maliciously wounding or inflicting grievous bodily harm.
13. Threats, by letter or otherwise, with intent to extort money or other things of value.
14. Perjury, or subornation of perjury.
15. Arson.
16. Burglary or housebreaking, robbery with violence, larceny or embezzlement.
17. Fraud by a bailee, banker, agent, factor, trustee, director, member, or public officer of any company, or fraudulent conversion.
18. Obtaining money, valuable security, or goods, by false pretences; receiving any money, valuable security, or other property, knowing the same to have been stolen or unlawfully obtained.
- 19.—(a) Counterfeiting or altering money, or bringing into circulation counterfeited or altered money.
(b) Knowingly and without lawful authority making or having in possession any instrument, tool, or engine adapted and intended for the counterfeiting of coin.
20. Forgery, or uttering what is forged.
21. Crimes or offences against bankruptcy law.
22. Bribery, defined to be the offering, giving or receiving of bribes.
23. Any malicious act done with intent to endanger the safety of any persons travelling or being upon a railway.
24. Crimes or offences or attempted crimes or offences in connection with the traffic in dangerous drugs.
25. Malicious injury to property, if such crime or offence be indictable.
- 26.—(a) Piracy by the law of nations.
(b) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master; wrongfully sinking or destroying a vessel at sea, or attempting to do so; assaults on board a ship on the high seas, with intent to do grievous bodily harm.
27. Dealing in slaves.

Extradition is also to be granted for participation in any of the aforesaid crimes or offences, provided that such participation be punishable by the laws of both High Contracting Parties.

ARTICLE 4

The extradition shall not take place if the person claimed has already been tried and discharged or punished, or is still under trial in the territories of the High Contracting Party applied to, for the crime or offence for which his extradition is demanded.

If the person claimed should be under examination or under punishment in the territories of the High Contracting Party applied to, for any other crime or offence, his extradition shall be deferred until the conclusion of the trial and the full execution of any punishment awarded to him.

ARTICLE 5

The extradition shall not take place if, subsequently to the commission of the crime or offence or the institution of the penal prosecution or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the High Contracting Party applying or applied to.

ARTICLE 6

A fugitive criminal shall not be surrendered if the crime or offence in respect of which his surrender is demanded is one of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for a crime or offence of a political character.

ARTICLE 7

A person surrendered can in no case be kept in custody or be brought to trial in the territories of the High Contracting Party to whom the surrender has been made for any crime or offence, or on account of any other matters, than those for which the extradition shall have taken place, until he has been restored, or has had an opportunity of returning, to the territories of the High Contracting Party by whom he has been surrendered.

This stipulation does not apply to crimes or offences committed after the extradition.

ARTICLE 8

The extradition of fugitive criminals under the provisions of this Treaty shall be carried out in the United States and in the territory of His Britannic Majesty respectively, in conformity with the laws regulating extradition for the time being in force in the territory from which the surrender of the fugitive criminal is claimed.

ARTICLE 9

The extradition shall take place only if the evidence be found sufficient, according to the laws of the High Contracting Party applied to, either to justify the committal of the prisoner for trial, in case the crime or offence had been committed in the territory of such High Contracting Party, or to prove that the prisoner is the identical person convicted by the courts of the High Contracting Party who makes the requisition, and that the crime or offence of which he has been convicted is one in respect of which extradition could, at the time of such conviction, have been granted by the High Contracting Party applied to.

ARTICLE 10

If the individual claimed by one of the High Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other Powers on account of other crimes or offences committed within their respective jurisdictions, his extradition shall be granted to the Power whose claim is earliest in date, unless such claim is waived.

ARTICLE 11

If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, or within such further time as the High Contracting Party applied to, or the proper tribunal of such High Contracting Party, shall direct, the fugitive shall be set at liberty.

ARTICLE 12

All articles seized which were in the possession of the person to be surrendered at the time of his apprehension, and any articles that may serve as a proof of the crime or offence shall be given up when the extradition takes place, in so far as this may be permitted by the law of the High Contracting Party granting the extradition.

ARTICLE 13

All expenses connected with the extradition shall be borne by the High Contracting Party making the application.

ARTICLE 14

His Britannic Majesty may accede to the present Treaty on behalf of any of his Dominions hereafter named—that is to say, the Dominion of Canada, the Commonwealth of Australia (including for this purpose Papua and Norfolk Island), the Dominion of New Zealand, the Union of South Africa, the Irish Free State, and Newfoundland—and India. Such accession shall be effected by a notice to that effect given by the appropriate diplomatic representative of His Majesty at Washington which shall specify the authority to which the requisition for the surrender of a fugitive criminal who has taken refuge in the Dominion concerned, or India, as the case may be shall be addressed. From the date when such notice comes into effect the territory of the Dominion concerned or of India shall be deemed to be territory of His Britannic Majesty for the purposes of the present Treaty.

The requisition for the surrender of a fugitive criminal who has taken refuge in any of the above-mentioned Dominions or India, on behalf of which His Britannic Majesty has acceded, shall be made by the appropriate diplomatic or consular officer of the United States of America.

Either High Contracting Party may terminate this Treaty separately in respect of any of the above-named Dominions or India. Such termination shall be effected by a notice given in accordance with the provisions of Article 18.

Any notice given under the first paragraph of this Article in respect of one of His Britannic Majesty's Dominions may include any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty, and which is being administered by the Government of the Dominion concerned; such territory shall, if so included, be deemed to be territory of His Britannic Majesty for the purposes of the present Treaty. Any notice given under the third paragraph of this Article shall be applicable to such mandated territory.

ARTICLE 15

The requisition for the surrender of a fugitive criminal who has taken refuge in any territory of His Britannic Majesty other than Great Britain and Northern Ireland, the Channel Islands, or the Isle of Man, or the Dominions or India mentioned in Article 14, shall be made to the Governor, or chief authority, of such territory by the appropriate consular officer of the United States of America.

Such requisition shall be dealt with by the competent authorities of such territory: provided, nevertheless, that if an order for the committal of the fugitive criminal to prison to await surrender shall be made, the said Governor or chief authority may, instead of issuing a warrant for the surrender of such fugitive, refer the matter to His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland.

ARTICLE 16

This Treaty shall apply in the same manner as if they were Possessions of His Britannic Majesty to the following British Protectorates, that is to say, the Bechuanaland Protectorate, Northern Rhodesia, Northern Territories of the Gold Coast, Nyasaland, Sierra Leone Protectorate, Solomon Islands Protectorate, Somaliland Protectorate, Swaziland, Uganda Protectorate and Zanzibar, and to the following territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty, that is to say, Cameroons under British mandate, Togoland under British mandate, and the Tanganyika Territory.

ARTICLE 17

If after the signature of the present Treaty it is considered advisable to extend its provisions to any British Protectorates other than those mentioned in the preceding Article or to any British-protected State, or to any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty, other than those mandated territories mentioned in Articles 14 and 16, the stipulations of Articles 14 and 15 shall be deemed to apply to such Protectorates or States or mandated territories from the date and in the manner prescribed in the notes to be exchanged for the purpose of affecting such extension.

ARTICLE 18

The present Treaty shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties by a notice not exceeding one year and not less than six months.

In the absence of an express provision to that effect, a notice given under the first paragraph of this Article shall not affect the operation of the Treaty as between the United States of America and any territory in respect of which notice of accession has been given under Article 14.

The present Treaty shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

On the coming into force of the present treaty the provisions of Article 10 of the Treaty of the 9th August 1892, of the Convention of the 12th July 1889, of the supplementary Convention of the 13th December 1900, and of the supplementary Convention of the 12th April 1905, relative to extradition, shall cease to have effect, save that in the case of each of the Dominions, and India, mentioned in Article 14, those provisions shall remain in force until such Dominion or India shall have acceded to the present Treaty in accordance with Article 14 or until replaced by other Treaty arrangements.

In faith whereof the above-named plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

MADE at Lagos this 8th day of March 1967.

H. A. EJUEYITCHIE,
*Acting Secretary to the
Federal Military Government*

L.N. 34 of 1967

EXPLOSIVES ACT 1964
(1964 No. 9)

Explosives Act (Commencement) Order 1967

In exercise of the powers conferred by section 2(3) of the Explosives Act 1964 as amended by the Constitution (Suspension and Modification) Decrees (Nos. 1 to 10), and of all other powers enabling it in that behalf, the Federal Executive Council hereby makes the following Order—

Commence-
ment.
1964 No. 9.

1. The Explosives Act 1964 shall be deemed to have come into force on 1st January 1967.

Citation.

2. This Order may be cited as the Explosives Act (Commencement) Order 1967.

MADE at Lagos this 8th day of March 1967.

H. A. EJUEYITCHIE,
*Acting Secretary to the
Federal Military Government*

L.N. 35 of 1967

NIGERIAN RESEARCH INSTITUTES ACT 1964
(1964 No. 33)

Cocoa Research Institute of Nigeria (Management of Funds)
Rules 1967

Commencement : 8th March 1967

In exercise of the powers conferred by section 3 (3) of the Nigerian Research Institutes Act 1964, as modified by the Constitution (Suspension and Modification) Decrees (Nos. 1 to 10), and of all other powers enabling it in that behalf, the Federal Executive Council hereby makes the following rules :—

1. These rules may be cited as the Cocoa Research Institute of Nigeria (Management of Fund) Rules, 1967, and shall apply throughout the Federation.

Citation and extent.

2. In these rules :

Interpretation.

“Act” means the Nigerian Institutes Act 1964 ;

“the council” means the council established in accordance with section 2 (1) of the Act ;

“financial year” means 1st of April of one year to 31st March of the year following ;

“fund” means the fund established and maintained in accordance with section 3 (1) of the Act.

“the management” means the Permanent Secretary, Federal Ministry of Agriculture and Natural Resources and the Permanent Secretary, Federal Ministry of Finance, acting jointly ;

3.—(1) The assets of the fund may be held in securities approved by the council and payments out of the fund shall be in accordance with the rules laid down from time to time by the council.

Assets of the fund.

(2) The management may from time to time give directions to the council or its officials, regarding the keeping of proper accounts and payments to and from the fund.

4. The council shall, not later than the first day of August in each year, or before any date prescribed in substitution therefore by the Permanent Secretary to the Federal Ministry of Finance, submit through the Federal Ministry of Agriculture and Natural Resources to the Permanent Secretary to the Federal Ministry of Finance for approval, its estimates of expenditure from and payment into the fund for the financial year next following in such a manner as is best calculated to show in sufficient detail the basis of the council's proposal for expenditure.

Preparation of estimates.

5. The council shall keep proper accounts consistent with ordinary commercial standards of its receipt, payments, credits and liabilities : and the accounts shall, as and when required by the authorities be audited by a duly qualified auditor appointed for that purpose by the management.

Accounts and annual reports.

6.—(1) The council shall, on or before the first day of October in each year, prepare and present to the Federal Executive Council a report on its accounts during the period of twelve months beginning with first of April in the preceding year and the report shall include a copy of the accounts duly certified by the auditor appointed by virtue of rule 5 above ; and at the same time with the report, the auditor shall prepare a report on the accounts ;

Auditor's report.

(2) For the purpose of this rule, the period between the establishment of the council and the commencement of these rules shall be regarded as a financial year.

(3) A copy of the accounts and of the auditor's report shall be laid before the Federal Executive Council as soon as may be before the presentation thereof.

MADE at Lagos this 8th day of March 1967.

H. A. EJUEYITCHIE,
Secretary to the Federal Military
Government

EXPLANATORY NOTE

(This note does not form part of the above Rules, but it is intended to explain their purposes)

These rules provide for the management of the fund of the council of Cocoa Research Institute of Nigeria.

L.N. 36 of 1967

NIGERIAN RESEARCH INSTITUTES ACT 1964
(1964 No. 33)

Nigerian Institute for Oil Palm Research
(Management of Funds) Rules 1967

Commencement : 8th March 1967

In exercise of the powers conferred by section 3 (3) of the Nigerian Research Institutes Act 1964, as modified by the Constitution (Suspension and Modification Decrees (Nos. 1 to 10), and of all other powers enabling it in that behalf, the Federal Executive Council hereby makes the following rules :

Citation and extent.

1. These rules may be cited as the Nigerian Institute for Oil Palm Research (Management of Fund) Rules 1967, and shall apply throughout the Federation.

Interpretation.

2. In these rules :

“Act” means the Nigerian Research Institutes Act 1964 ;

“the council” means the council established in accordance with section 2 (1) of the Act ;

“financial year” means 1st of April of one year to 31st March of the year following ;

“fund” means the fund established and maintained in accordance with section 3 (1) of the Act.

“the management” means the Permanent Secretary, Federal Ministry of Agriculture and Natural Resources and the Permanent Secretary, Federal Ministry of Finance, acting jointly.

3.—(1) The assets of the fund may be held in securities approved by the council and payment out of the fund shall be in accordance with the rules laid down from time to time by the council.

Assets of
the fund.

(2) The management may from time to time give directions to the council or its officials, regarding the keeping of proper accounts and payments to and from the fund.

4. The council shall, not later than the first day of August in each year, or before any date prescribed in substitution therefor by the Permanent Secretary to the Federal Ministry of Finance, submit through the Federal Ministry of Agriculture and Natural Resources to the Permanent Secretary to the Federal Ministry of Finance for approval, its estimates of expenditure from and payment into the fund for the financial year next following in such a manner as is best calculated to show in sufficient detail the basis of the council's proposal for expenditure.

Preparation
of estimates.

5. The council shall keep proper accounts consistent with ordinary commercial standards of its receipt, payments, credits and liabilities; and the accounts shall, as and when required by the authorities be audited by a duly qualified auditor appointed for that purpose by the management.

Accounts
and annual
reports.

6.—(1) The council shall, on or before the first day of October in each year, prepare and present to the Federal Executive Council a report on its accounts during the period of twelve months beginning with first of April in the preceding year and the report shall include a copy of the accounts duly certified by the auditor appointed by virtue of rule 5 above; and at the same time with the report, the auditor shall prepare a report on the accounts.

Auditor's
report.

(2) For the purpose of this rule, the period between the establishment of the council and the commencement of these rules shall be regarded as a financial year.

(3) A copy of the accounts and of the auditor's report shall be laid down before the Federal Executive Council as soon as may be before the presentation thereof.

MADE at Lagos this 8th day of March 1967.

H. A. EJUEYITCHIE,
*Secretary to the Federal Military
Government*

EXPLANATORY NOTE

(This note does not form part of the above Rules, but it is intended to explain their purposes)

These rules provide for the management of the fund of the council of Nigerian Institute for Oil Palm Research.

L.N. 37 of 1967

NIGERIAN RESEARCH INSTITUTES ACT 1964
(1964 No. 33)

Nigerian Institute for Trypanosomiasis Research
(Management of Funds) Rules 1967

Commencement : 8th March 1967

In exercise of the powers conferred by section 3 (3) of the Nigerian Research Institutes Act 1964, as modified by the Constitution (Suspension and Modification) Decrees (Nos. 1 to 10), and of all other powers enabling it in that behalf, the Federal Executive Council hereby makes the following rules :

Citation and extent.

1. These rules may be cited as the Nigerian Institute for Trypanosomiasis Research (Management of Fund) Rules 1967, and shall apply throughout the Federation.

Interpretation.

2. In these rules :

“Act” means the Nigerian Research Institutes Act 1964 ;

“the council” means the council established in accordance with section 2 (1) of the Act ;

“financial year” means 1st of April of one year to 31st March of the year following ;

“fund” means the fund established and maintained in accordance with section 3 (1) of the Act.

“the management” means the Permanent Secretary, Federal Ministry of Agriculture and Natural Resources and the Permanent Secretary, Federal Ministry of Finance, acting jointly ;

Assets of the fund.

3.—(1) The assets of the fund may be held in securities approved by the council and payments out of the fund shall be in accordance with the rules laid down from time to time by the council.

(2) The management may from time to time give directions to the council or its officials, regarding the keeping of proper accounts and payments to and from the fund.

Preparation of estimates.

4. The council shall, not later than the first day of August in each year, or before any date prescribed in substitution therefor by the Permanent Secretary to the Federal Ministry of Finance, submit through the Federal Ministry of Agriculture and Natural Resources to the Permanent Secretary to the Federal Ministry of Finance for approval, its estimates of expenditure from and payment into the fund for the financial year next following in such a manner as is best calculated to show in sufficient detail the basis of the council's proposals for expenditure.

Accounts and annual report.

5. The council shall keep proper accounts consistent with ordinary commercial standards of its receipt, payments, credits and liabilities : and the accounts shall, as and when required by the authorities be audited by a duly qualified auditor appointed for that purpose by the management.

Auditor's report.

6.—(1) The council shall, on or before the first day of October in each year, prepare and present to the Federal Executive Council a report on its accounts during the period of twelve months beginning with first of April in the preceding year and the report shall include a copy of the accounts duly certified by the auditor appointed by virtue of rule 5 above ; and at the same time with the report, the auditor shall prepare a report on the accounts.

(2) For the purpose of this rule, the period between the establishment of the council and the commencement of these rules shall be regarded as a financial year.

(3) A copy of the accounts and of the auditor's report shall be laid before the Federal Executive Council as soon as may be before the presentation thereof.

MADE at Lagos this 8th day of March 1967.

H. A. EJUWITCHIE,
*Secretary to the Federal
Military Government*

EXPLANATORY NOTE

(This note does not form part of the above Rules, but it is intended to explain their purposes)

These rules provide for the management of the fund of the council of Nigerian Institute for Trypanosomiasis Research.

THE EXPLOSIVES ACT 1964
(1964 No. 9)
THE EXPLOSIVES REGULATIONS 1967
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L.N. 38 of 1967

THE EXPLOSIVES ACT 1964

(1964. No. 9)

The Explosives Regulation 1967

Commencement : 1st January 1967

PART I.—GENERAL.

In exercise of the powers conferred by section 1 of the Explosives Act 1964, as modified by the Constitution (Suspension and Modification) Decrees (Nos. 1 to 10), and of all other powers enabling it in that behalf, the Federal Executive Council hereby makes the following Regulations :—

1.—(1) These regulations may be cited as Explosives Regulations 1967 and shall apply throughout Nigeria.

(2) These regulations shall be deemed to have come into operation on 1st January 1967.

Citation,
extent and
commence-
ment.

PART II.—INTERPRETATION

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

“carriage” covers every description of conveyance and includes transport by head load ;

“explosives in bulk” means any quantity of explosives exceeding one hundred pounds in weight ;

“inspector” shall include inspector of explosives and inspector of mines ;

“inspector of mines” means an inspector as defined in the Minerals Act ;

“inspector of explosives” means in the case of explosives subject to the control of the Chief Inspector of Mines, an inspector appointed under regulation 4 ; and in the case of explosives subject to the control of the Inspector-General of Police, a police officer not below the rank of Assistant Superintendent of Police ;

“explosives under the control of the Chief Inspector of Mines” mean nitroglycerine, dynamite, gelegnite, seismic explosives, detonators, safety fuse cordtex or other instantaneous fuse, ammonium nitrate when mixed with fuel oil or other hydro-carbon, and any other substance the Chief Inspector of Mines may so declare by notice in the Gazette ;

“explosives under the control of the Inspector-General of Police” mean gunpowder, trade-powder, fireworks, rockets and percussion caps, and any other substance the Inspector-General of Police may so declare by notice in the Gazette ;

“licensing officer” means officer authorised to licence magazines ;

“manufacture” means the process of bringing together various materials to form explosives and includes the process of dividing into its component parts or otherwise breaking up or unmaking any explosives or remaking, altering or repairing any explosives ;

“mine” shall have the meaning assigned to it in the Minerals Act ;

“mining” shall have the meaning assigned to it in the Minerals Act and shall include the use of explosives in works authorised under the Mineral Oil Act ;

“Permanent Secretary” means the Permanent Secretary to the Federal Ministry charged with responsibility for explosives ;

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tion.

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“port officer” means the officer in administrative control of a port and includes a harbour master and an aerodrome control officer ;

“primer cartridge” means a cartridge of explosive containing a detonator;

“prospect” and “prospecting” shall have the meaning assigned to them in the Minerals Act and shall include the use of explosives in works authorised under the Mineral Oil Act ;

“road” means a thoroughfare used by the public and includes a path ;

“Shot-firer” means the holder of a valid blasting certificate issued in accordance with these regulations ;

“storage box” means a container for the storage of explosives approved under the provisions of these regulations ;

PART III.—HANDLING AND CARE OF EXPLOSIVES

Prohibited explosives.

3. Except as provided in these regulations no person shall import, manufacture, possess, use, buy or sell, or convey any explosives substance.

Appointment of inspectors of explosives.

4.—(1) The Permanent Secretary may by notice in the Gazette appoint fit and proper persons to be inspectors of explosives for the purpose of these regulations.

(2) Any such appointment may be either general or may define the area within which an inspector may exercise his powers and may limit such powers to the enforcement of regulations specified therein and direct that the powers granted shall only be exercised in respect of any specified industry or department of the Government of the Federation or of the Government of a Region.

Control.

5.—(1) Save as provided in these regulations, or in the Safe Mining Regulations, no person shall manufacture or mix any explosives except under and in accordance with a licence issued under these regulations.

(2) The Permanent Secretary or any person authorised by him may grant a licence to manufacture explosives which shall be in Form 8 in Schedule 1 and such licence shall be granted subject to any conditions the Permanent Secretary may deem fit to impose in any particular circumstance.

Form 8.

Handling and care of explosives.

6.—(1) Every person engaged in the handling or use of explosives whether on ship or shore, by road, rail or air, underground or on the surface and the occupier and the person in charge of every factory, magazine, store or other place where explosives are stored, and every person employed in or about the same, shall take all due precautions for the prevention of accident by fire or explosion, and for preventing unauthorised persons having access thereto, and shall themselves abstain from any act likely to cause accident, fire or explosion.

(2) Every such person shall, so far as he is able, prevent any other person from doing any act likely to cause fire or explosion.

Prohibition of dangerous acts.

7. Any person who in the vicinity of any explosives does any act likely to cause accident by fire or explosion is guilty of an offence.

Prohibition of smoking, etc.

8. No person shall, in the vicinity of any place where explosives are being loaded, unloaded, kept, conveyed or stored, smoke or have in his possession any matches, detonators or other articles likely to cause fire or explosion.

Explosives at all times to be in charge of a responsible person.

9.—(1) The owner or any person entitled to the possession, control or use of explosives shall appoint, with the written authorisation of an inspector, a responsible person who shall at all times be in immediate charge of the explosives.

(2) In cases where explosives are lodged in a magazine, store, box or anything or place, then the authorisation to be given under paragraph (1) of this regulation must be in respect of such magazine, store, box, thing or place.

(3) All thefts and losses of explosives shall be reported to the nearest police station and to the nearest inspector.

(4) It is the duty of the person in charge of the explosives to ensure that the provisions of these regulations are observed.

(5) Notwithstanding the other provisions of this regulation, the holder of a blasting certificate issued under the provisions of these regulations or the Safe Mining Regulations, whilst engaged in blasting operations, shall not require any such written authorisation mentioned in paragraph (1) above.

10.—(1) The following conditions shall be observed by all persons responsible for or in charge of explosives when in the course of transport by boat, road, rail, or air:—

Care of explosives in transport: general provisions.

(a) the explosives shall be secured and properly loaded, and no other goods of a dangerous or inflammable nature or passengers shall be carried for hire or reward in any conveyance carrying explosives;

(b) detonators shall not be carried in the same conveyance with other explosives;

(c) no unauthorised person shall at any time be allowed access to the explosives or to the conveyance in which they are carried;

(d) if any explosive escapes from its container it shall be carefully collected and disposed of, and all traces removed from the conveyance in which the explosives are being conveyed;

(e) all explosives shall be effectually protected from accident by fire and unless carried in a properly closed carriage shall be completely covered with tarpaulin or other spark-resisting material.

(2) The person in charge of explosives to be conveyed between ship and shore or between any places within a port shall observe the following conditions in addition to those prescribed in paragraph (1) of this regulation and any other directive which may from time to time be given by the port officer:—

(a) there shall be flown by day in the bow so as to be visible from all sides a red flag measuring at least two feet by two feet;

(b) there shall be shown by night a red light plainly visible for a distance of at least two miles;

(c) no boat shall go alongside any other boat or allow any other boat to approach or come alongside except for the purpose of duly shipping or transhipping explosives;

(d) boats shall be adequately manned;

(e) the conditions contained in any import or other permit shall be observed.

(3) The conveyance of explosives between ship and shore and the landing thereof shall be carried out in accordance with a written permit from the port officer or a police officer. The port officer may appoint a police officer to supervise the wharf where the explosives are landed.

(4) Every permit issued under the provision of this regulation shall contain direction as to :—

(a) the time when the unloading is to take place ;

(b) the time and approved place at which the explosives are to be landed ;

(c) the name of the person to be in charge of such conveyance ;

(d) any other matters as to which the port officer considers it desirable to give directions.

(5) Except in special circumstances and with the written permission of the port officer no explosives shall be loaded, unloaded, conveyed or landed between sunset and sunrise.

(6) Mechanically propelled boat can be used for the conveyance of explosives, provided the provisions of this regulation are observed.

(7) No landing permit shall be issued to any person unless he produces an import permit or a certified copy thereof issued under the provisions of regulation 13.

Care of
explosives
in transport
by road.

11. The person in charge of explosives in transport by road shall be responsible for the observation of the following conditions in addition to those prescribed in regulation 10 :—

(a) no porters or carriages carrying explosives shall halt or remain stationary within one hundred yards of any building or remain in the vicinity of any town or village ;

(b) no carriage or truck shall be loaded beyond seventy-five per cent of its authorised load ;

(c) no explosives shall be moved along a road during the hours of darkness by head load ;

(d) persons carrying explosives shall not proceed within fifty yards of a railway track except when crossing the same by a recognized path or road or when necessary for the purpose of carrying the explosives to or from a railway station or siding or for the purpose of works connected with the construction or maintenance of the railway ;

(e) there shall be affixed to every carriage containing explosives a red flag at least two feet by two feet and visible from all directions ; and at night the size of such a carriage shall be outlined with four rear red lights ;

(f) the carriage shall at all times during such a carriage observe the maximum speed of 35 miles per hour ;

(g) at resting places a guard shall be kept over explosives by day and night ;

(h) the person responsible shall ensure that the explosives arrive intact at their destination ;

(i) where explosives exceed the weight of two hundred and fifty pounds, the police shall be informed of the departure time, place, route to be taken and shall be notified of the arrival of the carriage at its destination.

12.—(1) The person in charge of explosives in transit by rail shall observe the general provisions prescribed in regulation 10 and in addition any rules, directions or conditions made by the General Manager of the Nigerian Railway Corporation in pursuance of powers conferred upon him by these regulations or by any other enactment.

Care of explosives in transport by rail or air.

(2) The person in charge of explosives in transport by air shall observe the general provisions prescribed in regulation 10 and in addition any rules, directions or conditions made in pursuance of these regulations or any other written law and in accordance with the provisions of any Act, Decree, Order in Council or Convention having effect in Nigeria.

PART IV.—IMPORTATION

13. No person shall import explosives save under and in accordance with a permit in Form 9 in Schedule I issued by the Inspector-General of Police, or a Commissioner of Police, in the case of explosives subject to the control of the Inspector-General, and by the Chief Inspector of Mines, or the Deputy Chief Inspector of Mines, in the case of explosives subject to the control of the Chief Inspector of Mines.

Import permits. Form 9.

14.—(1) The issuing officer mentioned in regulation 13 above may, if he thinks fit, issue to the owner of a licensed magazine or store an import permit in the form of a general authority to import explosives and convey them to a magazine or store.

General authority to import.

(2) The holder of any such authority shall—

- (a) notify an inspector of the intended import of any explosives ;
- (b) render such returns of his dealings with explosives as the issuing officer may require or as may be prescribed ;
- (c) carry out such written directions as the issuing officer or an inspector may give with regard to the route and method of conveyance of any explosives imported.

15. Explosives shall not be imported otherwise than in accordance with the provisions of the law relating to customs from time to time in force in Nigeria.

Ports at which explosives may be imported.

16. The master or the agents of any ship carrying explosives for import shall notify the port officer at least twenty-four hours before the expected arrival of the ship in the harbour, and shall furnish such particulars of the consignment as the port officer may require or as may be prescribed.

Notice of intended import.

17.—(1) Whilst explosives are on board of any ship, the ship shall by day fly flag B of the International Code of signals and shall by night show a red light at the foremast head visible for at least two miles.

Duty of master of ship.

(2) The master of every ship shall detail an officer to supervise the loading and unloading of explosives.

(3) Such officer shall be responsible for the efficiency of the tackle used and for seeing that the work is carried out in a proper manner and that no metal slings are used.

Removal of explosives after landing.

18. Subject to the provisions of any law for the time being in force in Nigeria relating to customs, the owner of any explosives landed in Nigeria or his agent shall cause the explosives to be removed and conveyed to their destination without delay.

PART V.—PURCHASE AND SALE

Licence to buy or sell explosives.

19.—(1) No person shall buy, sell or otherwise dispose of explosives save under and in accordance with a licence granted by an inspector in that behalf.

(2) Any such licence may be either general or in respect of any particular transaction.

(3) Application for a licence to possess, buy or sell explosives shall be in Forms 3, 4 and 5 in Schedule 1 as the case may be :

Provided that this regulation shall not apply to the purchase or sale of explosives by a department of Government.

Sale of explosives.

20. No person shall sell any explosives unless—

(a) he holds a permit to sell explosives issued under the provisions of regulation 19, or

(b) he is specially authorised in writing by an inspector to sell in any particular case ; and

(c) the purchaser produces a licence to purchase issued under the provisions of regulation 19, and

(d) in the case of explosives for mining operations, he is authorised to do so under the Safe Mining Regulations :

Provided that the provisions of regulation 19 and this regulation shall not apply to the purchase or sale of trade powder in quantities not exceeding one pound in weight.

PART VI.—STORAGE

Storage of explosives.

21. Explosives shall be stored only in accordance with the provisions of this Part.

General provisions for storage of explosives.

22.—(1) Explosives under the control of the Chief Inspector of Mines or of the Inspector-General of Police shall be stored in different storage facilities and in no circumstances may detonators be stored with or kept in the vicinity of any explosives other than safety fuse.

(2) Every place where explosives are stored shall be indicated by means of the word "Danger" displayed in such manner as to be clearly and easily visible to any person approaching such a place ; and underneath the word "Danger" the word "Explosives" or "Detonators", as the case may be, shall be marked and displayed in like manner. The permit or licence number shall also be painted under the word "Explosives" or "Detonators".

(3) The door of every place where explosives are stored and every storage box shall at all times when not in actual use for the issue of explosives or other lawful purpose be securely fastened under lock and key and the key shall be in the possession of the person in charge of the explosives.

(4) If any place where explosives are stored is damaged whether by fire or otherwise, or if any explosives are lost or stolen a report shall forthwith be made by the person responsible for or in charge of the explosives to the officer in charge of the nearest police station and to an inspector.

(5) (a) An inspector may, if he so considers it necessary, require the owner or agent of any licensed explosive magazine or store to employ a watchman over such magazine or store and may detail the hours during which such watchman shall be on duty.

(b) Where no watchman has been on duty between sunset and sunrise all doors and windows of a magazine or store shall be inspected as early as possible after sunrise and a report of such inspection made to the owner or agent.

(6) In no circumstances shall explosives exceeding the estimated requirements for twenty-four hours, be stored underground in a mine.

PART VII.—MAGAZINES

23.—(1) Detonators in quantities of over ten thousand, trade powder in quantities of over two thousand pounds in weight, or other explosives in quantities of over two hundred and fifty pounds in weight shall be stored in a magazine constructed in accordance with the prescribed conditions and licensed as a magazine in accordance with the provisions of this Part.

Explosive exceeding certain quantity to be stored in magazine.

(2) The Permanent Secretary may by notice in the Gazette appoint fit and proper persons to be licensing officers for Nigeria or for any area within Nigeria.

24. No person shall erect a magazine except in accordance with a licence in writing issued by a licensing officer and in accordance with plans and specifications approved by him and with such conditions as the licensing officer may require.

Permit required for erection of magazines.

25.—(1) Application for permission to erect a magazine and for licensing as an explosives magazine shall be made to a licensing officer and shall be accompanied by plans on a scale of half an inch to one foot and specifications in triplicate, and such additional plans and information as the licensing officer may require.

Application for permit to erect magazine and for licensing as an explosives magazine.

(2) Such application shall be in Form 2 in Schedule 1.

Form 2.

(3) Every application shall include full information as to the rights of the applicant over the site upon which the magazine is to be built and a detailed map of a scale of not less than 1:2,500 of the area within such radius of the magazine as the licensing officer may require.

26.—(1) Every magazine shall be inspected by a licensing officer or a person authorised by him in writing before being passed as fit for the storage of explosives, and if so passed a magazine licence in Form 7 in Schedule 1, may be issued in respect thereof to the applicant and in his name.

Issue of magazine licence.

Form 7.

(2) A copy of the plans and specifications as approved shall be attached to and shall form part of the licence.

(3) Pending the issue of a licence explosives may be stored in a magazine with the permission in writing of a licensing officer.

(4) Where magazine licence is granted in respect of a magazine for the temporary storage of explosives required for supplies to mines, the licensing officer may specify on the licence that the distance limitations stipulated in Schedule 2 need not apply in relation to such magazine.

(5) In considering the grant of every magazine licence the licensing officer shall have due regard to any rights which persons other than the applicant may have over the land in the vicinity of the proposed magazine with particular reference to the prescribed distances set out in Schedule 2.

Licence to state quantity and nature of explosives to be stored.

27. Every licence shall state the quantity and nature of the explosives which may be stored in the magazine and the manner in which they are to be stored.

Revocation of magazine licence.

28. A licensing officer may for good and sufficient reason revoke a magazine licence, and may at any time enter and inspect any magazine.

Period of validity of magazine licence.

29. Every magazine licence shall be valid until revoked, surrendered, or it expires.

Types of magazines.

30. Magazines may be either surface magazines, floating magazines, trailer-mounted magazines or underground magazines.

Use of floating magazines.

31.—(1) Application to use a floating magazine shall be made to a licensing officer and shall be accompanied by a description and plan in triplicate and such other information as the licensing officer may require.

(2) No person shall use a floating magazine except in accordance with a licence in writing issued by the licensing officer.

(3) Details of the place where such floating magazine is to be moored shall be sent to the licensing officer and the nearest administrative officer, the provincial police officer of the province in which such magazine is moored and the nearest inspector, and every change of situation of such floating magazine shall be notified to the persons listed above: Provided that the Harbour Master shall decide where a floating magazine is to be moored within the limits of any port.

(4) Every floating magazine shall be securely moored in accordance with the distances specified in Schedule 2 to these regulations and whenever practicable not less than fifty yards from any other stationary vessel or navigable channel.

(5) Every floating magazine containing explosives shall comply with the requirements of regulations 10 (2) and shall at all times have a watchman on board.

Exemption of floating magazines from certain regulations.

32. Regulations 24, 25, 34 (1) and 37 (n) shall not apply to floating magazines.

33.—(1) Except in accordance with a licence issued under paragraph (3) of this regulation, no person shall store explosives in a trailer-mounted magazine.

(2) Application for a licence to use a trailer-mounted magazine for the storage of explosives shall be made to a licensing officer and shall be accompanied by:—

(a) a description, plan and specifications in triplicate, of the magazine; and

(b) such other information as the licensing officer may require.

(3) (a) The licensing officer may on application issue a licence to use a trailer-mounted magazine for the storage of explosives.

(b) The licence shall be in Form 10 in Schedule 1.

(c) The number of the licence issued shall be painted in bold figures (not less than twelve inches high) on both sides of the trailer-mounted magazine.

(4) Unless the prior approval of the nearest divisional officer of the administration concerned has been obtained in writing, no trailer-mounted magazine which has explosives stored within it may be kept parked at any site, save for a temporary halt in the course of a journey.

(5) The licensee shall send to the licensing officer and to the nearest officer of the Mines Division of the Federal Ministry of Mines and Power—

(a) details of the site approved in accordance with paragraph (4) of this regulation; and

(b) every change of situation of the trailer-mounted magazine.

(6) A licensee commits an offence within the meaning of regulation 65 if he fails to ensure that the trailer-mounted magazine is situated in accordance with the distances mentioned in Schedule 2 of these regulations.

(7) (a) When at rest every trailer-mounted magazine, which has explosives stored within it, shall be fitted with an efficient lightning conductor, which conductor shall be—

(i) supported on a vertical post approximately four feet from the nearest part of the magazine;

(ii) of a height of at least 24 feet above the highest part of the magazine; and

(iii) connected by soldering or welding to a properly laid earth-plate situated about twelve feet from the nearest part of the magazine.

(b) When the roof of the magazine is of metal, sheets thereof shall be connected to a separate earth-plate.

(8) Regulations 24, 25, 26, 34 (1) and 35 of these regulations shall not apply to a trailer-mounted magazine.

34.—(1) (a) Every magazine shall be surrounded by an adequate fence of a pattern approved by the licensing officer through which access shall be obtained by means of a gate which shall, when not in use, be kept securely locked; and

(b) The outer gate of every magazine as well as the door shall be marked in the manner prescribed by regulation 22 (2) and the number of the licence shall likewise be painted thereon.

(2) (a) Every magazine licensed for the storage of two thousand pounds of explosives and over shall comprise at least two compartments, namely, a lobby communicating directly with the outside to be used for the receipt and issue of explosives, and a storage room to which access can be gained only from the lobby; and

(b) the outer door of the lobby must open outwards and be made of wood protected by a light fireproof sheet on the outside which must overlap the sill;

(c) the inner door between the lobby and the storage room must be made of wood and must open into the lobby;

(d) each door must be fitted with a mortise or other concealed lock and with concealed hinges;

(e) a reliable maximum-minimum thermometer shall be kept in the storage room of every magazine;

(f) at least two pairs of magazine shoes or over-shoes with rubber, felt or rope soles, shall be kept in the lobby of every magazine except when such shoes are in use, and no person shall enter the storage room of any magazine except when he is wearing such shoes.

(3) Screws, nails, locks, keys and other metal fastening used inside a magazine shall be of brass or copper.

(4) Subject to the provisions of these regulations the materials used in the construction of a magazine shall be of a non-inflammable nature.

35.—(1) (a) Every surface magazine shall be protected on all sides by a sand or earth bank as high as the roof eaves and at least three feet in thickness at the top; and

(b) the bottom of the inner slope shall be not less than three feet or more than six feet from the walls except at the entrance which shall be either in a broken line or shall be protected by an outer earth wall.

(2) The fence required by regulation 34 (1) shall not be more than three feet outside the foot of the bank.

(3) Every surface magazine shall be fitted with a reliable lightning conductor supported on a vertical post four feet from the nearest part of the magazine building and rising at least six feet above the highest part of the magazine. The lightning conductor shall be carried to a properly laid earth plate beyond the outer earth wall and shall be soldered or welded to the earth-plate. When the roof is of metal the sheets thereof shall be earthed to a separate earth-plate.

(4) The foundations shall be such as to render the magazine proof against termites.

(5) The walls shall consist of stone, burnt bricks, concrete, concrete blocks or sandcrete blocks.

(6) The floor shall be of tiles or of concrete in all cases with a one inch granolithic finish of 2 : 1 cement mortar trowelled to a smooth surface and covered with ruberoid or similar material.

Special safety measures to be observed in the case of every surface magazine.

(7)(a) The roof of a magazine shall be of as light a construction as possible, but it shall be sufficiently strong and weather proof; and expanded metal of at least 1/4" in thickness shall be strongly secured from wall to wall and above a ceiling to be constructed of timber slats or peg-board in which adequate ventilation opening shall be left; and

(b) a roof shall not be constructed of thatch, reinforced concrete or other similar material; and

(c) any ceiling shall be at least six feet six inches from the floor.

(8) Magazines of ten tons capacity and less shall not be fitted with windows but other magazines may be fitted with windows of a pattern approved by the licensing officer either generally or in any particular case.

(9) Ventilating channels shall be constructed in the gables, side and end walls and, when required, in the roof:

Provided that a licensing officer may by endorsement upon the licence exempt any surface magazine which is licensed for a period not exceeding six months from the provisions of paragraphs (1), (2), (3), (5) and (6) of this regulation and any surface magazine so exempted shall be fitted with a reliable lightning conductor supported on a vertical post four feet from the nearest part of the magazine and rising at least six feet above the highest part of the magazine. The lightning conductor shall be carried to a properly laid earth-plate situated twelve feet from the nearest part of the magazine and shall be soldered or welded to the earth-plate. When the roof is of metal the sheets thereof shall be earthed to a separate earth-plate:

Provided further that a licensing officer may by endorsement on the licence exempt any surface magazine which is licensed to contain not more than 5,000 pounds of explosives which is licensed for a period not exceeding twelve months from some or all of the said provisions of this regulation subject to the conditions contained in the above proviso to this regulation.

36.—(1) A licensing officer appointed under regulation 23 (2) may approve a magazine tunnelled into sloping ground.

(2) Every underground magazine shall be made according to the specifications and plans approved by the licensing officer.

(3) In the case of every underground magazine the plans approved by the licensing officer shall provide for the ventilation thereof.

Special safety measures to be observed in the case of every tunnelled magazine.

37. The conditions hereinafter set out shall be observed in the case of every magazine:—

(a) no structural alterations shall be made to a magazine unless the licence has been endorsed by the licensing officer and the specifications and plans varied accordingly;

(b) no repairs shall, except in cases of urgency, be made to any magazine save with the permission in writing of an inspector who may direct the removal of the explosives before the repair is carried out;

(c) every magazine shall be effectively drained to the satisfaction of the inspector;

(d) no electric power cable shall be carried above ground within one hundred feet of the building;

General precautions to be observed in the case of magazines.

(e) no artificial light other than a self-contained battery electric hand lamp, or an approved safety lamp shall be used ;

(f) the ground for a distance of forty yards from the magazine building on all sides shall be kept clean and clear and free from long grass and vegetation ;

(g) the persons required by regulation 9 to be in charge of explosives shall be in charge of the magazine and the written instructions required by that regulation shall be kept posted therein ;

(h) all reasonable precautions shall be taken to guard against unlawful entry or damage by fire or moisture ;

(i) save in respect of safety fuse no materials other than the explosives specified in the licence shall be kept in any magazine ;

(j) a copy of the magazine licence shall be posted up in a conspicuous position in the magazine ;

(k) an efficient fire extinguisher of a pattern approved by the licensing officer shall be kept in every magazine ;

(l) explosives shall not be stored more than six feet high and shall be stored in regular layers and in such manner as readily to admit of inspection and extraction of the explosives in rotation ; wooden runners shall be put on the floor and in between every third layer of cases of explosives ;

(m) no scraps or broken portions of cartridges shall be left lying in close proximity to any explosives ;

(n) no case containing explosive shall be opened or closed inside a magazine and no metal instrument, other than a screw-driver for withdrawing or replacing screws, shall be used for the purpose ;

(o) a register shall be kept in the magazine and in it shall be recorded forthwith complete details of every receipt and issue of explosives ;

(p) an inspector shall at all times be allowed to have access to the magazine and to inspect the contents thereof and examine the register.

Magazine to be at certain distance from other buildings.

38.—(1) No person shall erect a magazine or store explosive in any magazine within the prescribed distance as set out in Schedule 2 to these regulations ; and no holder of a magazine licence shall do any work or erect any building within such distance without the permission in writing of the licensing officer :

Provided that this prohibition shall not extend to such work as may be required to comply with the provisions of these regulations.

(2) Any person, not being the holder of a magazine licence, intending to do any work or erect any building within the prescribed distances of a magazine shall notify the licensing officer.

Saving in respect of existing magazines.

39. Existing magazines, duly licensed when so required under the provisions of any written law in force prior to the date on which these regulations come into force, may continue to be used as magazines in accordance with the terms of any licence issued under such written law but within a period of twelve months from the date on which these regulations come into force such magazines shall be duly licensed under the provisions of these regulations :

Provided that an inspector may, when he considers it necessary so to do, require, by notice in writing served upon the owner or agent of such magazine, any such magazine to be closed down.

PART VIII.—STORAGE BOXES

40. Detonators not exceeding one thousand in number or explosives not exceeding one hundred pounds in weight may, with the permission in writing of an inspector, be stored in storage boxes of a type approved by him and at such places as he may approve.

Explosives in certain quantities may be stored in storage boxes.

PART IX.—LICENSED EXPLOSIVES STORES

41.—(1) Detonators in quantities of ten thousand or less, or trade powder in quantities of two thousand pounds or less, or other explosives in quantities of two hundred and fifty pounds or less shall be stored in a building which has been approved and licensed for the storage of explosives by the prescribed officer.

Explosives in certain quantities may be stored in licensed stores.

(2) The Permanent Secretary may by notice in the Gazette appoint prescribed officers for Nigeria or for any area within Nigeria to license explosive stores.

Issue and revocation of store licence.

42.—(1) If the prescribed officer approves of a building he may issue a licence authorising the storage of explosives therein.

(2) Every such licence shall state the quantity and nature of explosives to be stored therein and the manner in which they are to be stored and shall describe the store so that it may be identified.

(3) The prescribed officer may for good and sufficient reason revoke any such licence.

43. The prescribed officer may require the relevant provisions of regulation 34 to be complied with in respect of any licensed explosive store, and in such case regulation 34 (1) (a) shall have effect as if the words "prescribed officer" were substituted for the words "licensing officer".

Provisions of regulation 34 to be applied to a licensed store.

PART X.—USE OF EXPLOSIVES

44.—(1) It shall be an offence under these regulations for any person, other than the holder of a blasting certificate issued under these regulations or under the Safe Mining Regulations, to prepare or fire any charges, charge any hole with explosives or conduct any blasting operations.

Blasting certificates.

(2) (a) Application for a blasting certificate under these regulations shall be made to an inspector and shall be in Form I in Schedule 1 accompanied with three recent passport size photographs of the applicant; and no certificate shall be issued unless the inspector is satisfied that the applicant is a fit and proper person to conduct blasting operations and is competent to do so and a holder of a blasting certificate shall not use electricity for shot-firing when blasting unless his certificate has been so endorsed by an inspector. An inspector may impose any further conditions on the certificate as he deems fit.

(b) A blasting certificate shall be in Form 6 in Schedule 1 and one passport size photograph of the bearer thereof shall be affixed to the certificate.

(3) A blasting certificate shall be valid for a period of five years and may be renewed without charge for similar periods.

(4) A blasting certificate may be suspended or revoked by the order of an inspector for good and sufficient reasons.

(5) The holder of a blasting certificate shall immediately upon receipt thereof sign the same with his usual signature or if unable to write he shall affix his thumb print.

(6) The Chief Inspector of Mines shall be notified immediately of any issue, suspension or revocation of any blasting certificate.

(7) Any blasting operations, except where such operations are in a mine or quarry, shall be reported to the officer in charge of the nearest police station.

(8) Each inspector issuing any blasting certificates shall keep a register of such certificates.

Holder of blasting certificate to be in charge of blasting operations.

45. At every place where blasting operations are in progress there shall be an experienced person in charge, who shall himself be the holder of a blasting certificate issued under these regulations, and he shall be responsible for seeing that the regulations are observed, and every gang shall be of such a size as can be properly and efficiently supervised.

Cleaning of drill holes, etc.

46.—(1) All drill holes shall be thoroughly cleaned before being charged.

(2) Explosives of any kind shall be used only in the form of cartridges or as supplied by the manufacturer or as may be approved by an inspector save that ammonium nitrate blasting powder, ammonia and explosives similar thereto may be used loose in surface work.

(3) When blasting with explosives requiring the use of a detonator, the fuse with the attached detonator may only be inserted in the primer cartridge immediately before use. In making up a charge, a hole shall be made in the primer cartridge with a pricker made of non-ferrous material and the fuse, with detonator attached, shall, after being inserted in the primer cartridge, be securely fastened thereto by means of a string or other suitable material so that the fuse with detonator cannot be inadvertently withdrawn; the detonator shall be fastened on to the fuse by properly designed crimping pliers.

(4) (a) Where electrically fired low-tension detonators are used, the electric circuit of a sample detonator from each box together with its wire shall be tested by the shot-firer before the detonator is inserted into the primer cartridge by means of a safety ohmmeter approved by an inspector.

(b) Before carrying out such test the detonator shall be placed in a safety receptacle so that if detonation occurs it may be without harmful effects. After an electrical type detonator has been inserted into the primer cartridge the wires thereof shall be securely fastened to the primer cartridge by means of a string or other suitable material so that the electrical wires with detonator attached cannot be inadvertently withdrawn from the cartridge.

(c) All electrical blasting circuits shall be tested with an approved safety ohmmeter before connecting the shot-firing cable to an exploder.

(5) (a) The only source of electrical energy which may be used for firing charges electrically shall be an efficient battery or magneto-electric machine or other apparatus of a type approved in writing by an inspector who in the

case of prospecting or mining shall be an inspector of mines. It shall be so constructed that it can be operated only by a removable handle, plug or key and that the firing circuit is made and broken either automatically or by means of a push button switch. Electrical energy from lighting or power circuits shall not be used for firing charges unless permission is granted in writing ; and

(b) shot-firing cables shall be two core or multi-core and covered with insulating material. The shot-firer shall himself connect the cable to the detonator wires and shall do so before connecting them to the source of electrical energy. He shall take care to prevent the cable from coming into contact with any power or lighting cables or apparatus, and shall himself couple the cables to the source of electrical energy ; and

(c) while on duty the shot-firer shall at all times keep the handle plug or key of the battery, magneto-electric machine or other apparatus in his personal custody, and shall not place it in position until a charge is about to be fired, and shall remove it as soon as a charge has been fired.

(6) In charging or in stemming holes for blasting, wooden tamping rods or wooden tamping rods fitted with a rubber ferrule only shall be used and no explosives shall be forcibly pressed into a hole of insufficient size.

(7) (a) Only sand loosely filled in, sifted earth clay free from stones lightly tamped or water may be used as tamping material for charges of explosives ; and

(b) no tamping shall be inserted between cartridges, except when Cordtex or other instantaneous, high explosive fuse is used.

47. When charges are fired the number of reports shall, except in cases where simultaneous or short delay electric detonators, or detonating relays are used, be counted by at least two persons, one of whom shall be the short-firer. Under no circumstances may any person approach the working place until 10 minutes after the last report has been heard, and where the counters are not both certain that all the charges have exploded, no one shall be allowed to return to the working place until the expiration of a period of one hour after the fuses were lighted ; provided that except where explosives are used in prospecting or mining, no short delay or simultaneous firing shall be carried out without the written permission of an inspector. A shot-firer shall be the first person to enter the working place and until he considers it safe he shall not allow any person to proceed thereto except those required by him to make the place safe.

Counting
after charges
are fired.

48.—(1) When a misfire occurs at change of shift, the person who fired the charge shall forthwith report such misfire, as well as any other matter requiring attention, to the manager and to the gang headman of the following shift and the responsibility for warning the gang headman in charge of the next shift shall be upon the shot-firer firing the charges.

Misfires.

(2) In the case of a misfire or a supposed misfire where the charges are fired by electricity no person shall be allowed to return to the working place until the expiration of a period of ten minutes after the cable has been disconnected from the shot-firing apparatus.

(3) Unless they can be dealt with at once the gang headman shall carefully plug all misfired holes by means of wooden plugs painted red, with the least possible delay. The gang headman shall keep on hand a sufficient supply of such plugs for this purpose.

Method of dealing with misfires, etc.

49.—(1) When a misfire occurs the person in charge shall proceed as follows :—

the tamping of the hole shall be withdrawn and a primer cartridge inserted and the hole refired ; such tamping shall be withdrawn only by means of a water jet, or by means of compressed air and water applied only through an approved copper blow pipe, and if water or compressed air under sufficient pressure is not available for this purpose a hole shall be drilled not less than twelve inches away from the misfired hole and shall be given such a direction that it cannot come in contact with the misfired hole, and shall be fired in the ordinary manner, and if necessary this operation shall be repeated until the original charge has been exploded or dislodged and no work may be undertaken in the vicinity of an unexploded charge except under the direction of the person in charge.

(2) It shall be an offence against these regulations for any person other than the person in charge to remove the plug from a misfired hole.

(3) It shall be an offence against these regulations for any hole other than a misfired hole or those mentioned in regulation 51 to be plugged with a plug painted red in or about any place where blasting operations are carried on.

(4) It shall be an offence against these regulations to leave a misfire or to deal with a misfire otherwise than in accordance with the provisions of this regulation.

Extraction of explosives forbidden.

50. Explosives shall not be extracted from a hole which has once been charged and the tamping shall only be withdrawn sufficiently to allow a missed charge being fired.

Deepening of holes forbidden.

51. Deepening of holes or any part of a hole left after blasting, is strictly forbidden. Any such holes left after blasting shall be effectively plugged with red coloured wooden plugs before drilling is resumed on the face. Any hole which contains any unexploded explosive shall be treated as a misfire.

Person in charge must indicate direction of holes.

52. The person in charge shall point out to each driller working under him the exact position, direction and depth of each hole to be drilled and shall see that he does not deviate therefrom.

Electric firing place to be examined for misfires.

53.—(1) When blasting is done by electricity the person in charge shall, after firing disconnect the cables from the battery or magneto-electric machine and remove and retain in his possession the handle, plug or key by which the electric circuit is completed and thereafter he shall examine the working place carefully for misfires and ensure that it is safe before permitting any other person to enter therein.

(2) The person in charge shall not leave the place until any unexploded explosive has been found and he shall instruct those employed in clearing the loose material from such place to report immediately to him the presence of any wires in a socket on, in or under such loose material.

Misfired detonator.

54. When it is thought the detonator may not have fired, the shot-firer in charge shall at once order the work to cease until he has carefully traced such wires in order to determine whether a misfire has occurred.

Shot-firer.

55. A shot-firer is responsible for the safety of all persons who may be working in the same place, whether they are under his direct supervision or otherwise.

56. A gang headman who is not the holder of a blasting certificate but who is in charge of workmen shall satisfy himself as to the safety of his working place by causing it to be examined by a qualified person.

Person in charge not holding a certificate must be assured of safety.

57.—(1) No blasting operations shall be carried on in surface or opencast works within one hundred yards of any place to which the public have access except with the permission in writing of an inspector and subject to any special conditions he may consider necessary to impose having regard to the public safety.

Precautions to be observed in carrying out blasting operations.

(2) Whilst blasting operations are in progress in surface or opencast works all due precautions shall be taken by means of red flags, watchmen and otherwise, to ensure that no person is allowed to approach within dangerous range of the blasting operations.

58. Every employer of labour, manager, overseer, foreman and other person in charge of labour shall take all reasonable steps to see that the provisions of this Part are observed and shall supply to every literate shot-firer a copy of this Part of these regulations and shall explain this Part to every shot-firer who is not literate.

Persons responsible for observing provisions of this Part.

PART XI—POWERS OF INSPECTORS

59. An inspector may, for the purpose of ascertaining whether the provisions of these regulations are observed—

Powers of inspectors.

(a) enter any premises or place where explosives are manufactured, stored, kept or used at any hour of the day or night ;

(b) take samples of explosives or any substance resembling explosives in the possession of any person ;

(c) require the occupier or owner of any magazine or store or any place where explosives are kept or the person in charge of any explosives to give such information as he may reasonably require ;

(d) stop and examine any carriage which he has reasonable grounds for believing is being used for the conveyance of explosives.

60. An inspector may enter any premises or place at any hour of the day or night if he has reasonable grounds for supposing that any offence against the provisions of these regulations is being committed.

Inspectors may enter premises.

61.—(1) An inspector may issue orders in writing to any person in charge of explosives requiring him to do any act in relation to such explosives which may be necessary in the interest of safety and such orders shall be carried out forthwith.

Inspector may issue orders.

(2) It shall be lawful for an inspector to order the destruction of any explosives, which in his opinion have become unfit for use and the same shall be forthwith destroyed in the manner directed by the inspector and no compensation shall be paid therefor.

PART XII—MISCELLANEOUS PROVISIONS

62.—(1) When a mine or other works where explosives are kept is closed down, whether temporarily or permanently, notice shall be given by the person in charge of the explosives and by the manager or person in charge of the mine or other works to an inspector, and unless the explosives are duly removed and stored elsewhere they shall be disposed of in accordance with such directions as the inspector may give.

Disposal of explosives on closing down of mine, etc.

(2) A report of deteriorated or suspected deteriorated explosives shall forthwith be made by the person in charge of the explosives to an inspector.

Holder of certain licences to render returns.

63.—(1) The holder of any licence under regulations 26, 42, 43 and any person entitled to the possession of explosives, shall render a return to the inspector showing in respect of each type of explosive that has been in his possession during the month, the following information :—

- (a) the stock at the beginning of the month ;
- (b) the amount procured during the month ;
- (c) the amount used during the month ;
- (d) the amount held in stock at the end of the month.

(2) Such return shall be forwarded so as to reach the inspector not later than the tenth day of the month subsequent to that to which the return refers.

(3) Any person who is in possession of explosives shall furnish the inspector with such additional information as to the explosives, and his dealings with them as the inspector may reasonably require.

Hiding or abandoning of explosives, an offence.

64. Any person who conceals or abandons explosives shall be guilty of an offence.

Offences and penalties.

65. Any person who contravenes or who fails to comply with any of the provisions of these regulations or who fails to comply with any of the terms and conditions of any licence or permit issued hereunder or who fails to obey any lawful order given hereunder shall be guilty of an offence and liable on conviction to a fine of one hundred pounds or to imprisonment for one year or to both such fine and imprisonment.

Fees.

66. The fees and charges set out in Schedule 3 shall be payable in respect of the matters to which they relate.

Regulations to be binding on the State.

67. The provisions of these regulations save where otherwise specifically provided to the contrary, shall be binding upon the State: Provided that no fee or charge shall be demanded or collected in respect of any licence or permit issued to the State or to any department of the Government of the Federation or of the Government of a Region or to any person in the employment of the State or of such Government where such licence or permit is for the purposes of the official duties of that person.

Saving in respect of blasting certificates.

68. Blasting certificates issued under the provisions of any written law in force immediately prior to the date on which these regulations come into force shall be valid for a period of twelve months after that date or for the period of the validity of such certificate whichever be the lesser period as if such certificates had been issued under the provisions of these regulations.

Ordering of explosives without importation permit, an offence.

69. Any person who orders explosives to be shipped into Nigeria without an importation permit issued under these regulations on conviction shall be liable to a penalty as provided in regulation 65 in addition to the confiscation of the explosives.

SCHEDULES

SCHEDULE 1

FORMS

FORM 1

reg. 44 (2) (a)

The Explosives Regulations 1967

APPLICATION FOR BLASTING CERTIFICATE

To

-
- (1) Full name of Applicant
- (2) Age
- (3) Nationality
- (4) Address at which notices may be served
- (5) Have you previously made application in Nigeria for the issue of a blasting certificate ?
- (6) If the reply to (5) is "yes" state whether the application was granted or refused
- (7) (a) If the application was granted, state number, place of issue and the reason for now requiring another
-
- (b) If the application was not granted, state where application was made and reason for refusal
-
- (8) Have you ever held a blasting certificate in any other country? If so give particulars
- (9) Have you ever held a blasting certificate issued in Nigeria or elsewhere which has at any time been suspended or cancelled? If so give particulars
- (10) Are you in possession of detonator crimpers ?
- (11) Do you wish to use electricity for blasting ?

I hereby certify that this is a true statement of the particulars herein set forth.

.....
Signature or thumb print

Date

*The Explosives Regulations 1967*APPLICATION FOR A LICENCE TO ERECT A
MAGAZINEOriginal
Duplicate
Triplicate.

To the Licensing Officer,

-
- (1) Full name of Applicant
 - (2) Age
 - (3) Nationality
 - (4) Address at which notices may be served
 -
 - (5) Is the application on your own behalf ?
 -
 - (6) If the application is on behalf of another :
 - (a) Give his full name, nationality, occupation and present address
 - (b) State whether you hold his power of attorney for this purpose
 - (c) State in what capacity you make this application on his behalf
 -
 - (7) Name of place and administrative division where magazine is to be erected
 - (8) Is the proposed site for the magazine on State or native land ? If so, do you hold a lease or certificate of occupancy in respect of the proposed site or has one been applied for ?
 -
 - (9) If the proposed site for the magazine is not on State or native land give number of right of occupancy or mining title on which it is proposed to erect the magazine.....
 -
 - (10) Is the magazine required for explosives (other than detonators), or for detonators ?
 -
 - (11) State in pounds the maximum quantity of explosives (other than detonators) or the maximum number of detonators to be stored
 -
 - (12) Is the magazine required solely for a mine or other works or is it for use in connection with a licence to sell explosives ? If the latter, has a licence been issued ?

(13) Are plans in triplicate in accordance with regulation 25 ?

I hereby certify that this is a true statement of the particulars herein set forth.

.....
Signature of Applicant

Date

FORM 3

reg. 19 (3)

The Explosives Regulations 1967

APPLICATION TO POSSESS EXPLOSIVES

To the Inspector of Explosives* }
the Inspector of Mines } at

(1) Full name of applicant

(2) Age.....

(3) Nationality.....

(4) Address to which notices may be served.....

(5) Quantities and type of

(a) Explosives.....

(b) Detonators.....

(c) Fuse.....

(6) (a) Name and address of possessor.....

(b) Purpose for which explosives are required.....

(c) Place and province where explosives will be stored and used.....

(d) Number of licensed magazine or store (state which) where explosives will be stored at destination.....

(e) Means of transport from supplier to destination.....

(f) Dates between which transportation will commence and finish.....

I hereby certify this to be true statement of the particulars herein set forth.

.....
Signature of Applicant

Date.....

(For official use only)
General/Special*

Application approved by.....

* Cross out whichever is inapplicable.

The Explosives Regulations 1967

APPLICATION TO BUY EXPLOSIVES

- To the Inspector of Explosives* }
 the Inspector of Mines } at.....
- (1) Full name of applicant.....
 - (2) Age.....
 - (3) Nationality.....
 - (4) Address to which notices may be served.....
 - (5) Quantities and type of
 - (a) Explosives.....
 - (b) Detonators.....
 - (c) Fuse.....
 - (6) (a) Name and address of buyer.....
 - (b) Purpose for which explosives are required.....
 - (c) Place and province where explosives will be stored and used.....
 - (d) Number of licensed magazine or store (state which) where explosives.....
 will be stored at destination.....
 - (e) Means of transport from supplier to destination.....
 - (f) Dates between which transportation will commence and finish.....

I hereby certify this to be true statement of the particulars herein set forth.

Signature of Applicant

Date.....

(FOR OFFICIAL USE ONLY)
General/Special*

Application approved by..... on.....

* Cross whichever is inapplicable.

The Explosives Regulations 1967

APPLICATION TO SELL EXPLOSIVES

- To the Inspector of Explosives* }
 the Inspector of Mines } at.....
- (1) Full name of applicant.....
 - (2) Age.....
 - (3) Nationality.....
 - (4) Address to which notices may be served.....

(5) Quantities and type of :

- (a) Explosives.....
- (b) Detonators.....
- (c) Fuse.....

(6) (a) Name and address of seller.....

(b) Number of licensed magazine or store (state which) where explosives will be stored prior to being sold.....

I hereby certify this to be true statement of the particulars herein set forth.

.....
Signature of Applicant

Date.....

(For official use only)
General/Special*

Application approved by.....on.....

* Cross out whichever is inapplicable.

FORM 6

reg. 44 (2) (b)

The Explosives Regulations 1967

BLASTING CERTIFICATE (NOT TRANSFERABLE)

This is to certify that

Mr.....

Address

.....
.....

PHOTOGRAPH
OF BEARER

whose photograph is hereby affixed,
is authorised to carry out blasting
operations with explosives except in
connection with any prospecting or
mining operations.

Issued at.....

on this.....day of.....19.....

The holder of this certificate is not authorised to use electricity for shot-firing.

.....
Signature or thumb print of holder

Fee paid.....

.....
Issuing Officer

The Explosives Regulations 1967
EXPLOSIVES MAGAZINE LICENCE

Province.....

Serial Number.....

Licence is hereby granted to.....

of..... in..... Province

to use a magazine erected on.....
(state whether Right of Occupancy or Mining Lease and the registered
number) situated therein according to the plan of the site attached hereto,
such magazine being in accordance with the drawing and specifications
attached hereto, for the storage of.....
not exceeding a maximum of.....

This licence is issued subject to the provisions of the Explosives Act 1964
and the Regulations made thereunder.

Fee paid.....

.....
Licensing Officer

Date.....

The Explosives Regulations 1967
LICENCE TO MANUFACTURE EXPLOSIVES

Serial Number.....

Licence is hereby granted to.....

of..... to

manufacture at.....

the explosives or classes of explosives listed below :—

.....
.....
.....

Subject to the following conditions :—

Fee paid.....

.....
Permanent Secretary (or Issuing Officer)

Date.....

FORM 9

reg. 13

The Explosives Regulations 1967

PERMIT TO IMPORT EXPLOSIVES

This is to certify that.....
(Person or Firm)

of.....
(Address)

having applied for a Permit to import explosives into Nigeria.

A general/special permit is hereby issued to the said.....

.....to import
the following explosives subject to the conditions hereafter stated :—

Explosives

.....

Conditions

.....

The permit expires on 19.....

.....
(Name)

.....
(Designation)

.....

.....
Licensing Authority

Date

NOTE : Original to applicant
Duplicate to Comptroller of Customs and Excise
Triplicate to the Commissioner of Police, Federal Territory
Quadruplicate to be retained by Licensing Authority.

The Explosives Regulations 1967

TRAILER-MOUNTED EXPLOSIVES MAGAZINE LICENCE

Licence is hereby granted to
 of to use a trailer-
 mounted magazine, such magazine being in accordance with the description
 and plan attached hereto, for storage of
 not exceeding a maximum of.....

This licence is issued subject to the provisions of the Explosives Act 1964
 and the Regulations made thereunder.

Fee Paid 1

.....
Licensing Officer

Date

SCHEDULE 2

reg. 26 (5)

Distance limitations

Distance between magazine and any human-dwelling, building, road furnace, boiler, or any place to which the public have access including bulk petrol stores.

Capacity of Magazine

Distance between magazines

(Pounds)	(Yards)	(Yards)
Over 250 to 3,000	50	100
Over 3,000 to 10,000	60	140
Over 10,000 to 50,000	75	250
Over 50,000 to 100,000	100	450
Over 100,000 to 200,000	150	800

SCHEDULE 3

reg. 66

Fees	£	s	d
For a blasting certificate	8	5	0
(Blasting certificate required for use on Government Service may be issued free of charge to persons who are in the employment of the Government of the Federation or of the Government of a Region and such certificates shall be endorsed "For use on Government Service only")			
For an explosive stores licence or replacement thereof ..	0	10	0
For an explosive magazine licence or replacement thereof ..	1	0	0
For a licence to manufacture explosives or replacement thereof	25	0	0
For licence to sell explosives or replacement thereof	5	0	0

MADE at Lagos this 8th day of March 1967.

G. A. E. LONGE,
Permanent Secretary,
Federal Ministry of Mines and Power