Supplement to Official Gazette No. 3, Vol. 43, 12th January, 1956—Part B

L.N. 2 of 1956

THE AID TO PIONEER INDUSTRIES ORDINANCE, 1952
(No. 10 of 1952)

Order Declaring a Pioneer Industry

Date of Commencement : 12th January, 1956

WHEREAS representations have been received pursuant to subsection (1) of section 3 of the Aid to Pioneer Industries Ordinance, 1952, for the making of an Order declaring the industry and the products set out in the Schedule to this Order to be a pioneer industry and pioneer products :

AND WHEREAS all necessary steps have been taken, pursuant to subsections (1), (2) and (3) of section 3 of the said Ordinance, prior to the making of this Order ;

NOW THEREFORE, in exercise of the powers conferred upon the Governor-General by subsection (3) of section 3 of the Aid to Pioneer Industries Ordinance, 1952, the following Order is hereby made :—

1. This Order may be cited as the Aid to Pioneer Industries (No. 1) Order, 1956. Short title.

2. It is hereby declared that— Declaration.

(*a*) the industry set out in the Schedule hereto shall be a pioneer industry ; and

(*b*) the products set out in the Schedule hereto of such industry shall be pioneer products of such industry.

SCHEDULE

Industry	*Products*
Manufacture of textiles including preparation, spinning, weaving and finishing.	Yarn, thread, twine, cordage or ropes, textile piece goods and waste fibre.

L. ROBERTS,
Acting Deputy Secretary to the Council of Ministers

Lagos, 6th January, 1956.

L.N. 3 of 1956

NIGERIA (CONSTITUTION) ORDERS IN COUNCIL, 1954 AND 1955

Concurrent Legislative List (Designated Professions) Order, 1956

Date of Commencement : 1st *October*, 1954

In pursuance of the provisions of item 20 of Part II of the First Schedule to the Nigeria (Constitution) Order in Council, 1954, the Governor-General has, after consultation with the Council of Ministers, made the following order :—

1. This order may be cited as the Concurrent Legislative List (Designated Professions) Order, 1956, and shall be deemed to have had effect from the 1st October, 1954. Citation and commencement.

2. The professions specified in the schedule, limited only to the extent (if any) that is specified in each case in such schedule, are designated professions for the purpose of the Nigeria (Constitution) Orders in Council, 1954 and 1955. Designated professions. Schedule.

190

SCHEDULE (secti

1. Midwives.

Cap. 169.

2. Pharmacists, including, but without prejudice, to the generality of tha expression, the following persons referred to in the Pharmacy Ordinance :—

(*a*) chemists ;
(*b*) druggists ;
(*c*) dispensers ; and
(*d*) selling dispensers.

3. Nurses.

MADE at Lagos this 13th day of December, 1955.

L. ROBERTS,
Acting Deputy Secretary to the
Council of Ministers

EXPLANATORY NOTE

The effect of this order is that the qualifications, registration and disciplinary control of members of the professions designated in the schedule are a matter for Federal Legislation. The Order is supplementary to L.N. 4 of 1955, which designated five other professions in the same manner.

MH 75/S. 1

L.N. 4 of 1956

WATERWORKS ORDINANCE (CHAPTER 227)

Waterworks (Waste Prevention) (Lagos) (Amendment) Regulations, 1956

Date of Commencement : 1st February, 1956

In exercise of the powers conferred upon the appropriate officer by section 16 of the Waterworks Ordinance, the Governor-General after consultation with the Council of Ministers, has made the following regulations—

Citation, commencement and application.

1. (1) These regulations may be cited as the Waterworks (Waste Prevention) (Lagos) (Amendment) Regulations, 1956, and shall come into operation on the 1st of February, 1956.

(2) These regulations shall apply to Lagos.

Replacement of paragraph 7 of First Schedule to Regulations 44 of 1954 [Vol. X p 481].

2. For paragraph 7 of the First Schedule to the Waterworks (Waste Prevention) Regulations there shall be substituted the following paragraph—

"7. Every supply pipe, distributing pipe, flushing pipe and warning pipe shall comply with—

(*a*) the requirements under "water quality" of the British Standard Specification No. 788/1938 for wrought iron tubes when the pipe is made of wrought iron ; or

(*b*) the requirements under class "B" of the British Standard Specification No. 1387/1947 for steel tubes when the pipe is made from steel tubes; and

all such pipes shall be efficiently protected against corrosion and any malleable cast iron fitting used in connexion with any such pipe shall be of "water quality"."

MADE at Lagos this 3rd day of January, 1956.

L. ROBERTS,
Acting Deputy Secretary to the
Council of Ministers

The following Bills, which will in due course be presented to the House of Representatives for enactment, are published for general information.

By His Excellency's Command,

R. F. A. GREY,
Chief Secretary of the Federation

Lagos, 12th January, 1956.

A BILL

FOR

AN ORDINANCE TO AMEND THE LAND REGISTRATION ORDINANCE Title.
(CHAPTER 108)

[*1st March, 1956*] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :— Enactment.

1. (1) This Ordinance may be cited as the Land Registration (Lagos) (Amendment) Ordinance, 1956, and shall come into operation on the 1st day of March, 1956. Short title, commencement and application

(2) This Ordinance shall have effect in the Federal territory of Lagos only.

Amendment of section 14 of the principal Ordinance Cap. 108.

2. Section 14 of the Land Registration Ordinance (hereinafter referred to as the principal Ordinance) shall be amended by the addition of the following further proviso :—

"Provided further that this section shall not apply in the case of any document which is exempted from registration under this Ordinance by virtue of section 85 of the Registration of Titles Ordinance and which is registered under that Ordinance." Cap. 197.

Amendment of section 15.

3. Section 15 of the principal Ordinance shall be amended by the addition of the following proviso :—

"Provided that this section shall not apply in the case of any document which is exempted from registration under this Ordinance by virtue of section 85 of the Registration of Titles Ordinance and which is registered under that Ordinance." Cap. 197.

Amendment of section 16.

4. Section 16 of the principal Ordinance shall be amended :—

(*a*) by the insertion after the word

"Ordinance" in the first line of the words "and in particular of subsection (2) of this section," ;

(*b*) by renumbering the section as subsection (1) ; and

(*c*) by the addition of the following new subsection

"(2) Any document which is exempted from registration under this Ordinance by virtue of section 85 of the Registration of Titles Ordinance and which is registered under that Ordinance shall, for the purpose of determining priorities as between instruments registered under this Ordinance and documents affecting land registered under the Registration of Titles Ordinance, be deemed to be registered in accordance with this Ordinance, and the registration thereof shall be deemed to have taken place at the beginning of the day on which the application for registration under the Registration of Titles Ordinance was made in accordance with that Ordinance." Cap. 108.

Objects and Reasons

This Bill is complementary to the Registration of Titles Lagos (Amendment) Bill, 1956. Its object is so to amend the Land Registration Ordinance that there shall be no necessity to register documents in accordance with its provisions if they are already registered under the Registration of Titles Ordinance.

L. BRETT,
Acting Attorney-General of the Federation

Lagos.

A BILL

FOR

AN ORDINANCE FURTHER TO AMEND THE PORTS ORDINANCE, 1954

Title.

[ ]

Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :—

Enactment.

1. This Ordinance may be cited as the Ports (Amendment) Ordinance, 1956.

Short title.

2. For sub-paragraph (1) (*a*) of paragraph 5 of the Seventh Schedule to the Ports Ordinance, 1954 (hereinafter referred to as the principal Ordinance) there shall be substituted the following—

Amendment of paragraph 5 (1) of seventh Schedule to Ordinance No. 27 of 1954.

"(*a*) is ordinarily resident in Nigeria or maintains a place of business in Nigeria or carries on business in Nigeria through a duly authorised agent ; and"

Amendment of paragraph 6 (1) of Seventh Schedule.

3. In sub-paragraph (1) of paragraph 6 of the Seventh Schedule to the principal Ordinance there shall be substituted for the words and figures "and for every additional £10,000 over £50,000, 4 votes" the words and figures "and for every additional £2,000 over £12,000, 2 votes".

Objects and Reasons

The object of this Bill is to amend the Seventh Schedule to the Ports Ordinance. The amendment to paragraph 5 allows a shipowner who pays ship's dues to the Authority, but has no place of business in Nigeria to have his name entered in the ship's dues register, provided he carries on his business in this country through a duly authorised agent. The amendment to paragraph 6 corrects an obvious error in Ports (Amendment) Ordinance, 1955.

L. BRETT,
Acting Attorney-General of the Federation

Lagos.

T0160/S. 2/T

A BILL

FOR

AN ORDINANCE TO AMEND THE RECIPROCAL ENFORCEMENT OF JUDGMENTS ORDINANCE.

Title.

[*By Notice*]

Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :—

Enactment.

1. (1) This Ordinance may be cited as the Reciprocal Enforcement of Judgments (Amendment) Ordinance, 1956, and shall come into operation on a day to be appointed by the Governor-General by notice in the Gazette.

Short title, commencement and application.

(2) This Ordinance shall have effect throughout the Federation.

2. In section 5 of the Reciprocal Enforcement of Judgments Ordinance for the words "in the Supreme Court" there shall be substituted the words "in a High Court".

C 6 No. of 1956 *Reciprocal Enforcement of Judgments (Amendment)*

Objects and Reasons

The amendment made by this Bill is necessary as a result of the establishment of High Courts in the Regions.

L. BRETT,
Acting Attorney-General of the Federation

Lagos.

A BILL

FOR

AN ORDINANCE TO PROVIDE THAT THE CAMEROONS DEVELOPMENT CORPORATION ORDINANCE SHALL CEASE TO HAVE EFFECT IN RELATION TO THE NORTHERN REGION SO FAR AS IT RELATES TO MATTERS WITHIN THE LEGISLATIVE COMPETENCE OF THE FEDERAL LEGISLATURE.

Title.

[*By Notice*] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :— Enactment.

1. This Ordinance may be cited as the Cameroons Development Corporation Ordinance (Cesser of Application) (Northern Region) Ordinance, 1956, and shall come into operation on a day to be appointed by the Governor-General by notice in the Gazette. Short title and commencement.

Cameroons Development Corporation Ordinance to cease to apply in relation to Northern Region in certain matters Cap. 25.

2. (1) The Cameroons Development Corporation Ordinance shall cease to have effect in relation to the Northern Region so far as it relates to any matter included in the Exclusive Legislative List or the Concurrent Legislative List.

L.N. 102 of 1954.

(2) In this section "Exclusive Legislative List" and "Concurrent Legislative List" bear the meanings assigned to those expressions in section 2 of the Nigeria (Constitution) Order in Council, 1954.

Objects and Reasons

To implement, as far as matters within the Legislative competence of the Federal Legislature are concerned, a decision taken by the Resumed Conference on the Constitution.

Lagos.

L. BRETT,
Acting Attorney-General of the Federation

A BILL

FOR

AN ORDINANCE TO PROVIDE FOR THE RENAMING OF THE MILITARY FORCES HITHERTO ENTITLED THE NIGERIA REGIMENT OF THE ROYAL WEST AFRICAN FRONTIER FORCE AND OTHERWISE TO AMEND THE LAW RELATING TO THE MILITARY FORCES OF NIGERIA. Title.

[ ] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :— Enactment.

1. This Ordinance may be cited as the Nigerian Military Forces (Change of Titles) Ordinance, 1956. Short title.

2. The military forces constituted under the title of the Nigeria Regiment of the Royal West African Frontier Force by the Royal West African Frontier Force (Nigeria Regiment) Ordinance (hereafter Renaming of Nigeria Regiment. Cap. 200

in this section referred to as the said Ordinance) shall be known as the Nigerian Military Forces, Royal West African Frontier Force, and, as from the date on which this Ordinance comes into operation—

(*a*) the title of the said Ordinance shall be deemed to be "An Ordinance constituting the Nigerian Military Forces, Royal West African Frontier Force" ;

(*b*) notwithstanding anything in section 1 thereof the said Ordinance may be cited as the Nigerian Military Forces, Royal West African Frontier Force, Ordinance ;

First Schedule,

(*c*) the said Ordinance shall be amended in the manner set out in the First Schedule to this Ordinance ;

Second Schedule.

(*d*) The Ordinances set out in the first column of the Second Schedule to this Ordinance shall be amended in the manner set out in the second column of the said Schedule ; and

(*e*) any reference in any other Ordinance not amended by this Ordinance or in any instrument made under the authority of any such Ordinance to the Nigeria Regiment, or to the Royal West African Frontier Force, or to any officer or member thereof shall, as regards anything which takes place after the date on which this Ordinance comes into operation, mean the Nigerian Military Forces, Royal West African Frontier Force, or an officer or member thereof, as the case may be.

Renaming of Nigeria Regiment Reserve. Cap. 201.

3. The reserve force constituted under the title of the Nigeria Regiment Reserve by the Royal West African Frontier Force Reserve Ordinance (hereafter in this section referred to as the said Ordinance) shall be known as the Nigerian Military Forces Reserve and, from the date on which this Ordinance comes into operation—

(*a*) the title of the said Ordinance shall be deemed to be "An Ordinance constituting a Reserve Force in connection with the Nigerian Military Forces, Royal West African Frontier Force" ;

(*b*) notwithstanding anything in section 1 thereof, the said Ordinance may be cited as the Nigerian Military Forces Reserve Ordinance ; and

Third Schedule.

(*c*) the said Ordinance shall be amended in the manner set out in the Third Schedule to this Ordinance.

Recruitment of natives of Cameroons under United Kingdom Trusteeship. Cap. 119.

4. (1) It shall be lawful for a native of the Cameroons under United Kingdom Trusteeship—

(*a*) to be recruited for the Nigerian Military Forces or for the Nigerian Military Forces Reserve ;

(*b*) to be enrolled or enlisted in the Territorial Battalion established under the Local Forces Ordinance for purposes other than the defence of the Cameroons under United Kingdom Trusteeship ; or

(*c*) to be accepted for enlistment as an African soldier in the Engineer Company established under the Local Forces Ordinance.

(2) The Ordinances set out in the first column of the Fourth Schedule to this Ordinance shall be amended in the manner set out in the second column of the said Schedule. Fourth Schedule.

Section 2 (*c*)

FIRST SCHEDULE

AMENDMENTS TO ROYAL WEST AFRICAN FRONTIER FORCE (NIGERIA REGIMENT) ORDINANCE (BY THIS ORDINANCE RENAMED THE NIGERIAN MILITARY FORCES, ROYAL WEST AFRICAN FRONTIER FORCE, ORDINANCE)

Section	*Amendment*
1	For "Royal West African Frontier Force (Nigeria Regiment)" *substitute* "Nigerian Military Forces, Royal West African Frontier Force,".
3 (1)	For "The Nigeria Regiment of the Royal West African Frontier Force" *substitute* "The Nigerian Military Forces, Royal West African Frontier Force".
3 (2)	For "the regiment is" *substitute* "the Forces are",
50 (9) (*a*), 55 (3), 56 (1), 57 (1), 58, 61, 65, 67 (1) and (2), 68, 70, 72, 73 (1), 77, 82 (1) (*b*), 83, 88, 89, 94 (1) and (3), 95 (3), 96, 98, 99, 100, 101 (2), 102 (1) and (2), 103, 104 (2), 106, 109 (*a*) and (*d*), 111 (5)	For "the regiment" wherever those words occur *substitute* "the Forces".
42, 54 (2)	For "Nigeria Regiment" *substitute* "the Forces".
65	*Delete* "with the rank of colonel" in line 2. For "and of Lieutenant-Colonel" in lines 2-3 *substitute* "and an officer".
77, 90, 91 (4)	For "the Nigeria Regiment of the Royal West African Frontier Force" *substitute* "the Nigerian Military Forces, Royal West African Frontier Force".
82 (5)	*Delete* "or the Commander, Nigeria Area (which latter designation shall include the officer holding a position analogous thereto)".
91 (1) and (2)	For "Royal West African Frontier Force" *substitute* "the Forces".
111 (2) and (15)	For "Royal West African Frontier Force Reserve" *substitute* "Nigerian Military Forces Reserve".
111 (3)	For "the person in Nigeria for the time being in command of the Nigeria Regiment" *substitute* "the General Officer Commanding, Nigerian Military Forces".
After 111 (5)	*Insert* new paragraph '(5A) "the Forces" means the Nigerian Military Forces constituted by this Ordinance, including any units established by or under the Nigerian Military Forces (Military Units) Ordinance, 1953 ;'.

Section 2 (*d*)

SECOND SCHEDULE

AMENDMENTS TO VARIOUS ORDINANCES

Ordinance	*Amendment*
Cameroons under United Kingdom Trusteeship Ordinance (Cap. 27) : First Schedule	For "The Royal West African Frontier Force (Nigeria Regiment) Ordinance" *substitute* "The Nigerian Military Forces, Royal West African Frontier Force, Ordiannce".
Local Forces Ordinance (Cap. 119) : Title, ss. 2 (except in definition of "Nigeria Regiment"), 3 (2) (*a*) and (*b*), 6 (1) (*b*) (*i*), 28, 30 (*b*), 39, 45, 48 (1) (*a*) and (*b*), Second Schedule, Fourth Schedule and Sixth Schedule	For "Nigeria Regiment" wherever those words occur *substitute* "Nigerian Military Forces".

s. 2.	For the definition of "Nigeria Regiment" *substitute*— '"Nigerian Military Forces" means the Forces constituted under the provisions of the Nigerian Military Forces, West African Frontier Force, Ordinance.'
s. 48, Second Schedule, Fourth Schedule and Sixth Schedule	For "Royal West African Frontier Force (Nigeria Regiment) Ordinance" *substitute* "Nigerian Military Forces, Royal West African Frontier Force, Ordinance".
s. 59 (2) (inserted by the Local Forces (Amendment) Ordinance, 1955 (No. 8 of 1955)).	*Delete and substitute* "(2) Cadet units shall be affiliated to the Nigerian Military Forces, but shall not form part of the Nigerian Military Forces or of the Local Forces."
Prisons Ordinance (Cap. 177) : s. 10	For "Royal West African Frontier Force" *substitute* "Nigerian Military Forces".
Royal West African Frontier Force (Military Units) Ordinance, 1953 (No. 7 of 1953) ; Title, s. 2	For "Nigeria Regiment of the Royal West African Frontier Force" *substitute* "Nigerian Military Forces, Royal West African Frontier Force".
s. 1	
ss. 2, 3 and 4	For "Royal West African Frontier Force" *substitute* "Nigerian Military Forces".
s. 4	For "the Regiment" *substitute* "the Forces". After "of such Force" *insert* "or to the Nigerian Military Forces, Royal West African Frontier Force".
Military Pensions Ordinance, 1955 (No. 12 of 1955) s. 2	For paragraphs (*a*) and (*c*) of definition of "Military Forces of Nigeria" *substitute* "(*a*) Nigerian Military Forces, Royal West African Frontier Force Ordinance;" and "(*c*) Nigerian Military Forces (Military Units) Ordinance, 1953 ;" respectively.

Section 3

THIRD SCHEDULE

Amendments to Royal West African Frontier Force Reserve Ordinance (by the Ordinance renamed the Nigerian Military Forces Reserve Ordinance)

Section	*Amendment*
1	For "Royal West African Frontier Force (Nigeria Regiment) Ordinance" *substitute* "Nigerian Military Forces, Royal West African Frontier Force, Ordinance".
ss. 3 and 6	For "Nigeria Regiment Reserve" *substitute* "Nigerian Military Forces Reserve".
s. 4	For "a portion of the Royal West African Frontier Force Reserve to be known as the Nigeria Regiment Reserve" *substitute* "a reserve force to be known as the Nigerian Military Forces Reserve".
ss. 5 (*b*) and (*c*), and 7	For "Nigeria Regiment of the Royal West African Frontier Force" *substitute* "Nigerian Military Forces".
ss. 10 and 11	For "Nigeria Regiment" *substitute* "Nigerian Military Forces".

Section 4

FOURTH SCHEDULE

Further Amendments to various Ordinances

Ordinance	*Amendment*
Local Forces Ordinance (Cap. 119) : s. 7	*Delete* subsection (6).
s. 24	At end of subsection (4) *insert* "or a native of the Cameroons under United Kingdom Trusteeship".
Nigerian Military Forces, Royal West African Frontier Force, Ordinance (Cap. 200) : s. 73	*Delete* subsection (4)
Nigerian Military Force Reserve Ordinance (Cap. 201) : s. 2	*Delete* "provided that natives of the Cameroons under United Kingdom Trusteeship shall not be recruited for the Force".

Objects and Reasons

The primary purpose of this Bill is to give effect to the decision that the military forces of Nigeria should be given new titles which, while retaining the historic association with the name "Royal West African Frontier Force", should more accurately reflect their status as Nigerian Forces, raised in and belonging to Nigeria. Clauses 2 and 3 and the First, Second and Third Schedules make the necessary amendments.

Clause 4 and the Fourth Schedule are designed to remove an obsolete restriction on the recruitment of persons born in the Cameroons under United Kingdom Trusteeship into the military forces of Nigeria. When the Cameroons was administered under a mandate from the League of Nations it was decided by the League that even voluntary enlistment would be a violation of the mandate except enlistment into a military corps permanently quartered in the territory and used solely for its defence. In the United Nations Charter and in the Trusteeship Agreement under which the Cameroons is administered it is the duty of the Administering Authority to ensure that the territory shall play its part in the maintenance of international peace and security and to that end it may make use of volunteer forces, facilities and assistance from the Cameroons in carrying out its obligations. Since there is no military conscription in any part of Nigeria the voluntary principle will be maintained by permitting persons from the Cameroons to enlist in the Nigerian military forces on the same terms as Nigerians.

L. BRETT,
Acting Attorney-General of the Federation

Lagos.

A BILL

FOR

AN ORDINANCE TO AMEND THE REGISTRATION OF TITLES ORDINANCE (CHAPTER 197)

Title.

[*1st March, 1956*]

Date of Commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows—

Enactment

1. (1) This Ordinance may be cited as the Registration of Titles (Lagos) (Amendment) Ordinance, 1956, and shall come into operation on the 1st day of March, 1956.

Short title, commencement and application.

(2) This Ordinance shall apply within the Federal territory of Lagos only.

2. Section 3 of the Registration of Titles Ordinance (hereinafter referred to as the principal Ordinance) shall be amended by the addition (in its proper alphabetical order) of the following definition—

Amendment of section 3 of the principal Ordinance Cap. 197.

" "certificate of title" means a certificate issued by the Registrar in accordance with the provisions of section 55 ;"

Amendment of section 5.

3. Section 5 of the principal Ordinance shall be amended—

(*a*) by the insertion after the word "period" in the third line of the second proviso in subsection (1) of the words

", upon payment of a fee to be prescribed," and

(*b*) by the addition at the end of such proviso of the following—

"The Registrar shall have power to remit or reduce the amount of the prescribed fee in any case in which he considers it desirable so to do."

Amendment of section 8.

4. Section 8 of the principal Ordinance shall be amended by the repeal of subsection (4) and the substitution therefor of the following—

"(4) Where an objection to a first registration is received within two months from the date of the notice or within two months from the date upon which such notice is served upon the person objecting, whichever is the later, the registration shall not be effected until the person objecting has been given an opportunity of being heard : Provided that the Registrar may, in his discretion, extend or reduce the said period of two months."

Amendment of section 9.

5. Section 9 of the principal Ordinance shall be amended by the repeal of the proviso to subsection (2).

Repeal of section 11.

6. Section 11 of the principal Ordinance shall be repealed.

Addition of a new section 15A.

7. The principal Ordinance shall be amended by the insertion after section 15 of the following new section—

"Certain leases not registrable.

15A. A lease for a term limited to take effect more than twenty-one years from the date of the instrument purporting to create it shall not after the 1st day of March, 1956, be registered under this Ordinance."

Amendment of section 22.

8. Section 22 of the principal Ordinance shall be amended by the deletion of the words "including entry and foreclosure" in the third line of paragraph (*a*) and in the third line of paragraph (*b*), and the substitution therefor in each case of the following—

"including entry, foreclosure and sale".

Amendment of section 34.

9. Section 34 of the principal Ordinance shall be amended by the deletion of the words "in the prescribed manner" in the fifth line of subsection (1), and the substitution therefor of the following—

"in any registered disposition or other instrument".

Amendment of section 79.

10. Section 79 of the principal Ordinace shall be amended by the deletion of the words "prescribed size and quality" in subsection (5) and the substitution therefor of the following—

"size and quality prescribed by the regulations made under the provisions of the Land Registration Ordinance."

Cap. 108.

Addition of a new section 81A.

11. The principal Ordinance shall be amended by the insertion after section 81 of the following new section—

"Documents in foreign language to be accompanied by translation.

81A. Any document delivered to the Registrar which is not in the English language shall be accompanied by a translation certified as correct by some person approved by the Registrar."

Amendment of section 82.

12. Section 82 of the principal Ordinance shall be amended by the deletion of the word "three" in the second line of subsection (2) and the substitution therefor of the following—

"five".

Amendment of section 85.

13. Section 85 of the principal Ordinance shall be amended by the repeal of subsection (1) and the substitution therefor of the following—

"Exemption of registered land from Land Registration Ordinance".

Cap. 108.

(1) No document affecting land which originates an application for first registration and which is executed after the creation of the registration district in which such land is situate and no document affecting registered land executed after first registration shall require to be registered under the Land Registration Ordinance. No registered Owner, being a purchaser for value subsequent to first registration shall be affected by notice of any document registered under such Ordinance."

Addition of new section 98A.

14. The principal Ordinance shall be amended by the insertion after section 98 of the following new section—

"Power of Chief Justice to make rules.

98A. The Chief Justice of Lagos may make rules prescribing the procedure to be adopted in the conduct of appeals from decisions of the Registrar."

Addition of new sub-heading.

15. The principal Ordinance shall be amended by the insertion immediately above section 100 of the new sub-heading—

"FEES".

Amendment of section 101.

16. Section 101 of the principal Ordinance shall be amended—

(*a*) by the deletion in paragraph (*b*) of the words "and the fees to be paid"; and

(*b*) by the insertion after paragraph (*b*) of the following new paragraph—

"(*b*) remitting or reducing any fee payable under this Ordinance; and".

Amendment of First Schedule.

17. The First Schedule to the principal Ordinance shall be amended—

(*a*) by the deletion in form 2 of the heading "ADVERTISEMENTS" and the substitution therefor of the following—

"NOTICE";

(*b*) by the deletion in the third column of item C in form 16 of the word "lessor's" and the substitution therefor of the following—

"lessee's".

Repeal and replacement of Second Schedule.

18. The Second Schedule to the principal Ordinance shall be repealed and replaced by the following—

SECOND SCHEDULE

FEES

	£	s	d
1. On first registration of freehold land			
Where the value of the land :—			
(*a*) does not exceed £100	1	0	0
(*b*) exceeds £100 :—			
For the first £100	1	0	0
For every additional £100 or part thereof up to £500	0	10	0
For every additional £100 or part thereof over £500 and up to £1,000	0	5	0
For every additional £100 or part thereof over £1,000	0	2	6
2. On first registration of leasehold land			
Where the annual rent :—			
(*a*) does not exceed £20	1	0	0
(*b*) exceeds £20 :—			
For the first £20	1	0	0
For every additional £5 or part thereof up to £50	0	5	0
For every additional £5 or part thereof over £50 and up to £150	0	2	0
For every additional £5 or part thereof over £150 and up to £250	0	1	0
For every additional £5 or part thereof over £250	0	0	6
3. For registration of a transfer or change of ownership (except on transmission) assignment of lease or sub-lease, charge or sub-charge or transfer thereof.			
Where the amount of the consideration, premium, or the amount of charge or sub-charge :—			
(*a*) does not exceed £100	1	0	0
(*b*) exceeds £100 :—			
For the first £100	1	0	0
For every additional £100 or part thereof up to £500	0	5	0
For every additional £100 or part thereof over £500	0	2	6
4. For registration of a lease or sub-lease			
Where the annual rent of the lease or sub-lease :—	£	s	d
(*a*) does not exceed £20	1	0	0
(*b*) exceeds £20 :—			
For the first £20	1	0	0
For every additional £5 or part thereof up to £50	0	2	6
For every additional £5 or part thereof over £50 up to £150 ..	0	1	0
For every additional £5 or part thereof over £150	0	0	6
5. For registration of release of a charge or sub-charge or surrender of a lease or sub-lease	1	0	0
6. For registration of a mortgage by deposit of certificate of title	1	0	0
7. For registration of a discharge of a mortgage by deposit of certificate of title	0	10	0
8. For registration of creation or discharge of an easement, profit a prendre or restrictive covenant	1	0	0
9. For registration of a caution or restriction or alteration or withdrawal thereof :—			
In the case of registered land	1	0	0
In the case of unregistered land	2	0	0
10. For extending the period prescribed by section 5 of the Ordinance pursuant to an order of the registrar or the court	2	0	0

SECOND SCHEDULE—*continued*

Fees	£	s	d
11. For a new certificate of title	2	0	0
12. For alteration of the terms of a registered lease, sub-lease or charge ..	1	0	0
13. For lodging objection against first registration	2	0	0
14. For rectification of the register	1	0	0
15. For registering a change of name or address or additional address ..	0	10	0
16. For filing notice of appeal	1	0	0
17. For preparing or settling a statement on an appeal or reference to the Court	2	0	0
18. For inspection of title on the register	0	5	0
19. For taking a declaration	0	4	0
For each exhibit thereto	0	1	0
20. For certified copies of documents for every 100 words (exclusive of plans)	0	2	0
For copies of plans. Such sum as the Registrar may direct.			
21. For any entry or cancellation on the register or any act, matter, or thing for which the Registrar considers a fee should be chargeable and for which no other fee is provided, such sum as the Registrar may direct but not exceeding	1	0	0
22. Advertising in the local newspapers as required by sections 8 and 57. Such sum as the Registrar may direct.			

Objects and Reasons

The object of the Bill is to improve the machinery of the Registration of Titles Ordinance, and to the extent that they are non-contentious it embodies the residue of the recommendations made by Sir MERVYN TEW in his Report on Titles to Land in Lagos. Considerable changes in fees are proposed and, although there are no large increases, they reflect more accurately the degree of work involved in the various items.

L. BRETT,
Acting Attorney-General of the Federation

Lagos.

The following Bills, which will in due course be presented to the House of Representatives for enactment, are published for general information.

By His Excellency's Command,

R. F. A. GREY,
Chief Secretary of the Federation

Lagos, 19th January, 1956.

A BILL

FOR

AN ORDINANCE TO MAKE FURTHER PROVISION WITH RESPECT TO CO-OPERATIVE SOCIETIES IN LAGOS.

Title.

[*1st April, 1956*]

Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows—

Enactment.

1. (1) This Ordinance may be cited as the Co-operative Societies (Lagos) (Miscellaneous Provisions) Ordinance, 1956, and shall come into operation on the 1st day of April, 1956, and shall have effect in relation to Lagos.

Citation, commencement and construction.

(2) In relation to Lagos this Ordinance shall be construed as one with the Co-operative Societies Ordinance (hereinafter referred to as the principal Ordinance).

Cap. 39.

Interpretation.

W.R. Law No. 6 of 1953.
W.R. Law No. 5 of 1954.

2. In this Ordinance, unless the context otherwise requires—

"the Law" means the Western Region Co-operative Societies Law, 1953, as amended by the Western Region Co-operative Societies (Amendment) Law, 1954.

Application of principal Ordinance to Lagos.

3. With effect from the commencement of this Ordinance—

(*a*) the principal Ordinance shall apply to and in respect of Lagos as though Lagos were a Region ; and

(*b*) any society applying for registration with a registered address in Lagos shall be registered under the principal Ordinance and not under the Law.

Registered societies deemed to be registered under principal Ordinance.

4. Any co-operative society with a registered address in Lagos which, immediately before the commencement of this Ordinance, is or is deemed to be, a registered society registered under the Law shall be deemed to be a registered society registered under the principal Ordinance.

Transitional provisions.

5. (1) In relation to any such registered society as is referred to in section 4 of this Ordinance—

(*a*) nothing in this Ordinance shall affect any order, rule, regulation, certificate, exemption, appointment, conveyance, mortgage, deed or agreement made or issued, resolution passed, direction given, proceeding taken, instrument issued or thing done under the Law and any such order, rule, regulation, certificate, exemption, appointment, conveyance, mortgage, deed or agreement which was in force immediately before the commencement of this Ordinance shall, so far as it could lawfully have been made, passed, given, taken, issued or done under the principal Ordinance, have effect and may be amended or revoked as if it had been so made, passed, given, taken, issued or done ;

(*b*) any document referring to the Law shall, in relation to anything which takes place after the commencement of this Ordinance, be construed as referring to the corresponding enactment of the principal Ordinance ;

(*c*) the registration register or other record of registered societies (by whatever name it may be known) kept by the appropriate registrar in Lagos shall contain copies of any entries made in the registration register kept by the registrar appointed under the Law ;

(*d*) any funds held by the registrar appointed under the Law on behalf of or to the credit of a registered society shall be transferred to and held by the appropriate registrar in Lagos for a like purpose.

(2) Where the registration of a registered society with a registered address in Lagos has been cancelled under section 42 of the Law and the liquidation of the society has not been completed, the liquidator appointed under the Law, or a liquidator appointed in his place by the appropriate registrar in Lagos, shall have power to proceed with the liquidation of the society as if the registration of the society had been cancelled and the liquidation commenced under the principal Ordinance, and the provisions of subsection (2) of section 63 of the principal Ordinance shall apply in respect of any money lying unclaimed when the liquidation has been closed.

Special provisions for central societies with addresses outside Lagos. Powers of Regional registrar.

6. (1) Where—

(*a*) a co-operative society is registered with an address anywhere in the Federation outside Lagos, under the provisions of any Ordinance or Law enacted, or having effect as if it had been enacted, by the Legislature of a Region or the Southern Cameroons ;

(*b*) the purposes of the society are such that if it had been registered with an address in Lagos under the principal Ordinance it would have been a central society for the purposes of the principal Ordinance ; and

(*c*) the society carries on any business or has any assets, records or books of account in Lagos, the Regional registrar shall have and may exercise in Lagos in relation to such society and to the officers, agents, servants, members and creditors of such society all the powers conferred upon the appropriate registrar in Lagos by sections 46, 47, 48, 49 and 50 of the principal Ordinance, and the provisions of sections 51, 52 and 66 of the principal Ordinance shall apply in relation to the exercise of such powers by the Regional registrar.

(2) In this section "Regional registrar" means any officer appointed under the Ordinance or Law under which a society referred to in subsection (1) is registered and exercising functions analogous to those conferred upon the appropriate registrar in Lagos by the principal Ordinance.

Law to cease to apply.

7. The Law shall cease to apply in relation to Lagos.

Objects and Reasons

The Registrar of Co-operative Societies in the Western Region has hitherto carried out the functions of such a registrar in Lagos but now a Co-operative Department is to be established in Lagos and the arrangement can be terminated.

The Co-operative Societies Ordinance has remained dormant and unused in Lagos since the enactment of the Western Region Co-operative Societies Law, 1953, which was modified by an Adaptation Order in 1954, to make it suitable within Lagos. The purpose of this Bill is—

(*a*) to provide that the Western Region Co-operative Societies Law, 1953, shall cease to apply within Lagos.

(*b*) to provide that the Co-operative Societies Ordinance shall apply in its stead as though it were an Ordinance enacted for Lagos alone, and

(*c*) to make provision for the survival under the Ordinance of transactions which have taken place under the Regional Law.

Lagos.

L. BRETT,
Acting Attorney-General of the Federation

A BILL

FOR

AN ORDINANCE TO AMEND THE UNIVERSITY COLLEGE HOSPITAL ORDINANCE, 1952 (ORDINANCE 26 OF 1952)

[*1st May, 1956*]

Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows:— Enactment.

1. This Ordinance may be cited as the University College Hospital (Amendment) Ordinance, 1956, and shall come into operation on 1st of May, 1956. Short title.

2. Section 5 of the University College Hospital Ordinance, 1952, shall be amended by the deletion of paragraph (*e*) of sub-section (2) and the substitution therefor of the following— Amendment of section 5 of Ordinance 26 of 1952.

"(*e*) the following two persons, who shall be known as *ex officio* members—

(*i*) the Federal Permanent Secretary who under section 100 of the Nigeria (Constitution) Order in Council, 1954, has supervision over the Department of Medical Services of the Federation, and

L.N. 102 of 1954

(*ii*) the Chief Medical Adviser to the Federal Government of Nigeria.".

Objects and Reasons

The Financial Secretary of the Federation is now a member of the Board of Management of the University College Hospital at Ibadan, but other duties frequently prevent his attendance. The purpose of the amendment is to substitute as such member the Permanent Secretary of the appropriate Ministry.

L. BRETT,
Acting Attorney-General of the Federation

Lagos.

MH44/S. 6/Vol. II

Supplement to Official Gazette No. 5, Vol. 43, 26th January, 1956—Part B

L.N. 5 of 1956

THE LAGOS LOCAL GOVERNMENT LAW, 1953

(W.R. No. 4 of 1953)

Townships (Lagos) (Amendment) Bye-laws, 1955

Date of Commencement : 1st January, 1956

In exercise of the powers conferred upon the Lagos Town Council by section 142 of the Lagos Local Government Law, 1953, the following Bye-laws have been made with the approval of the Regional Authority—

1. These Bye-laws may be cited as the Townships (Lagos) (Amendment) Bye-laws, 1955 and shall come into operation on the 1st January, 1956. Citation and commencement.

2. The Townships (Lagos) Bye-laws (hereinafter referred to as the principal bye-laws) are amended by the deletion of that part of the Second Schedule entitled "Vehicles Licences" and the substitution of the following therefor— Amendment to the Townships (Lagos) Bye-laws. (Vol. X of the Laws of Nigeria, p. 284.).

"Vehicle Licences

	£	s	d
1. Bicycles, tricycles and other pedalled vehicles—full year	0	12	6
2. Bicycles, tricycles and other pedalled vehicles—half year	0	7	6
3. Barrows, hand-carts or trucks with two or three wheels fitted with rubber tyres on all wheels or children's chairs and perambulators used for the carriage of goods	5	0	0
4. Rickshaws, go-carts or bath-chairs propelled by hand	1	0	0
5. Barrows, hand-carts or trucks with two or three wheels not fitted with rubber tyres on all wheels	8	0	0
6. Animal drawn vehicles not intended for the carriage of goods..	2	0	0
7. Barrows, hand-carts or trucks with four or more wheels (excluding children's chairs and perambulators referred to above) or animal drawn vehicles intended for the carriage of goods with two or more wheels			
(*a*) with rubber tyres on all wheels ..	7	7	0
(*b*) without rubber tyres on all wheels	10	10	0
8. For a new licence and metal plate to take the place of one lost or stolen ..	0	1	0
9. For licences taken out after the 30th June one-half of the rates in item 1 and items 3 to 7 will be charged but no half-yearly licence other than one under item 2 will be issued in respect of the first half of the year.".			

Amendment Bye-law 174A of the Township (Lagos) Bye-laws.

3. Bye-law 174A of the principal Bye-laws is hereby amended by the deletion of sub-paragraph (*ii*) and the substitution therefor of the following—

"(*ii*) A hand-cart puller of 18 years of age or over may obtain a hand-cart puller's licence from the Council on payment of the sum of 5*s* and such licence shall expire on the following 31st December: Provided that the Council may refuse to issue such a licence if the applicant for the licence has been convicted of an offence which in the opinion of the Council indicates that he is not a suitable person to hold a hand-cart puller's licence."

Revocation of Bye-laws. (W.R. L.N. 30 of 1954 and Federal L.N. 15 of 1955.).

4. The Townships (Lagos) (Amendment No. 1) Bye-laws, 1954, and the Townships (Lagos) (Amendment) Bye-laws, 1955, are revoked.

MADE by the Lagos Town Council this 6th day of December, 1955.

D. M. O. AKINBIYI,
Town Clerk

APPROVED by the Governor-General in Council this 10th day of January, 1956.

L. ROBERTS,
Acting Deputy Secretary to the Council of Ministers

EXPLANATORY NOTE

The licence fee for a bicycle is raised from 10*s* to 12*s*-6*d* but provision is made for half-yearly licences to be granted at 7*s*-6*d*. There is an increase in the licence fees for two and three-wheeled rubber tyred carts from £4 to £5, and a heavier increase where no rubber tyres are fitted.

No change is effected by the amendment set out in Bye-law 3; the provision is made to render the present set of amendment Bye-laws exhaustive as to licence fees, and so the previous amendment Bye-laws are repealed.

The following Bill, which will in due course be presented to the House of Representatives for enactment, is published for general information.

By His Excellency's Command,

R. F. A. GREY,
Chief Secretary of the Federation

Lagos, 26th January, 1956.

A BILL

FOR

AN ORDINANCE TO CONFER ON THIRD PARTIES RIGHTS AGAINST INSURERS OF THIRD-PARTY RISKS IN THE EVENT OF THE INSURED BECOMING INSOLVENT, AND IN CERTAIN OTHER EVENTS. Title.

[ ] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :— Enactment.

1. This Ordinance may be cited as the Third Parties (Rights against Insurers) Ordinance, 1956, and shall apply throughout the Federation. Short title and application.

2. (1) Where under any contract of insurance a person (hereinafter referred to as the insured) is insured against liabilities to third parties which he may incur, then— Rights of third parties against insurers on insolvency.

(*a*) in the event of the insured becoming bankrupt or making a composition or arrangement with his creditors, or

(*b*) in the case of the insured being a company, in the event of a winding-up order being made or a resolution for a voluntary winding-up being passed with respect to the company, or of a receiver or manager of the company's business or undertaking being duly appointed, or of possession being taken by or on behalf of the holders of any debentures secured by a floating charge of any property comprised in or subject to the charge,

if either before or after that event any such liability as aforesaid is incurred by the insured, his rights against the insurer under the contract in respect of the liability shall, notwithstanding anything in any written law or rule of law to the contrary, be transferred to and vest in the third party to whom the liability was so incurred.

(2) Where an order is made under the provisions of any law relating to bankruptcy for the administration of the estate of a deceased debtor according to the law of bankruptcy, then if any debt provable in bankruptcy is owing by the deceased in respect of a liability against which he was insured under a contract of insurance as being a liability to a third party, the deceased debtor's rights against the insurer under the contract in respect of that liability shall notwithstanding anything in the said law be transferred to and vest in the person to whom the debt is owing.

(3) In so far as any contract of insurance made after the commencement of this Ordinance in respect of any liability of the insured to third parties purports, whether directly or indirectly, to avoid the contract or to alter the rights of the parties thereunder upon the happening to the insured of any of the events specified in paragraph (*a*) or paragraph (*b*) of subsection (1) of this section, the contract shall be of no effect.

(4) Upon a transfer under subsection (1) or subsection (2) of this section, the insurer shall subject to the provisions of section 4 be under the same liability to the third party as he would have been under to the insured but—

(*a*) if the liability of the insurer to the insured exceeds the liability of the insured to the third party, nothing in this Ordinance shall affect the rights of the insured against the insurer in respect of the excess ; and

(*b*) if the liability of the insurer to the insured is less than the liability of the insured to the third party, nothing in this Ordinance shall affect the rights of the third party against the insured in respect of the balance.

(5) For the purposes of this Ordinance, the expression "liabilities to third parties", in relation to a person insured under any contract of insurance, shall not include any liability of that person in the capacity of insurer under some other contract of insurance.

(6) This Ordinance shall not apply—

(*a*) where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company ; or

(*b*) to any case to which section 26 of the Workmen's compensation Ordinance applies ; Cap. 234

(*c*) to any policies or contracts of insurance to which sections 11, 12, 13, 14 or 15 of the Motor Vehicles (Third Party Insurance) Ordinance apply. Cap. 139

Duty to give necessary information to third parties.

3. (1) In the event of any person becoming bankrupt or making a composition or arrangement with his creditors, or in the event of an order being made under the provisions of any law relating to bankruptcy in respect of the estate of any person, or in the event of a winding-up order being made or a resolution for a voluntary winding-up being passed with respect to any company or of a receiver or manager of the company's business or undertaking being duly appointed or of possession being taken by or on behalf of the holders of any debentures secured by a floating charge of any property comprised in or subject to the charge, it shall be the duty of the bankrupt, debtor, personal representative of the deceased debtor or company, and, as the case may be, of the trustee in bankruptcy, trustee, liquidator, receiver, or manager, or person in possession of the property to give at the request of any person claiming that the bankrupt, debtor, deceased debtor, or company is under a liability to him such information as may reasonably be required by him for the purpose of ascertaining whether any rights have been transferred to and vested in him by this Ordinance and for the purpose of enforcing such rights, if any ; and any contract of insurance, in so far as it purports, whether directly or indirectly, to avoid the contract or to alter the rights of the parties thereunder upon the giving of any such information in the events aforesaid or otherwise to prohibit or prevent the giving thereof in the said events shall be of no effect.

(2) If the information given to any person in pursuance of subsection (1) of this section discloses reasonable ground for supposing that there have or may have been transferred to him under this Ordinance rights against any particular insurer, that insurer shall be subject to the same duty as is imposed by the said subsection on the persons therein mentioned.

(3) The duty to give information imposed by this section shall include a duty to allow all contracts of insurance, receipts for premiums, and other relevant documents in the possession or power of the person on whom the duty is so imposed to be inspected and copies thereof to be taken.

(4) Any person who, without reasonable excuse, the onus of proving which shall be upon him, fails to comply with any of the requirements of this section or who wilfully or recklessly makes any false or misleading statement in reply to a demand for information, shall be guilty of an offence and shall be liable to a fine of fifty pounds or imprisonment for six months or both such fine and imprisonment.

Settlement between insurers and insured persons.

4. Where the insured has become bankrupt, or where in the case of the insured being a company a winding-up order has been made or a resolution for a voluntary winding-up has been passed with respect to the company, no agreement made between the insurer and the

insured after liability has been incurred to a third party and after the commencement of the bankruptcy or winding-up, as the case may be, nor any waiver, assignment, or other disposition made by, or payment made to the insured after the commencement aforesaid shall be effective to defeat or affect the rights transferred to the third party under this Ordinance, but those rights shall be the same as if no such agreement, waiver, assignment, disposition or payment had been made.

Objects and Reasons

The object of this Bill is to provide, for third parties who are covered under policies of insurance, rights against insurance companies in respect of the insurance monies due under the policies in the event of the insured person or company becoming insolvent. This will enable the insurance monies to be paid and applied directly to and in favour of the third parties and will prevent such monies from being utilised as assets of the insured person or company for distribution amongst their creditors.

Clause 2 accordingly provides for the transfer to the third party of the insured person or company's rights against the insurer. Sub-clause (3) precludes insurers from contracting out of the provisions of this clause, and sub-clause (4) provides that the right transferred shall, at most, be in respect of the precise liability of the insured person or company to the third party.

Clause 3 requires the liquidator of an insured company (or a receiver or manager or person in possession of the property of an insured person or company) to furnish information to a third party to enable him to ascertain his rights as against the insurer. Sub-clause (1) includes provision designed to preclude insurers making stipulations which would interfere with this requirement.

The effect of *clause* 4 is that, when rights have vested in a third party under the foregoing provisions of this Bill, they cannot be affected by any subsequent agreement or arrangement between the insurer and the insured person or company.

Reference is made throughout the Bill to a person becoming bankrupt or making a composition or arrangement with his creditors. There is at present no legislative provision in Nigeria for bankruptcy, but the expression is used to obviate the need for consequential amendment in case of such legislative provision being made in the future.

Lagos.

A. McKisack,
Attorney-General of the Federation

Supplement to Official Gazette No. 8, Vol. 43, 2nd February, 1956—Part B

L.N. 6 of 1956

PORTS ORDINANCE, 1954 (No. 27 OF 1954)

Nigerian Ports Authority (Dues and Rates) Regulations, 1956

Date of Commencement : 1st March, 1956

The Nigerian Ports Authority in exercise of the powers and authority vested in them by section 82 of the Ports Ordinance, 1954, and of every other power in that behalf vested in them do make the following regulations—

1. These regulations may be cited as the Nigerian Ports Authority (Dues and Rates) Regulations, 1956, and shall come into force on the 1st day of March, 1956.

2. In these regulations unless the context otherwise requires—

"Authority" means the Nigerian Ports Authority established under the provisions of the Ordinance ;

"Authority pilot" means a pilot appointed by the Authority for a port ;

"Harbour Master" means the Harbour Master duly appointed by the Authority for a port under section 40 of the Ordinance and shall include his duly authorised deputies and assistants ;

"Ordinance" means the Ports Ordinance, 1954 ;

"Port" means each of the places specified in the First Schedule to the Ordinance (other than the ports of Akassa, Bonny, Forcados and Koko), and a place declared to be a port in pursuance of section 6 of the Ordinance within the limits declared for the port in pursuance of the provisions of paragraph (*b*) of subsection (1) of the said section 6 ;

"pilotage district" means a pilotage district established by the Authority under section 45 of the Ordinance ;

"ship" includes any ship, vessel, tug, lighter, canoe or boat of any kind whatsoever whether propelled by steam or otherwise or towed other than a ship belonging to Her Majesty or belonging to a foreign Government ;

"wharf" means any wharf, quay, pier, breakwater or landing place within a port ;

"animals" means animate things of every kind except human beings ;

"cargo" includes all kinds of moveable personal property other than animals ;

"goods" includes baggage, animals (whether alive or dead) and all other moveable property of any kind whatsoever ;

"N.R.T." means net registered tonnage.

3. The harbour dues which the Authority are authorised to levy by section 61 of the Ordinance are prescribed in the First Schedule to these regulations, together with the exemptions and conditions applying to such dues.

4. The ships dues which the Authority are authorised to levy by section 67 of the Ordinance are prescribed in the Second Schedule to these regulations, together with the exemptions and conditions applying to such dues.

5. The rates which the Authority are authorised to levy by section 70 of the Ordinance are prescribed in the Third Schedule to these regulations, together with the conditions applying to such rates.

6. The harbour dues, ships dues and the rates prescribed by these regulations shall be payable to the officer of the Authority for the time being appointed by them to receive such payments or such other person as they may from time to time authorise at such place or places as the Authority may from time to time appoint.

7. Notwithstanding the provisions of section 5 of these regulations the Authority may by special agreement with any person instead of charging the rates prescribed in the Third Schedule to these regulations charge such other rates as may be agreed.

FIRST SCHEDULE

PART I

	£ s d
PASSENGERS	
(1) *Ports of Lagos and Port Harcourt*	
(*a*) Landing from or embarking upon a ship entering by or from sea or leaving by or for sea—	
Deck passengers, each	0 1 0
All other passengers, each	0 10 0
(*b*) Transhipped within the port from a ship entering by or from sea, on disembarking only—	
Deck passengers, each	0 0 6
All other passengers, each	0 2 6
(2) *A Port other than Lagos and Port Harcourt*	
(*c*) Landing from or embarking upon a ship entering by or from sea or leaving by or for sea—	
Deck passengers, each	0 0 6
All other passengers, each	0 2 6
(*d*) Transhipped within the port from a ship entering by or from sea, on disembarking only—	
Deck passengers, each	0 0 3
All other passengers, each	0 1 3

PART II

ANIMALS	
(1) *Ports of Lagos and Port Harcourt*	
(*a*) Unshipped or shipped in the port from or by a ship entering by or from sea or leaving by or for sea—	
Horses, mules, donkeys and cattle, per head	0 3 0
Dogs, sheep, goats and swine, per head	0 1 6
(*b*) Transhipped within the port from a ship entering by or from sea, on unshipment only—	
Horses, mules, donkeys and cattle, per head	0 1 6
Dogs, sheep, goats and swine, per head	0 0 9
(2) *A Port other than Lagos and Port Harcourt*	
(*c*) Unshipped or shipped in the port from or by a ship entering by or from sea or leaving by or for sea—	
Horses, mules, donkeys and cattle, per head	0 1 6
Dogs, sheep, goats and swine, per head	0 0 9
(*d*) Transhipped within the port from a ship entering by or from sea, on unshipment only—	
Horses, mules, donkeys and cattle, per head	0 0 9
Dogs, sheep, goats and swine, per head	0 0 4½

Part III

Cargo	£	s	d
(1) Unshipped in the port from a ship entering by or from sea—			
(*a*) *Ports of Lagos and Port Harcourt*			
(*i*) Motor spirit, kerosene, gas oil and automotive gas oil :—			
From foreign—			
In drums of approximately forty-four gallons, per drum	0	1	3
In cases of approximately eight gallons, per case	0	0	2¾
In bulk or otherwise than in such drums or cases, per ton weight ..	0	6	0
From another port in Nigeria—			
In drums of approximately forty-four gallons, per drum	0	0	7½
In cases of approximately eight gallons, per case	0	0	1⅜
In bulk or otherwise than in such drums or cases, per ton weight ..	0	3	0
(*ii*) Empty drums, per ton weight	0	5	0
(*iii*) Uncrated motor vehicles other than motor cycles, each	1	0	0
(*iv*) Coal mined in Nigeria, per ton weight	0	3	0
(*v*) All other cargo, per ton weight or measurement according to whether freight is chargeable on weight or measurement ..	0	6	0
(*b*) *A Port other than Lagos and Port Harcourt*			
(*i*) Motor spirit, kerosene, gas oil and automotive gas oil :—			
From foreign—			
In drums of approximately forty-four gallons, per drum	0	0	7½
In cases of approximately eight gallons, per case	0	0	1⅜
In bulk or otherwise than in such drums or cases, per ton weight ..	0	3	0
From another port in Nigeria—			
In drums of approximately forty-four gallons, per drum	0	0	3¾
In cases of approximately eight gallons, per case	0	0	0 11/16
In bulk or otherwise than in such drums or cases, per ton weight ..	0	1	6
(*ii*) Empty drums, per ton weight	0	2	6
(*iii*) Uncrated motor vehicles other than motor cycles, each	0	10	0
(*iv*) All other cargo, per ton weight or measurement according to whether freight is chargeable on weight or measurement	0	3	0
(2) Transhipped in the port from a ship entering by or from sea—			
(*a*) *Ports of Lagos and Port Harcourt*			
(*i*) Motor spirit, kerosene, gas oil and automotive gas oil :—			
In drums of approximately forty-four gallons, per drum ..	0	0	7½
In cases of approximately eight gallons, per case	0	0	1⅜
In bulk or otherwise than in such drums or cases, per ton weight ..	0	3	0
(*ii*) Empty drums, per ton weight	0	2	6
(*iii*) Uncrated motor vehicles other than motor cycles, each	0	10	0
(*iv*) All other cargo, per ton weight or measurement according to whether freight is chargeable on weight or measurement	0	3	0

	£	s	d
(*b*) *A Port other than Lagos and Port Harcourt*			
(*i*) Motor spirit, kerosene, gas oil and automotive gas oil :—			
In drums of approximately forty-four gallons, per drum	0	0	$3\frac{3}{4}$
In cases of approximately eight gallons, per case	0	0	$0\frac{11}{16}$
In bulk or otherwise than in such drums or cases, per ton weight ..	0	1	6
(*ii*) Empty drums, per ton weight	0	1	3
(*iii*) Uncrated motor vehicles other than motor cycles, each	0	5	0
(*iv*) All other cargo, per ton weight or measurement according to whether freight is chargeable on weight or measurement	0	1	6

(3) Reshipped in the port by a ship leaving by or for sea :—

(*a*) *Ports of Lagos and Port Harcourt*			
(*i*) Motor spirit, kerosene, gas oil and automotive gas oil :—			
In drums of approximately forty-four gallons, per drum	0	0	6
In cases of approximately eight gallons, per case	0	0	1
In bulk or otherwise than in such drums or cases, per ton weight ..	0	2	0
(*ii*) Empty drums, per ton weight	0	5	0
(*iii*) Uncrated motor vehicles other than motor cycles, each	1	0	0
(*iv*) All other cargo, per ton weight or measurement according to whether freight is chargeable on weight or measurement ..	0	6	0
(*b*) *A Port other than Lagos and Port Harcourt*			
(*i*) Motor spirit, kerosene, gas oil and automotive gas oil :—			
In drums of approximately forty-four gallons, per drum	0	0	3
In cases of approximately eight gallons, per case	0	0	$0\frac{1}{2}$
In bulk or otherwise than in such drums or cases, per ton weight ..	0	1	0
(*ii*) Empty drums, per ton weight	0	2	6
(*iii*) Uncrated motor vehicles other than motor cycles, each	0	10	0
(*iv*) All other cargo, per ton weight or measurement according to whether freight is chargeable on weight or measurement ..	0	3	0

(4) Shipped in the port by a ship leaving by or for sea—

(*a*) *Ports of Lagos and Port Harcourt*			
(*i*) Empty drums, per ton weight	0	5	0
(*ii*) Uncrated motor vehicles other than motor cycles, each	1	0	0
(*iii*) All other cargo, per ton weight or measurement according to whether freight is chargeable on weight or measurement ..	0	6	0
(*b*) *A Port other than Lagos and Port Harcourt*			
(*i*) Empty drums, per ton weight	0	2	6
(*ii*) Uncrated motor vehicles other than motor cycles, each	0	10	0
(*iii*) All other cargo, per ton weight or measurement according to whether freight is chargeable on weight or measurement	0	3	0

(5) All cargo proved to the satisfaction of the Authority to have been or to be about to be carried by inland waters only to or from a port shall when shipped or unshipped in or from a ship leaving or arriving at a port by sea pay those dues set out in paragraph (2) of this Part of this Schedule.

Exemptions From Harbour Dues

1. The following are exempt from the payment of harbour dues :—

(*a*) passengers' baggage which has been passed as such by the Comptroller of Customs and Excise;

(*b*) persons visiting the port from ships or *vice versa*, and returning within twenty-four hours ;

(*c*) specie and currency notes ;

(*d*) (*i*) coal brought into the port as part of a ship's bunker coal and transhipped as bunker coal from one ocean-going ship direct into another ocean-going ship ;

(*ii*) fuel oil brought into the port as part of a ship's bunker oil and transhipped as bunker oil from one ocean-going ship direct into another ocean-going ship ;

(*e*) passengers, animals and cargo disembarked or transhipped from a ship for the purpose of enabling such ship to be docked and subsequently re-embarked or reloaded into the same ship or transhipped into another ship ;

(*f*) passengers, animals or cargo which, having left or been exported from Nigeria, return through a port before reaching their destination and such return is due to the action of Her Majesty's Government in the United Kingdom or any British possession, protectorate, or territory under British Mandate, or of any foreign Government or Power or of any agent or member of the armed forces of Her Majesty's Government or any of such Governments:

Provided that harbour dues shall be payable in respect of—

(*i*) all passengers, animals and cargo on a ship when the return of such passengers, animals and cargo is due to the wrongful act or neglect of the owner or master of such ship ;

(*ii*) a passenger, when the return of such passenger is due to his wrongful act or default ; and

(*iii*) animals or cargo when the return of such animals or cargo is due to the wrongful act or neglect of the owner, consignor or consignee of such animals or cargo ;

(*g*) gas oil and automotive gas oil imported by sea by or on behalf of the Admiralty and transhipped but not landed in the port of Lagos for storage in any storage ship in the service of Her Majesty in such port for subsequent shipment as bunker oil to any of Her Majesty's ships, or vessels of war of any power allied to or associated with Her Majesty.

2. The following is exempt from payment of harbour dues on entering a port :—

Palm oil passed by the Collector of Customs and Excise as having been imported for the purposes of refining, bulking and reshipping.

3. The following are exempt from payment of harbour dues on leaving a port :—

(*a*) passengers, animals and cargo if transhipped within a port except (apart from the port of Lagos) cargo the subject of sub-paragraphs (*d*) and (*e*) below ;

(*b*) coal shipped out of the port as bunker coal;

(*c*) fuel oil shipped out of the port as bunker fuel oil ; and in the case of the port of Lagos only:—

(*d*) motor spirit, kerosene, gas oil, or automotive gas oil which has been unshipped at the port in bulk and reshipped in bulk or otherwise from the port either to another port or elsewhere;

(*e*) motor spirit, kerosene, gas oil, or automotive gas oil if transhipped within the port.

Conditions applying to Harbour Dues

1. The gross weight or measurement of packages is to be taken in ascertaining harbour dues.

The term 'ton' shall mean—

(*a*) where charges are measured by weight 20 cwt or 1,000 kilos.

(*b*) where charges are assessed by measurement 40 cubic feet (50 cubic feet in the case of timber).

Any fraction of a hundredweight which is less than fifty-six pounds shall be disregarded and any fraction of a hundredweight which is or exceeds fifty-six pounds shall be assessed for dues as if such fraction were a full hundredweight. Fractions of an inch shall be reckoned as one inch.

2. Any addition to or deduction from a vessel's cargo tonnage after assessment of harbour dues shall be disregarded, provided the amount involved does not exceed the sum of £2, and a refund of harbour dues in respect of any vessel will only be allowed where the amount involved exceeds the sum of £2.

3. Where the Authority is satisfied that motor spirit, kerosene, gas oil, or automotive gas oil unshipped at the port of Lagos in bulk has been subsequently filled into tins or drums at Lagos and shipped from Lagos by sea or shipped from Lagos by inland navigation to Dahomey or to any port in Nigeria under any regulations prescribed in that behalf under the Customs Ordinance a refund of one-half of the inward dues paid in accordance with the provisions of Part III of this Schedule shall be allowed.

4. A refund of harbour dues will not be allowed after twelve months from the date of the relative vessels report inwards or outwards as the case may be, except with the approval of the Authority.

SECOND SCHEDULE

Dues on Ships using a Port

(1) *Light and buoyage dues*

	£	s	d
(*a*) On every ship entering the port of Lagos or the port of Port Harcourt, per ton of N.R.T.	0	0	10
(*b*) On every ship entering a port other than the port of Lagos or the port of Port Harcourt, per ton of N.R.T.	0	1	4
(*c*) On every ship entering a port as the next port of call after having first entered the port of Lagos or the port of Port Harcourt, per ton of N.R.T.	0	0	6

Exemptions from Light and Buoyage Dues

1. The following are exempt from payment of light and buoyage dues:—

(*a*) Ships plying only on the inland waters of Nigeria and adjacent territories and certificated under Part IV of the Shipping and Navigation Ordinance and inland steam or motor vessels.

(*b*) Ships putting in for bunker coal, bunker fuel oil, stores, provisions, water for their own use on board, or from stress of weather, or for the purpose of repairing, or because of damage, provided they do not discharge or load cargo other than cargo discharged with a view to such repairs and afterwards reshipped, and that they do not land or embark passengers;

Provided that no ship will be allowed to take, under this exemption, more coal than the total capacity for which her bunkers provide.

CONDITIONS APPLYING TO LIGHT AND BUOYAGE DUES

1. No ship shall be required to pay light and buoyage dues at a higher rate than one shilling and four pence in all per ton on the net registered tonnage of the ship.

2. Light and buoyage dues shall not be paid in respect of any ship more than once in any period of thirty consecutive days.

3. No ship shall be required to pay light and buoyage dues twice in one ordinary voyage to Nigeria.

4. Ships having their headquarters at a port in Nigeria and employed in trading between ports in tropical West Africa only shall pay dues at the rate of one shilling and four pence per ton on the net registered tonnage once in twelve months only.

(2) *Anchorage Dues*

	£	s	d
On every ship remaining in a port for a longer period than one calendar month after the date of entry—for each day or part of a day beyond one month, per ton of N.R.T.	0	1	4

CONDITIONS APPLYING TO ANCHORAGE DUES

The Authority may exempt from the payment of all or any part of anchorage dues, any ship which has remained in port for the purpose of effecting repairs or is employed on harbour or bar service.

(3) *Mooring buoy dues*

For every ship making fast in a port to mooring buoys of the Authority—			
for each 72 hours or part thereof during which the ship remains secured to the mooring buoys, per ton of N.R.T.	0	0	1

CONDITION APPLYING TO MOORING BUOY DUES

Where only one mooring buoy is available to the ship the mooring buoy dues payable shall be one-half of the above dues.

(4) *Berthing dues*

(*a*) For every ship exceeding 1,000 tons N.R.T. that shall make fast alongside a wharf of the Authority in a port where boats and boats' crews are provided by the Authority to run and secure lines, per ship	8	0	0
(*b*) For every ship making fast to mooring buoys of the Authority which in doing so or in casting off, therefrom shall utilise the Authority's boats and boats' crews, per ship	8	0	0

CONDITIONS APPLYING TO BERTHING DUES

1. Berthing dues shall be payable once only during a visit of a ship to a port and shall cover any move made by the ship during her stay in that port.

2. Berthing dues are payable even though the services of the Authority's boats and boats' crews are not utilised.

(5) *Berthage dues*

(*a*) For every ship lying alongside a wharf of the Authority for a purpose other than the purpose of taking fresh water only—			
for the first 24 hours or part thereof, per ton of N.R.T.	0	0	2
for each succeeding period of 12 hours or part thereof, per ton of N.R.T.	0	0	1
(*b*) For every ship lying alongside a wharf of the Authority for the purpose of taking fresh water only—			
for each 24 hours or part thereof, per ton of N.R.T.	0	0	$0\frac{1}{2}$

Conditions applying to Harbour Dues

1. The gross weight or measurement of packages is to be taken in ascertaining harbour dues.

The term 'ton' shall mean—

(*a*) where charges are measured by weight 20 cwt or 1,000 kilos.

(*b*) where charges are assessed by measurement 40 cubic feet (50 cubic feet in the case of timber).

Any fraction of a hundredweight which is less than fifty-six pounds shall be disregarded and any fraction of a hundredweight which is or exceeds fifty-six pounds shall be assessed for dues as if such fraction were a full hundredweight. Fractions of an inch shall be reckoned as one inch.

2. Any addition to or deduction from a vessel's cargo tonnage after assessment of harbour dues shall be disregarded, provided the amount involved does not exceed the sum of £2, and a refund of harbour dues in respect of any vessel will only be allowed where the amount involved exceeds the sum of £2.

3. Where the Authority is satisfied that motor spirit, kerosene, gas oil, or automotive gas oil unshipped at the port of Lagos in bulk has been subsequently filled into tins or drums at Lagos and shipped from Lagos by sea or shipped from Lagos by inland navigation to Dahomey or to any port in Nigeria under any regulations prescribed in that behalf under the Customs Ordinance a refund of one-half of the inward dues paid in accordance with the provisions of Part III of this Schedule shall be allowed.

4. A refund of harbour dues will not be allowed after twelve months from the date of the relative vessels report inwards or outwards as the case may be, except with the approval of the Authority.

SECOND SCHEDULE

Dues on Ships using a Port

	£	s	d
(1) *Light and buoyage dues*			
(*a*) On every ship entering the port of Lagos or the port of Port Harcourt, per ton of N.R.T.	0	0	10
(*b*) On every ship entering a port other than the port of Lagos or the port of Port Harcourt, per ton of N.R.T.	0	1	4
(*c*) On every ship entering a port as the next port of call after having first entered the port of Lagos or the port of Port Harcourt, per ton of N.R.T.	0	0	6

Exemptions from Light and Buoyage Dues

1. The following are exempt from payment of light and buoyage dues:—

(*a*) Ships plying only on the inland waters of Nigeria and adjacent territories and certificated under Part IV of the Shipping and Navigation Ordinance and inland steam or motor vessels.

(*b*) Ships putting in for bunker coal, bunker fuel oil, stores, provisions, water for their own use on board, or from stress of weather, or for the purpose of repairing, or because of damage, provided they do not discharge or load cargo other than cargo discharged with a view to such repairs and afterwards reshipped, and that they do not land or embark passengers;

Provided that no ship will be allowed to take, under this exemption, more coal than the total capacity for which her bunkers provide.

CONDITIONS APPLYING TO LIGHT AND BUOYAGE DUES

1. No ship shall be required to pay light and buoyage dues at a higher rate than one shilling and four pence in all per ton on the net registered tonnage of the ship.

2. Light and buoyage dues shall not be paid in respect of any ship more than once in any period of thirty consecutive days.

3. No ship shall be required to pay light and buoyage dues twice in one ordinary voyage to Nigeria.

4. Ships having their headquarters at a port in Nigeria and employed in trading between ports in tropical West Africa only shall pay dues at the rate of one shilling and four pence per ton on the net registered tonnage once in twelve months only.

	£	s	d
(2) *Anchorage Dues*			
On every ship remaining in a port for a longer period than one calendar month after the date of entry—for each day or part of a day beyond one month, per ton of N.R.T.	0	1	4

CONDITIONS APPLYING TO ANCHORAGE DUES

The Authority may exempt from the payment of all or any part of anchorage dues, any ship which has remained in port for the purpose of effecting repairs or is employed on harbour or bar service.

(3) *Mooring buoy dues*			
For every ship making fast in a port to mooring buoys of the Authority—			
for each 72 hours or part thereof during which the ship remains secured to the mooring buoys, per ton of N.R.T.	0	0	1

CONDITION APPLYING TO MOORING BUOY DUES

Where only one mooring buoy is available to the ship the mooring buoy dues payable shall be one-half of the above dues.

(4) *Berthing dues*			
(*a*) For every ship exceeding 1,000 tons N.R.T. that shall make fast alongside a wharf of the Authority in a port where boats and boats' crews are provided by the Authority to run and secure lines, per ship	8	0	0
(*b*) For every ship making fast to mooring buoys of the Authority which in doing so or in casting off, therefrom shall utilise the Authority's boats and boats' crews, per ship	8	0	0

CONDITIONS APPLYING TO BERTHING DUES

1. Berthing dues shall be payable once only during a visit of a ship to a port and shall cover any move made by the ship during her stay in that port.

2. Berthing dues are payable even though the services of the Authority's boats and boats' crews are not utilised.

(5) *Berthage dues*			
(*a*) For every ship lying alongside a wharf of the Authority for a purpose other than the purpose of taking fresh water only—			
for the first 24 hours or part thereof, per ton of N.R.T.	0	0	2
for each succeeding period of 12 hours or part thereof, per ton of N.R.T.	0	0	1
(*b*) For every ship lying alongside a wharf of the Authority for the purpose of taking fresh water only—			
for each 24 hours or part thereof, per ton of N.R.T.	0	0	$0\frac{1}{2}$

CONDITIONS APPLYING TO BERTHAGE DUES

1. A ship moving from one Authority wharf to another without leaving the port shall be allowed to count her total time alongside such wharves as though she had remained alongside one wharf.

2. Where a ship is not allowed to sail due to any cause for which the ship's master or agent is in no way responsible such ship shall not be required to pay berthage dues for lying alongside a wharf in respect of any period for which it is certified by the harbour master that no berth other than one alongside a wharf was available during the time the ship was detained or that it was in the interest of the administration of the port that the ship should remain alongside a wharf, even though other accommodation was available.

(6) PILOTAGE DUES FOR PILOTAGE BY AN AUTHORITY PILOT WITHIN A PILOTAGE DISTRICT

	£	s	d
(*a*) *Port of Lagos*			
(*i*) For every ship piloted inwards or outwards, per foot of draught or part thereof over six inches up to sixteen feet	0	15	0
In addition, where the draught exceeds sixteen feet, per foot of draught or part thereof exceeding six inches over sixteen feet (with a maximum of 22*s*–6*d* per foot of draught) ..	0	1	6
(*ii*) For every ship changing her berth—			
(*a*) when the change of berth is from an anchorage in the vicinity of Wilmott Point to a berth or anchorage beyond Elegbata Channel, or *vice versa*	2	5	0
(*b*) in other cases	1	10	0
(*b*) *Port of Port Harcourt*			
(*i*) For every ship piloted inwards or outwards, per foot of draught or part thereof over six inches	0	15	0
(*ii*) For every ship piloted inwards or outwards between Bonny and Bell Point (Boler Creek pilotage) per foot of draught, or part thereof over six inches	0	15	0
(*iii*) For every ship changing her berth or anchorage, per foot of draught or part thereof, over six inches	0	7	6
(*c*) *Port Calabar and Port Victoria*			
(*a*) For every ship piloted inwards or outwards, per foot of draught, or part thereof over six inches	0	15	0
(*b*) For every ship changing her berth or anchorage, per foot of draught or part thereof over six inches	0	7	6
(*d*) *Ports of Lagos, Port Harcourt, Calabar and Victoria*			
For every hour or part of an hour during which the services of an Authority pilot are ordered but not used, after the expiry of the first hour from time of ordering	10	0	0

THIRD SCHEDULE

PART I

Shore-handling Rates

(1) *Imports and exports handled at wharves belonging to the Authority (excluding Customs Wharf)*

	£	s	d
Cattle, horses, donkeys and other large animals, per head	0	4	0
Sheep, goats, pigs, and other small animals, per head	0	2	3
Poultry in crates, per 56 lb or part thereof	0	1	3
Motor bicycles with or without side cars, motor tricycles and motor scooters, per vehicle	0	2	9
Other motor vehicles, per vehicle	0	5	3
Trailers, per vehicle	0	3	6
Bicycles, each	0	1	6
Passengers baggage, not carried by the passenger, per package or article	0	1	0
All other goods, not specifically enumerated, per ton or per ton measurement as applicable	0	14	6

(2) *Goods transhipped at a wharf belonging to the Authority (excluding Customs Wharf)*

(*a*) Goods received from any place outside Nigeria for transhipment, or from any place in Nigeria for transhipment out of Nigeria, which is reshipped at the same wharf, a comprehensive in and out charge, per ton	0	18	0
(*b*) Goods landed at a wharf for immediate reshipment in the course of adjusting a ship's cargo, or transhipped direct from one ship to another while both are lying alongside, a wharf, where ship's lifting gear only is used, per ton	0	6	0
(*c*) Goods landed in error or over-carried from another port and subsequently reshipped, a comprehensive in and out charge, per ton ..	0	18	0

CONDITIONS APPLYING TO SHORE-HANDLING RATES

1. The shore-handling rate covers the normal service of receiving and shipping from and to holds of vessels berthed alongside a wharf of the Authority handling or stacking to prime mark or number and delivery.

2. The minimum charge payable in respect of any consignment is two shillings.

3. Where services of an abnormal or special nature are required to be performed, additional rates may be levied to cover the reasonable cost of the services provided.

4. (1) The following additional rates shall be levied in respect of general cargo for additional sorting to subsidiary marks and/or numbers—

	£	s	d
per package, during ordinary working hours	0	0	6
per package, during over-time hours	0	0	7

(2) The charges specified in paragraph (1) of this Condition do not include sorting of ceiling, flooring, shelving boards or scantlings which work is charged under Condition 3.

(3) In this Condition additional sorting to subsidiary mark includes the alteration of any letter or number of the distinctive mark, or the addition thereto of any letter number or other symbol outside or inside the distinctive mark.

5. The gross weight or measurement of packages is to be taken in ascertaining the shore-handling rates.

The term ton shall mean—

(*a*) where charges are measured by weight, 20 cwt or 1,000 kilos ;

(*b*) where charges are assessed by measurement, 40 cubic feet (50 cubic feet in the case of timber).

Any fraction of a hundredweight which is less than fifty-six pounds shall be disregarded and any fraction of a hundredweight which is or exceeds fifty-six pounds shall be assessed for dues as if such fraction were a full hundredweight. Fractions of an inch shall be reckoned as one inch.

6. For all goods not specifically enumerated in Part I of this Schedule shorehandling rates will be charged at the rate for goods specified therein which are as nearly as may be of a like nature and value thereto, or, alternatively, at the discretion of the Authority, at the rate fixed for "All other goods not specifically enumerated".

7. No extra rates are payable on palm oil and ghee off-loaded in casks to a recoopering ground.

8. A rate of two shillings per package is payable in respect of goods transferred to the Queen's Warehouse.

9. If goods transhipped or overlanded are subjected to manipulation normal rates as on import and export shall be payable.

10. The shorehandling rates prescribed in this Part of this Schedule apply to handling during normal working hours. Where overtime is worked an additional charge shall be levied.

Part II.—Wharfage Rates

	£	s	d
Imports and exports passing over the Bulk Petroleum Wharf Apapa and the Customs Wharf, Lagos—			
Cattle, horses, donkeys and other large animals, per head	0	2	6
Sheep, goats, pigs, and other small animals, per head	0	1	0
Motor spirit, kerosene, gas oil and automotive gas oil :—			
in drums or cases, per ton	0	1	6
in bulk, per 100 gallons	0	0	3
Palm oil in bulk, per ton	0	0	6
General cargo, per ton	0	1	6

Conditions applying to Wharfage Rates

1. The minimum charge payable in respect of any consignment of general cargo is sixpence.

2. Animals or cargo may be loaded or unloaded at the Bulk Petroleum Wharf Apapa only—

(*a*) if a vessel is not requiring to load or unload or discharge petroleum products at the wharf ; and

(*b*) if a permit to load or unload such animals or cargo has been first obtained from the Harbour Master who may, if he so desires, require the prescribed dues to be paid in advance.

Part III.—Storage Rates

	£	s	d
Imports			
(1) For imported goods not removed from a transit shed or port warehouse of the Authority within the free storage period, for the six working days following the expiry of the free storage period, per day	0	3	0
For the next following six working days, per day	0	6	0
Thereafter until removed, for each working day, per day	0	12	0
(2) For imported goods not removed from a quay, storage or stacking ground or other land of the Authority within the free storage period, for the six working days following the expiry of the free storage period, per day	0	1	6
For the next following six working days, per day	0	3	0
Thereafter until removed, for each working day, per day	0	6	0
Goods transhipped or overlanded			
(3) For goods transhipped at a port or overlanded and not removed from a transit shed or port warehouse of the Authority within the free storage period, for the period of seven calendar days or part thereof next following the expiry of the free storage period	0	1	6
For the next following period of seven calendar days, or part thereof ..	0	3	0
For the next following period of seven calendar days, or part thereof ..	0	4	6
Thereafter until the date on which the vessel in which the goods are shipped outwards commences to load, for each successive period of seven consecutive calendar days, or part thereof	0	7	6
(4) For goods transhipped at a port or overlanded and not removed from a quay, storage or stacking ground or other land of the Authority within the free storage period, for the period of seven days or part thereof next following the expiry of the free storage period	0	0	9
For the next following period of seven calendar days, or part thereof ..	0	1	6
For the next following period of seven calendar days, or part thereof ..	0	2	3
Thereafter until the date on which the vessel in which the goods are shipped outwards commences to load, for each successive period of seven consecutive calendar days, or part thereof	0	3	9
Exports			
(5) For goods remaining in a transit shed or port warehouse of the Authority after the appropriate free storage period, for the period of fourteen calendar days, or part thereof, next following the expiry of the free storage period	0	1	6
For the next following period of seven calendar days, or part thereof ..	0	3	0
For the next following period of seven calendar days or part thereof ..	0	4	6
Thereafter, until the date on which the vessel in which the goods are shipped outwards commences to load or until otherwise removed, for each successive period of seven calendar days, or part thereof	0	7	6
(6) For goods remaining on a quay, storage or stacking ground on other land of the Authority after the appropriate free storage period, for the period of fourteen calendar days or part thereof next following the expiry of the free storage period	0	0	9
For the next following period of seven calendar days, or part thereof ..	0	1	6
For the next following period of seven calendar days, or part thereof ..	0	2	3

	£	s	d
Thereafter until the date on which the vessel in which the goods are shipped outwards commences to load or until otherwise removed, for each successive period of seven calendar days, or part thereof	0	3	9

(7) For goods controlled by the Department of Marketing and Exports being palm kernels, palm oil, cocoa, benniseed cotton seed, groundnuts, groundnut cake and soya beans, remaining in a transit shed, port warehouse, storage or stacking ground or other land of the Authority after the free storage period, in lieu of the charges specified in paragraphs 5 and 6 of this Part of this Schedule.

For the period of fourteen calendar days following the expiry of the free storage period, or part thereof	0	1	0
Thereafter until the date on which the vessel in which the goods are shipped outwards commences to load or the goods are otherwise removed for each successive period of seven calendar days, or part thereof ..	0	2	0

(8) For cotton ginned controlled by the Department of Marketing and Exports remaining in a transit shed port warehouse storage or stacking ground or other land of the Authority after the free storage period, in lieu of the charges specified in paragraphs 5 and 6 of this Part of this Schedule.

For the period of fourteen calendar days following the expiry of the free storage period, or part thereof	0	1	6
Thereafter until the date on which the vessel in which the goods are shipped outwards commences to load, or the goods are otherwise removed, for each successive period of seven calendar days, or part thereof	0	3	0

Conditions applying to Storage Rates

1. The rates are payable in respect of each ton of goods or part thereof. Provided that where a consignment is less than one ton the rates payable shall be 25 per cent of the appropriate rate per ton for each five cwts or part thereof.

The term ton shall mean—(*a*) where rates are measured by weight, 20 cwt or 1,000 kilos (*b*) where rates are assessed by measurement, 40 cubic feet.

2. The free storage periods are as follows:—

Imports

A period of 72 hours, counted from 0700 hours on the day in which the vessel from which such cargo is landed is considered by the Authority to have completed discharge.

Goods transhipped or overlanded

A period of seven calendar days commencing from the time of landing.

Exports

In the case of benniseed, ginned cotton, cotton seed, groundnuts, groundnut cake, sheanuts, soya beans, tin and columbite, a period of fourteen calendar days and in the case of other goods, a period of seven calendar days from 0700 hours on the day following receipt of the goods.

Calendar day periods expire at 0700 hours on the seventh or fourteenth day, as appropriate. At the discretion of the Authority the above periods may be extended in special circumstances in the case of goods stored in the open.

3. Goods detained by the Comptroller of Customs beyond the free storage period shall not incur storage rates until released by the Comptroller where the Comptroller certifies that the detention is in no way attributable to the importer or his agent.

4. The storage rate for passenger baggage imported is three pence per package per calendar day, after the free storage period.

5. Cargo transhipped or overlanded must not be removed from the custody of the Authority, whilst waiting re-shipment. If such cargo is subject to manipulation normal rates as on import and export are payable ; in such cases the export shall be deemed to commence at 0700 hours on the day following the day on which the manipulation ceases.

6. Where goods are bulk-stacked storage rates may at the discretion of the Authority be levied on the basis that the goods which arrived first are shipped first.

7. Where goods are delivered by lighter to a vessel in the port, provided an adequate number of lighters are available and loading continues without avoidable interruption, the Authority may, at its discretion, levy storage rates on the basis that storage ceased at 0700 hours on the day loading first commenced.

8. Where delivery of cargo to a ship lying alongside a wharf is interrupted otherwise than at the discretion of the Authority, the Authority may in its discretion levy storage rates in respect of the cargo not then loaded as if the ship commenced to load that cargo on the date when loading is re-commenced.

9. Notwithstanding the rates which the Authority may levy under this Part of this Schedule, they may by notice given by the Authority or an authorised official of the Authority to the owner or consignee of any goods require the goods to be removed from any place within a period of 24 hours after receipt of the notice. If the goods are not so removed the Authority or their Officers shall be entitled to remove the goods and to detain them until payment is made of the expenses of and in connection with such removal and detention and of any rates or other sum due thereon, and to sell the goods if such expenses and rates or other sums are not paid.

Part IV.—Haulage Rates

	£	s	d
For haulage on rails of the Authority within a port between any two points.			
For goods other than coal, per ton	0	3	6
Minimum charges,			
4 wheeled waggon	1	0	0
8 wheeled waggon	2	0	0
For coal,			
4 wheeled waggon	0	6	8
8 wheeled waggon	0	13	4

Part V.—Crane Rates

(1) For the hire of cranes of the Authority other than for the shipment of coal—

Portal crane of 25 ton capacity

per lift	0	10	0
per hour	1	10	0

(the rate payable is the rate per lift or per hour, whichever is the greater)

Portal crane of $1\frac{1}{2}$, 2, 3 or 5 ton capacity

For the first hour, or part thereof	1	0	0
Thereafter, per hour or part thereof	0	15	0

Mobile crane

For the first hour or part thereof	1	0	0
Thereafter, per hour or part thereof	0	11	0

	£	s	d
Floating Crane			
Each lift up to 10 tons, per ton	1	10	0
Each lift over 10 tons and up to 30 tons, per ton	1	15	0
Each lift over 30 tons and up to 50 tons, per ton	2	0	0
(with a minimum charge of £7-10*s*-0*d*)			
(2) For the hire of cranes of the Authority (other than floating cranes) for the shipment of coal—			
For each hour or part thereof	0	15	0

Conditions applying to Crane Rates

1. For the hire of cranes of types not specifically enumerated in this Part of this Schedule, rates will be levied at the rates for cranes specified therein which are as nearly as may be of a like nature.

2. Crane rates are not payable in respect of a crane allocated by the Authority for the purpose of landing of shipping cargo from or to a ship berthed alongside a wharf of the Authority (otherwise than for the purpose of transferring cargo from one ship to another or of adjusting a ship's cargo) or for making deliveries of cargo within the wharf area.

3. The crane rates prescribed in this Part of this Schedule apply to handling during normal working hours. Where overtime is worked the charge shall be increased by an amount equal to the additional overtime wages paid to the Authority's employees concerned in the operation for which the rate is levied.

4. The rates prescribed for the hire of a floating crane include towage within the limits of (the port concerned). In special cases, where a series of small lifts is required the floating crane may, at the discretion of the Authority, be hired on a time basis at the rate of £7-0*s*-0*d*, per hour or part of an hour. In such cases the time will be calculated from the moment the crane leaves her moorings until she returns to them. This special rate does not include towage which will be performed by the Authority for a charge of £14-0*s*-0*d*, each way unless the tug is required to remain in attendance during operations in which case an additional charge will be made of £7-0*s*-0*d*, per hour or part thereof exceeding fifteen minutes.

5. Persons wishing to have the use of a crane which has not been specially allocated must make an application therefor on the form provided for that purpose to the Dock Superintendent of the port or district concerned.

6. The Authority shall not be responsible for but shall be indemnified by the applicant against any claim, and any costs of any claim, and against any costs of the Authority and expenses incurred by them in connection with any claim for alleged loss, injury or damage alleged to be attributable to any act neglect or default of any driver of a crane or to any delay however caused, including delay arising from any failure or breakdown of the crane or in supplying the crane at the time requisitioned. Any damage done to the crane or other property of the Authority by reason of the use of the crane shall be made good at the expense of the applicant :

Provided that this indemnity shall not apply to any claim :—

(*a*) for damage done to the crane or other property of the Authority attributable to any act neglect or default of any driver provided by the Authority where such act neglect or default is the sole cause of the said damage ; and

(*b*) for loss injury or damage (except loss injury or damage caused by delay) where the sole cause of such loss injury or damage is a defect in or the unfitness of the crane itself ; or

(*c*) arising prior to the commencement of the hire or subsequent to the termination thereof.

Part VI.—Towage Rates

	£	s	d
(1) Port of Lagos			
For the services of a tug of the Authority			
(*a*) towing a ship across the bar inwards and outwards or outwards only to or from any berth or mooring in the port, per ship ..	100	0	0
(*b*) in moving a ship from the Pool to a berth in the port or vice versa or from one berth or mooring to another inside the port, per ship	80	0	0
(*c*) assisting a ship anchored in the Pool from sea to turn round in order to proceed direct to sea, but not across the bar, per ship ..	30	0	0
(*d*) for every half-hour or part thereof during which a tug ordered at a certain time is delayed owing to the ship not being ready ..	6	0	0
(2) Port of Port Harcourt			
For the services of a tug of the Authority			
For each half hour or part thereof .. .. (with a minimum charge of £25-0*s*-0*d*, for each attendance).	17	10	0

Conditions applying to Towage Rates

1. The towage rates prescribed in the schedule relate to towage during normal working hours, on a Sunday or Public Holiday or before 6 a.m. any other day and after 1 p.m. on a Saturday or 6 p.m. on a week-day, an additional rate is payable as follows :

	£	s	d
For the first half-hour or part thereof in the case of the *Vulcan* or *Atlas*	5	0	0
in the case of any other tug	3	0	0
For every subsequent half-hour or part thereof			
in the case of the *Vulcan* or *Atlas*	2	0	0
in the case of any other tug	1	10	0

2. When a tug is ordered to move a ship which is unable to move under her own power, owing to dismantling of engines or other cause, such special rate of towage may be charged as the Authority may think fit having regard to the special circumstances of the case.

Part VII.—Rates for use of Floating Dock and Slipways

Floating Dock Apapa

	For the first 48 hours or part thereof	*For the following 24 hours or part thereof*	*For every 24 hours or part thereof thereafter*
	£	£	£
Ships not exceeding 1,000 gross registered tons	200	100	50
Ships exceeding 1,000 but not exceeding 1,500	240	120	60
Ships exceeding 1,500 but not exceeding 2,000	280	140	70
Ships exceeding 2,000 but not exceeding 3,000	320	160	80
Ships exceeding 3,000 but not exceeding 3,600	400	200	100

	£	s	d
Floating Crane			
Each lift up to 10 tons, per ton	1	10	0
Each lift over 10 tons and up to 30 tons, per ton	1	15	0
Each lift over 30 tons and up to 50 tons, per ton	2	0	0
(with a minimum charge of £7-10*s*-0*d*)			
(2) For the hire of cranes of the Authority (other than floating cranes) for the shipment of coal—			
For each hour or part thereof	0	15	0

Conditions applying to Crane Rates

1. For the hire of cranes of types not specifically enumerated in this Part of this Schedule, rates will be levied at the rates for cranes specified therein which are as nearly as may be of a like nature.

2. Crane rates are not payable in respect of a crane allocated by the Authority for the purpose of landing of shipping cargo from or to a ship berthed alongside a wharf of the Authority (otherwise than for the purpose of transferring cargo from one ship to another or of adjusting a ship's cargo) or for making deliveries of cargo within the wharf area.

3. The crane rates prescribed in this Part of this Schedule apply to handling during normal working hours. Where overtime is worked the charge shall be increased by an amount equal to the additional overtime wages paid to the Authority's employees concerned in the operation for which the rate is levied.

4. The rates prescribed for the hire of a floating crane include towage within the limits of (the port concerned). In special cases, where a series of small lifts is required the floating crane may, at the discretion of the Authority, be hired on a time basis at the rate of £7-0*s*-0*d*, per hour or part of an hour. In such cases the time will be calculated from the moment the crane leaves her moorings until she returns to them. This special rate does not include towage which will be performed by the Authority for a charge of £14-0*s*-0*d*, each way unless the tug is required to remain in attendance during operations in which case an additional charge will be made of £7-0*s*-0*d*, per hour or part thereof exceeding fifteen minutes.

5. Persons wishing to have the use of a crane which has not been specially allocated must make an application therefor on the form provided for that purpose to the Dock Superintendent of the port or district concerned.

6. The Authority shall not be responsible for but shall be indemnified by the applicant against any claim, and any costs of any claim, and against any costs of the Authority and expenses incurred by them in connection with any claim for alleged loss, injury or damage alleged to be attributable to any act neglect or default of any driver of a crane or to any delay however caused, including delay arising from any failure or breakdown of the crane or in supplying the crane at the time requisitioned. Any damage done to the crane or other property of the Authority by reason of the use of the crane shall be made good at the expense of the applicant :

Provided that this indemnity shall not apply to any claim :—

(*a*) for damage done to the crane or other property of the Authority attributable to any act neglect or default of any driver provided by the Authority where such act neglect or default is the sole cause of the said damage ; and

(*b*) for loss injury or damage (except loss injury or damage caused by delay) where the sole cause of such loss injury or damage is a defect in or the unfitness of the crane itself ; or

(*c*) arising prior to the commencement of the hire or subsequent to the termination thereof.

Part VI.—Towage Rates

	£	s	d
(1) Port of Lagos			
For the services of a tug of the Authority			
(*a*) towing a ship across the bar inwards and outwards or outwards only to or from any berth or mooring in the port, per ship ..	100	0	0
(*b*) in moving a ship from the Pool to a berth in the port or vice versa or from one berth or mooring to another inside the port, per ship	80	0	0
(*c*) assisting a ship anchored in the Pool from sea to turn round in order to proceed direct to sea, but not across the bar, per ship ..	30	0	0
(*d*) for every half-hour or part thereof during which a tug ordered at a certain time is delayed owing to the ship not being ready ..	6	0	0
(2) Port of Port Harcourt			
For the services of a tug of the Authority			
For each half hour or part thereof .. .. (with a minimum charge of £25-0*s*-0*d*, for each attendance).	17	10	0

Conditions applying to Towage Rates

1. The towage rates prescribed in the schedule relate to towage during normal working hours, on a Sunday or Public Holiday or before 6 a.m. any other day and after 1 p.m. on a Saturday or 6 p.m. on a week-day, an additional rate is payable as follows :

	£	s	d
For the first half-hour or part thereof in the case of the *Vulcan* or *Atlas*	5	0	0
in the case of any other tug	3	0	0
For every subsequent half-hour or part thereof			
in the case of the *Vulcan* or *Atlas*	2	0	0
in the case of any other tug	1	10	0

2. When a tug is ordered to move a ship which is unable to move under her own power, owing to dismantling of engines or other cause, such special rate of towage may be charged as the Authority may think fit having regard to the special circumstances of the case.

Part VII.—Rates for use of Floating Dock and Slipways

Floating Dock Apapa

	For the first 48 hours or part thereof	*For the following 24 hours or part thereof*	*For every 24 hours or part thereof thereafter*
	£	£	£
Ships not exceeding 1,000 gross registered tons	200	100	50
Ships exceeding 1,000 but not exceeding 1,500	240	120	60
Ships exceeding 1,500 but not exceeding 2,000	280	140	70
Ships exceeding 2,000 but not exceeding 3,000	320	160	80
Ships exceeding 3,000 but not exceeding 3,600	400	200	100

Slipways—Calabar, Lokoja and Port Harcourt

	For the first 48 hours or part thereof	*For the following 24 hours or part thereof*	*For every 24 hours or part thereof thereafter*
	£	£	£
Ships not exceeding 100 gross registered tons . .	24	12	6
Ships exceeding 100 but not exceeding 200 . .	36	18	9
Ships exceeding 200 but not exceeding 250 . .	48	24	12
Ships exceeding 250 but not exceeding 300 . .	60	30	15
Ships exceeding 300 but not exceeding 350 . .	72	36	18
Ships exceeding 350 but not exceeding 400 . .	84	42	21

Conditions applying to use of Floating Dock and Slipways

1. Where application has been made to the Authority for the use of a Floating Dock or Slipway at a specified time and the owner of the ship concerned fails to make use of the Dock or Slipway at that time he will be charged the rates specified in Part VII of this Schedule as if the ship had been docked or slipped at the original specified time, unless he has given not less than 24 hours notice to the Authority that the ship cannot make use of the Floating Dock or Slipway at the specified time.

2. If after docking or slipping it is found that the nature of the work required will entail the use of the Dock or Slipway for a period of 14 days or more the Authority may levy such special charges as may be reasonable to compensate them for any delay that may be caused in their own docking or slipping programme. In such cases special reduced charges may be levied by the Authority where no undue delay has been occasioned.

3. No charges will be made for Sundays and Public Holidays unless work is actually done to a ship on those days.

4. The charges specified in Part VII of this Schedule will be calculated from the actual time the ship takes the blocks to the actual time she is re-floated, any part of 24 hours being charged for as 24 hours, except that a period of 24 hours will not be charged where it has been incurred solely because of the state of the tide or because the weather has prevented the ship being re-floated or through no fault of the owner.

5. In lieu of the charges specified in Part VII of this Schedule the charge for dinghies, sailing yachts and launches of not more than 2 tons displacement will be 24*s* per day or part thereof.

6. In addition to the charges specified in Part VII of the Schedule reasonable charges will be made by the Authority for the use of marine labour and material utilised on ships in the Dock or on the Slipways.

Part VIII.—Freshwater Rates

	£	s	d
For fresh water supplied by the Authority to ships (other than by water-boats) owned by the Government of Nigeria, per 1,000 gallons . .	0	3	6
Other ships, per 1,000 gallons	0	8	4
For fresh water supplied by the Authority by water-boat to ships other than ships owned by the Government of Nigeria, per ton of 240 gallons	0	11	6

Other Services

Where under the powers contained in section 70 of the Ordinance theAutho rity provide services not specifically enumerated in this Schedule, they may levy reasonable rates in respect of those services.

NOTE

These Regulations supersede—

(*a*) the Harbour Dues Regulations made under section 17 of the Harbour Dues Ordinance ;

(*b*) the Dues on Shipping Regulations as amended by the Dues on Shipping (Amendment) Regulations 1948 and the Dues on Shipping (Amendment) Regulations 1955 made under section 4 of the Ports Ordinance ;

(*c*) the Fourth Schedule to the Lagos Pilotage Regulations as amended by the Lagos Pilotage (Amendment) Regulations 1949 and the Pilotage Fees (Increase) Regulations 1955 made under section 3 of the Pilotage Ordinance ;

(*d*) the Fourth Schedule to the Port Harcourt Pilotage Regulations as amended by the Port Harcourt Pilotage (Amendment) Regulations 1949 and the Pilotage Fees (Increase) Regulations 1955 made under section 3 of the Pilotage Ordinance ;

(*e*) the maximum pilotage fees set out in the Second Schedule to the Calabar Pilotage Regulations as amended by the Calabar Pilotage (Amendment) Regulations 1951 and the Pilotage Fees (Increase) Regulations 1955 made under section 3 of the Pilotage Ordinance;

(*f*) the maximum pilotage fees set out in the Second Schedule to the Victoria Pilotage Regulations as amended by the Victoria Pilotage (Amendment) Regulations 1951 and the Pilotage Fees (Increase) Regulations 1955 made under section 3 of the Pilotage Ordinance.

The Common Seal of the Nigerian Ports Authority was hereunto affixed by order of the said Authority in the presence of:—

C. A. DOVE,
Chairman

HOWARD JACKSON,
Secretary

24th January, 1956.

APPROVED this 25th day of January, 1956.

ABUBAKAR T. BALEWA,
Minister of Transport

0185/S. 5

The following Bill, which will in due course be presented to the House of Representatives for enactment, is published for general information.

By His Excellency's Command,

R. F. A. GREY,
Chief Secretary of the Federation

Lagos, 2nd February, 1956.

A BILL

FOR

AN ORDINANCE FURTHER TO AMEND THE MINERALS ORDINANCE (CHAPTER 134) AND TO REPEAL THE RADIO-ACTIVE MINERALS (ATOMIC ENERGY) ORDINANCE (CHAPTER 190). Title.

[ ] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :— Enactment

1. This Ordinance may be cited as the Minerals (Amendment) Ordinance, 1956. Short title.

2. Section 2 of the Minerals Ordinance (hereinafter referred to as the principal Ordinance) shall be amended— Amendment of section 2 of the principal Ordinance. Cap. 134.

(*a*) by the insertion in the definition of "lode" after the word "classification" in the fourth line thereof, of the words—

"all igneous rocks containing metalliferous or radio-active minerals when worked for such minerals," ;

(*b*) by the deletion of sub-paragraph (*iii*) of paragraph (*d*) of the definition of "mineral" ;

(*c*) by the insertion, after paragraph (*d*) of the definition of "mineral", of the following new paragraph—

"(*dd*) radio-active minerals namely minerals either raw or treated (including residues and tailings) which contain by weight at least 0.05 per cent of uranium or thorium or any combination thereof, including but not limited to—

(*i*) monazite sand and other ores containing thorium, and

(*ii*) carnotite pitchblende and other ores containing uranium ;";

(*d*) by the deletion of the definition of "tributer" and the substitution therefor of the following—

' "tributer" means a person who is employed to win minerals by the holder of a mining right, the grantee of a temporary mining right or temporary mining lease, or the lessee of a mining lease, being a person who may choose his own working place and who receives in return remuneration in accordance with the quality and quantity of the minerals so won paid directly by the person employing him or by his accredited agent ; ' .

Amendment of section 4.

3. Section 4 of the principal Ordinance shall be amended by the insertion after the word "shall" in the second line of the words—

"prospect or".

Replacement of section 5.

4. Section 5 of the principal Ordinance shall be repealed and replaced by the following :—

"Saving as to winning of certain minerals.

5. (1) Nothing in this Ordinance contained shall be deemed to prevent any native of Nigeria from winning, subject to such conditions as may be prescribed, iron ore, salt, soda, potash or galena from lands (other than lands within the area of a mining lease or mining right) from which it has been since before the material date the custom of the members of the community to which he belongs to win the same.

(2) The Governor-General in Council may by Order direct that the provisions of subsection (1) shall apply, within such local limits as may be prescribed by the Order, to any mineral which he is satisfied has since before the material date been customarily won by any native community.

(3) In this section 'the material date' means—

(*a*) in relation to iron ore, salt, soda or potash the 30th day of March, 1916 ;

(*b*) in relation to galena the 3rd day of March, 1927 ;

(*c*) in relation to any mineral in respect of which an Order is made under subsection (2), the date declared in the Order to be the material date."

Amendment of section 8.

5. Section 8 of the principal Ordinance shall be amended—

(*a*) by the deletion of all words from "Any person" in the fourth line of subsection (1) to the end of the subsection and the substitution therefor of the words—

"No person other than the holder of an exclusive prospecting licence (or his agent or agents) prospecting on the area of such licence shall prospect or erect beacons within an area which is closed to prospecting and any person other than the holder of an exclusive prospecting licence (or his agent or agents) prospecting on the area of such licence who shall prospect within an area which is closed to prospecting shall be guilty of an offence."

(*b*) by the insertion after the word "prospect" in the second line of subsection (2) of the following—

"and to erect beacons".

Amendment of section 9.

6. Section 9 of the principal Ordinance shall be amended by the deletion in subsection (1) of the words "which has its head office elsewhere than in Nigeria".

Amendment of section 14.

7. Section 14 of the principal Ordinance shall be amended by the insertion in subsection (1) after paragraph (*j*) of the following new paragraph—

Ordinance 17 of 1953.

"(*k*) land which has within the preceding three months been the subject of a notice under subsection (1) of section 14 of the Antiquities Ordinance, 1953, or which has been declared to be a monument by a notice under subsection (5) of the said section, unless the right, licence or lease was granted or became effective before the date on which the notice aforesaid was given and the holder of the right, licence or lease has given to the Surveyor of Antiquities the notice in writing prescribed by the proviso to subsection (3) of section 14 of the Antiquities Ordinance, 1953, or by subsection (3) of section 19 of the said Ordinance, as the case may be."

Addition of new section 15A.

8. The principal Ordinance shall be amended by the addition after section 15 of the following new section—

"Certificate of analysis required in certain cases.

15A (1) Whenever a sample is exported in accordance with the provisions of the proviso to section 15, and either radio-active minerals are discovered to be present or the Chief Inspector requires the result of analysis to be forwarded to him, the person exporting such sample shall obtain a certificate of the result of analysis of such sample and shall deliver within six months of the export of such sample a true copy thereof to the Chief Inspector and a further true copy to the Director of Geological Survey.

(2) Any person failing to comply with the provisions of this section shall be guilty of an offence.".

Amendment of section 16.

9. Section 16 of the principal Ordinance shall be amended by the renumbering of subsection (2) as subsection (2) (*a*) and by the addition in such subsection of the following new paragraph—

"(*b*) If the holder of a prospecting right or an exclusive prospecting licence or his agent discovers during the course of prospecting any radio-active mineral or any mineral which may reasonably be expected to be radio-active, he shall forthwith notify such discovery in writing to the Chief Inspector and the Director of Geological Survey."

Amendment of section 17.

10. Section 17 of the principal Ordinance shall be amended by the insertion in subsection (1) after paragraph (*b*) of the words—

"and may in like manner impose any conditions he may consider necessary".

Amendment of section 26.

11. Section 26 of the principal Ordinance shall be amended by the addition at the end thereof of the following new subsection—

"(6) If the lessee of a mining lease, the holder of a mining right or the grantee of a temporary mining lease or mining right granted under the provisions of this Ordinance, or the agent of such lessee holder or grantee, discovers during the course of mining any radio-active mineral or any mineral which may reasonably be expected to be radio-active, he shall forthwith notify such discovery in writing to the Chief Inspector and to the Director of Geological Survey."

Addition of new section 61A.

12. The principal Ordinance shall be amended by the addition after section 61 of the following new section—

"Water rights under earlier laws.

61A. The provisions of sections 54, 56, 58, 59 and 60 shall apply *mutatis mutandis* in respect of water rights granted under the provisions of any repealed Ordinance, enactment or Proclamation."

Replacement of sections 65 to 68.

13. Sections 65 to 68 of the principal Ordinance shall be repealed and replaced by the following—

"Definition of controlled mineral.

65. For the purpose of this Part "controlled mineral" means—

(*a*) the ores of tin, columbium, tantalum, tungsten and zinc;

(*b*) radio-active minerals;

(*c*) uncut diamond;

(*d*) any other mineral which the Governor-General in Council may by notice in the Gazette declare to be a controlled mineral.

Possession of controlled mineral.

66. No person other than a Government servant acting in the execution of his duty shall possess any controlled mineral unless—

(*a*) such mineral has been won from ground held under a mining lease or temporary mining lease of which he is the lessee and which entitled him to mine that mineral, or

(*b*) such mineral has been won from ground held under a mining right or temporary mining right of which he is the holder and which entitled him to mine that mineral or obtained in the course of prospecting under a prospecting right or exclusive prospecting licence of which he is the holder and which entitled him to prospect for that mineral, or

(*c*) he holds a licence issued under section 68 in respect of that mineral, or

(*d*) he is in respect of that mineral within the meaning of the regulations a duly authorised agent or employee of a person permitted by paragraphs (*a*), (*b*) and (*c*) of this section to possess that mineral.

Purchase of controlled minerals.

67. No person shall purchase any controlled mineral unless he holds a licence to purchase it issued under section 68.

Licences.

Form K

68. (1) The Chief Inspector may on payment of the prescribed fee issue a licence in form K in the First Schedule authorising the person named therein to possess any controlled mineral or to purchase any controlled mineral or to do both.

(2) The Chief Inspector may by endorsement on the licence impose such conditions as he thinks fit.

(3) Subject to the provisions of subsection (5), every such licence shall continue in force for one year from the date on which it is issued.

(4) A licence issued under this section shall not be transferred without the consent of the Chief Inspector.

(5) The Chief Inspector may cancel any licence issued under this section if the holder thereof is convicted of an offence under this Ordinance or the regulations or commits a breach of any of the conditions of the licence."

Insertion of new section 73A.

14. The principal Ordinance shall be amended by the insertion after section 73 of the following new section—

"Compensation where community has been accustomed to win certain minerals.

73A. Where it has since before the material date as defined in section 5 been the custom of the members of any native community to win any of the minerals to which section 5 applies from any lands over which a mining right or mining lease is granted the holder or lessee shall during the continuance of the right or lease pay to the owners an annual sum equivalent to the average annual value to the native community of the mineral won by the community from the lands."

Amendment of section 75.

15. Section 75 of the principal Ordinance shall be amended—

(*a*) by the deletion in the second line of subsection (1) of the words ", except in a congested area,";

(*b*) by the repeal of subsection (2).

Amendment of section 81.

16. Section 81 of the principal Ordinance shall be amended by the repeal of paragraph (*c*) and the substitution therefor of the following—

"(*c*) by order in writing direct that prospecting or mining operations shall be suspended in any area, whether the subject of a mining lease, mining right or exclusive prospecting licence or not, until such arrangements as are in his opinion necessary to prevent danger to life or property have been made; and".

Amendment of section 88.

17. Section 88 of the principal Ordinance shall be amended—

(*a*) by the deletion in the first line of the figure "(1)";

(*b*) by the deletion in the second line of the word "first";

(*c*) by the repeal of paragraph (*a*); and

(*d*) by the repeal of subsection (2).

Repeal of sections 89 to 94.

18. Sections 89, 90, 91, 92, 93 and 94 of the principal Ordinance shall be repealed.

Amendment of section 100.

19. Section 100 of the principal Ordinance shall be amended—

(*a*) by the renumbering of the section as subsection (1) of section 100; and

(*b*) by the addition of the following new subsection—

"(2) Any person who gives false information as aforesaid shall be deemed to have given it recklessly unless he proves that he took reasonable precautions to ensure that it was correct."

Replacement of section 102.

20. Section 102 of the principal Ordinance shall be amended—

(*a*) by the repeal of subsection (1) and the substitution therefor of the following—

"(1) Any person who contravenes any of the provisions of sections 3, 4, 16 (2), 26 (6), 45, 48 (1), 66, 67, 69, 70 or 100 shall on conviction be liable to a fine of one hundred pounds or to imprisonment for twelve months or to both such fine and imprisonment, and in the case of a contravention of sections 3, 4, 66, 67, 69 or 70 shall forfeit all minerals obtained by him or, if such minerals cannot be forfeited, shall pay such sum as the court shall assess as the value of such minerals.";

(*b*) by the repeal of subsection (3) and the substitution therefor of the following—

"(3) Any person who contravenes any of the provisions of sections 8, 10, 14, 15A, 18, 46, 47, 82, 83, 84 or 99 shall on conviction be liable to a fine of fifty pounds or to imprisonment for six months or to both such fine and imprisonment.".

Insertion of new section 110A.

21. The principal Ordinance shall be amended by the insertion after section 110 of the following new section—

"Provisions as to revocation of title after a conviction.

110A. Where a prospecting right, exclusive prospecting licence, mining right, mining lease or water licence has become liable to be revoked under the provisions of section 106 or of paragraph (*a*) of section 107 by reason of the

conviction of the holder or lessee, or of any attorney, partner, agent or employee of the holder or lessee, the Governor-General—

(*a*) shall not revoke the right, licence or lease until the time limit for giving notice of any appeal against the conviction has elapsed, or until any appeal brought against the conviction has been dismissed ;

(*b*) may, if notice is given of an appeal against the conviction, direct that no prospecting or mining operations except such operations as are necessary to prevent danger to men or animals or injury to property shall be carried on by virtue of the right, licence or lease until the appeal has been determined ;

(*c*) may revoke the right, licence or lease at any time within six months following the date of the conviction or of the determination or withdrawal of any appeal against the conviction, whichever is the latest, but not thereafter."

Replacement of section 119.

22. Section 119 of the principal Ordinance shall be repealed and replaced by the following—

"Prohibition of employment of tributers.

119. It shall be lawful for the Chief Inspector, whenever in his opinion it may be necessary in order to secure safe or economic mining on the area covered by any mining lease, mining right or temporary title, to prohibit the lessee, holder or grantee of such lease, right or title from employing tributers to mine such area, and the employment of tributers to mine underground is at all time prohibited save with the prior permission in writing of the Chief Inspector."

Miscellaneous amendments. Schedule.

23. The provisions of the principal Ordinance set out in the first column of the Schedule shall be amended in the manner set out in the second column of the said Schedule.

Repeal of Chapter 190.

24. The Radio-Active Minerals (Atomic Energy) Ordinance shall be repealed.

SCHEDULE (Sec. 23)

Section	*Amendment*
15 proviso	*for* "no royalty shall be payable on any mineral certified by the Chief Inspector as" *substitute* "the Chief Inspector may reduce or waive royalty on any mineral which he is satisfied is" ;
69, 70 and 71.	*before* "minerals" wherever the word occurs *insert* "controlled" ;
75 (4)	*for* "owner or occupier" in both places where those words occur *substitute* "person entitled thereto" ;
77	*for* "owner or occupier of the land included with such licence right or lease" *substitute* "person entitled thereto" ;

SCHEDULE—*continued*

Section	*Amendment*
104	*after* "Ordinance" where it first occurs *insert* "or the regulations" ;
106	*after* "Ordinance" where it first occurs *insert* "or the regulations" ;
	after "Ordinance" where it last occurs *insert* "or commits a breach of any condition of his prospecting right" ;
107 (*a*)	*after* "Ordinance" where it first occurs *insert* "or the regulations" ;
107 (*b*)	*after* "Ordinance" wherever it occurs *insert* "or the regulations" ;
	after "lease" where it first occurs *insert* "or of any order or notice issued or given under the provisions of this Ordinance or the regulations" ;
120 (2)	*after* paragraph (*vii*) *insert* "(*vii*) (*a*) the registration of tributers".
First Schedule Form K	in the Heading for "purchase" *substitute* "possess (or purchase)", and in the third line of the form for "purchase" *substitute* "possess (*or* purchase)".

Objects and Reasons

The object of the Bill is to remove various anomalies and make other improvements in the Minerals Ordinance. It incorporates into the interpretation section of the Ordinance (*Clause 2*) a modern definition of radio-active minerals, and by *Clauses 8, 9 and 11* it imposes certain obligations as to disclosure of information upon those who mine or discover such minerals. Under *Clause 13* radio-active minerals are included in the list of controlled minerals. These amendments provide a measure of control which it is considered can replace the more stringent provisions of the Radio-Active Minerals (Atomic Energy) Ordinance and the repeal of that Ordinance is provided for by *Clause 24.*

The effect of the amendment in *Clause 2* to the definition of "lode" is to bring primary columbite within that definition. In consequence, the mining of primary columbite will require a class "A" lease, the intention being to ensure adequate exploitation of the mineral. *Clause 2* also inserts in the Ordinance a definition of "tributer", to take the place of the present definition which merely refers to the Workmen's Compensation Ordinance. This is preparatory to *Clauses 17 and 18* the effect of which, when read in conjunction with the proposed amendment to the Workmen's Compensation Ordinance, will be that a tributer who receives injury in the course of his employment will be entitled to compensation under the Workmen's Compensation Ordinance and not, as at present, under the Minerals Ordinance. When the Workmen's Compensation Ordinance came into force in 1942 mine workers other than tributers became entitled to receive compensation under that Ordinance but tributers were left to receive it under the Minerals Ordinance. A tributer is an employee for the purpose of the other provisions of the Minerals Ordinance, and there seems no purpose in continuing the procedure by which he receives compensation for injuries under a different Ordinance from other employees.

Clause 3 extends to prospecting underground the present restrictions on mining underground without a licence.

Section 5 of the Ordinance preserves the right of native communities to win certain minerals from lands from which they have been accustomed to win them as long as no mining title under the Ordinance has been granted over those lands. Experience has shown that the list of minerals set out in the section is not sufficiently comprehensive, and *Clause 4* of the Bill enables the Governor-General in Council to add to that list. The Ordinance is also lacking in any provision for compensating a native community for loss of profit where a mining title is granted over lands which they have been accustomed to mine, and *Clause 14* of the Bill provides for the payment of an annual sum for the duration of the title by way of compensation.

Clause 5. Section 8 of the Minerals Ordinance does not prohibit the erection of beacons in an area closed to prospecting, thus enabling an application for exclusive prospecting licences to be made and if the extent of the mineral deposit in the area beaconed is known a valid application for a mining lease may also be made. Such applications may be refused, but it is preferable to prevent their being made, by prohibiting the erection of beacons (which is a necessary preliminary to such applications).

Clause 6 extends to all companies the liability to have an attorney resident in Nigeria, a liability at present attaching to persons not resident in Nigeria and companies not having their head offices in Nigeria.

Clause 7 adds land which is subject to control under the Antiquities Ordinance, 1953, to the list of lands excluded from prospecting and mining, but excepts land comprised in a right, licence or lease before becoming subject to that Ordinance if notice has been given as the Ordinance stipulates.

Clause 10 provides for the attachment of conditions to prospecting rights.

Clause 12 makes applicable to water rights granted under former laws the same provisions of the Ordinance which are applicable to water licences.

Part VI of the Ordinance controls the possession and purchase of certain minerals so as to prevent people from disposing of them illicitly and evading the payment of royalties. *Clause 13* repeals and re-enacts sections 65 to 68 with a view to making them more clear, and adds, in addition to radio-active minerals as already stated, uncut diamonds to the list of minerals with which the Part deals, so that there may be adequate powers of control should the ban which at present exists on prospecting for diamonds be removed.

Clause 15 amends section 75 to remove an anomaly whereby the method of assessment of compensation varied according to whether the location was a congested area or not, and the section as amended will be in accord with the practice which has for some time been followed.

Clause 16 makes more specific the provision for ordering cessation of operations on grounds of safety.

Clause 19 assists in the interpretation of section 100 under which the giving of certain false information if given wilfully or recklessly is an offence, by providing that a person who is established as having given false information shall in the absence of proof that he took reasonable precautions be deemed to have given it recklessly.

Sections 106 and 107 of the Ordinance deal with the power to revoke mining titles. One of the grounds on which a title may be revoked is that the holder of it has committed a breach of the provisions of the Ordinance, not amounting to an offence against the Ordinance, but this is nullified by the provisions of section 102 (3) under which a breach of the provisions of the Ordinance is in all cases an offence. Section 102 (3) is also objectionable as providing a general penalty for offences of widely varying degrees of gravity. *Clause 20* of the Bill, therefore, amends section 102 (3) by providing punishment for those breaches of the Ordinance which are expressly stated to be offences, which will leave a breach of any other provision to be dealt with by civil process including the

Clause 21 deals with the case where the holder of a mining title has been convicted of an offence and has appealed against the conviction. Between a conviction in a magistrate's court and the final determination of an appeal (which may be pursued as far as the Privy Council) a period of well over a year may elapse, and since the Governor-General is unable to exercise his power of revocation until the appeal has been determined, a person whose conviction is ultimately upheld would be able to continue and perhaps re-double his exploitation of the mine for the whole of that period. The new section 110A therefore empowers the Governor-General, once the holder of a title has been convicted, to direct that mining operations shall be suspended until the determination of any appeal, and requires the Governor-General to exercise the power of revocation within six months of a conviction, or the determination or withdrawal of any appeal.

Clause 22 re-phrases with greater clarity the provision made for prohibition of the use of tributers (making use of the definition of tributer introduced by *Clause 2*) where such prohibition is desirable to secure safe or economic mining.

Clause 23, and the schedule to which it refers, deal with a number of consequential and minor amendments.

A. McKISACK,
Attorney-General of the Federation

Lagos.

Supplement to Official Gazette No. 10, Vol. 43, 9th February, 1956—Part B

L.N. 7 of 1956

NIGERIA (CONSTITUTION) ORDERS IN COUNCIL, 1954 AND 1955

Exclusive Legislative List (Western Region and Lagos) (Declaration of Water Sources) Order, 1956

Date of Commencement : 9th February, 1956

In exercise of the powers conferred by item 39 of Part I of the First Schedule to the Nigeria (Constitution) Order in Council, 1954, the Governor-General has, after consultation with the Council of Ministers, made the following order—

1. This Order may be cited as the Exclusive Legislative List (Western Region and Lagos) (Declaration of Water Sources) Order, 1956. Citation.

2. The sources of water specified in the Schedule are declared to be sources affecting the Western Region and Lagos for the purpose of the Nigeria (Constitution) Orders in Council, 1954 and 1955. Declaration of water sources.

SCHEDULE

1. The Adiyon river and its watersheds from its source to its confluence with the Iju river.

2. The Iju river and its watersheds from its source to the boundary of the Colony, as defined in the Colony of Nigeria Boundaries Order in Council, 1913. Vol. XI p. 398.

MADE at Lagos this 24th day of January, 1956.

L. ROBERTS,
Acting Deputy Secretary to the Council of Ministers

EXPLANATORY NOTE

The effect of this order is that water from the specified sources will become the subject of the Federal legislative control.

L.N. 8 of 1956

EXCHANGE CONTROL ORDINANCE, 1950

(No 35 of 1950)

Exchange Control (Payments) (Amendment) Order, 1956

Date of Commencement : 9th February, 1956

In exercise of the powers conferred upon the Financial Secretary of the Federation by sections 5, 23 and 31 of the Exchange Control Ordinance, 1950, the following order is hereby made—

1. This order may be cited as the Exchange Control (Payments) (Amendment) Order, 1956. Citation.

2. The Exchange Control (Payments) Order, 1955, shall be amended— Amends L.N. No. 111 of 1955.

(1) by deleting in the Second Schedule thereto under item 5 thereof the words—

"(*d*) Payment in Italian lire"

and substituting the words—

"(*d*) Payment in any other currency of a scheduled territory from an account of a person resident in a Transferable Account territory or in any territory specified in the First Schedule to this order.

(*e*) Payment in Italian lire" ;

(2) By deleting in the Second Schedule thereto under item 6 thereof the words—

"(*e*) Payment in guilders of the Netherlands Antilles"

and substituting the words—

"(*e*) Payment in guilders of the Netherlands, Surinam or the Netherlands Antilles".

MADE at Lagos this 31st day of January, 1956.

G. G. CARLYLE,
Acting Financial Secretary of the Federation

EXPLANATORY NOTE

(*This Note is not part of the Order, but is intended to indicate its general purport*)

This Order corrects two omissions in the Exchange Control (Payments) Order, 1955.

F36105/S. 130

L.N. 9 of 1956

EDUCATION ORDINANCE, 1952

(ORDINANCE 17 OF 1952)

Education (Grant-in-Aid) (Lagos) (Amendment) (No. 2) Regulations, 1956

Date of Commencement : 9th February, 1956

In exercise of the powers conferred by section 26 of the Education Ordinance, 1956, the Governor-General, after consultation with the Council of Ministers, has made the following regulations—

Citation and application.

1. (1) These regulations may be cited as the Education (Grant-in-Aid) (Lagos) (Amendment) (No. 2) Regulations, 1956.

(2) These regulations shall be applicable to Lagos only.

Amendment of regulation 16 of the principal regulations (1952 Vol. p. A 153).

2. Regulation 16 of the Education (Grant-in-Aid) Regulations, 1952 shall be amended by the revocation of paragraph (4) and the substitution therefor of the following—

"The rates and multiples approved under paragraph (3) in respect of Lagos for the three years beginning the 1st January, 1953, shall have effect and remain unaltered in respect of the year commencing the 1st January, 1956".

MADE at Lagos this 24th day of January, 1956.

L. ROBERTS,
Acting Deputy Secretary to the Council of Ministers

EXPLANATORY NOTE

The Grant-in-Aid Regulations provide for a triennial revision of the assumed local contribution upon which a grant-in-aid is calculated. Such a revision would have been effective for the three-year period commencing 1st January, 1956, but the financial basis for provision of primary education will be completely altered at the end of this year in accordance with the policy promulgated in the White Paper on Education. No triennial revision has, therefore, taken place and it remains to stipulate a basis for calculation of the assumed local contribution for this year. These amendment regulations provide for the continuance for one more year of the figures applied during the last three years.

L.N. 10 of 1956

EDUCATION ORDINANCE, 1952

(ORDINANCE 17 OF 1952)

Education (Grant-in-Aid) (Lagos) (Amendment) Regulations, 1956

Date of Commencement : 9th February, 1956

In exercise of the powers conferred by section 26 of the Education Ordinance, 1952, the Governor-General, after consultation with the Council of Ministers, has made the following regulations—

1. These regulations may be cited as the Education (Grant-in-Aid) (Lagos) (Amendment) Regulations, 1956, and shall apply to Lagos only. — Citation.

2. Table I to the Education (Grant-in-Aid) Regulations, 1952 is revoked and the table contained in the Schedule hereto substituted therefor. — Revocation and substitution of new Table I. (1952 Vol. p. A 164).

3. Grants-in-aid made in respect of any period since the 30th September, 1954, upon the basis of the Table I which is revoked by regulation 2 shall be re-calculated upon the basis of the new Table I substituted by such regulation. — Retrospective re-calculation of grants.

SCHEDULE

TABLE I (Regulations 5 (*ix*) & 12)

SCALES OF SALARY FOR VOLUNTARY AGENCY TEACHERS EMPLOYED IN LAGOS

Qualifications 1	*Part of Teachers' Register* 2	*Approved Salary Scale* 3	*Special Conditions and Allowances* 4
(1) Selected Teachers who hold a University Degree with teaching qualifications approved by the Chief Federal Adviser on Education	LA	£624-36-696, £804-42-1,140-48-1,380	Such a teacher who is selected to hold and is holding a post of special responsibility approved by the Chief Education Officer, Lagos, in secondary education, teacher-training or the supervision and administration of primary education may be promoted to this scale provided his appointment to any post of special responsibility is approved by the Chief Education Officer, Lagos.
(2) Selected Teachers holding any of the following qualifications (*i*) University Degree approved by the Chief Federal Adviser on Education. (*ii*) Yaba Diploma. (*iii*) Ministry of Education Certificate of the United Kingdom, or a certificate, diploma or teaching course recognised as at least equivalent by the Chief Federal Adviser on	LA	£600-30-660-750-780-36-888-42-1,140-48-1,380	A teacher who is selected to hold and is holding a post of special responsibility approved by the Chief Education Officer, Lagos, in secondary education, teacher-training or the supervision and administration of primary education, may be promoted to this scale provided his appointment to any post of special responsibility is approved by the Chief Education Officer,

SCHEDULE—*continued*

TABLE I (Regulations 5 (*ix*) & 12)

SCALES OF SALARY FOR VOLUNTARY AGENCY TEACHERS EMPLOYED IN LAGOS

Qualifications 1	*Part of Teachers' Register* 2	*Approved Salary Scale* 3	*Special Conditions and Allowances* 4
(*iv*) Professional certificate of the Colonial Department of the University of London Institute of Education or successful completion of other courses recognised as equivalent by the Chief Federal Adviser on Education (*v*) Teachers' Grade I Certificate			
(3) University degree approved by the Chief Federal Adviser on Education	LA	£530-18-800	A graduate with teaching qualifications approved by the Chief Federal Adviser on Education, will be given one increment, and will be placed on the scale of—£548-18-800-820.
(4) Yaba Diploma	LA	£306-12-330-15-360-390-18-444-24-660	
(5) Ministry of Education Certificate, National Froebel Foundation Diploma, full Domestic Science course in the United Kingdom, or other teaching course approved by the Chief Federal Adviser on Education	LA	£276-15-396-18-576	A teacher in this category who holds a Certificate or Diploma awarded after a 3-year course approved by the Chief Federal Adviser on Education will be given two increments and may enter the scale at £306.
(6) Professional Certificate of the Colonial Department of the University of London Institute of Education and successful completion of other courses recognised as comparable by the Chief Federal Adviser on Education	LA	—	(*i*) A teacher who holds a Grade I Certificate before proceeding on such a course will remain on the scale applicable to the Grade I Certificate with the addition of 5 increments on that scale if he successfully completes the course, such increments to be continued beyond the normal maximum of the scale. (*ii*) A teacher who holds a Grade II certificate before proceeding on such a course, will receive an addition of 5 increments on the Grade II scale if he successfully completes the course, and will enter the scale applicable to the Grade I Certificate at an appropriate point which shall be not less than his salary on the scale applicable to the Grade II Certificate. (*iii*) All teachers, who undergo such courses, may, in addition and at the discretion of the Chief Education Officer, Lagos, be awarded the normal increments accruing during absence on the course.

SCHEDULE—*continued*

TABLE I (Regulations 5 (*ix*) & 12)

SCALES OF SALARY FOR VOLUNTARY AGENCY TEACHERS EMPLOYED IN LAGOS

Qualifications 1	*Part of Teachers' Register* 2	*Approved Salary Scale* 3	*Special Conditions and Allowances* 4
(7) A Teachers' Grade I Certificate recognised by the Chief Federal Adviser on Education	LA	£276-15-396-18-576	A teacher will enter this scale at £276 or at a point equivalent to two increments above his salary at the time he obtained the Grade I qualification, whichever is greater.
(8) A Teachers' Grade II Certificate recognised by the Chief Federal Adviser on Education	LA	£156-12-384	(*i*) Teachers who undergo an approved 2-year course of training after the successful completion of a full secondary course enter this scale at £192. (*ii*) Holders of Women's Diploma after one year's course enter the scale at £168. (*iii*) Teachers who undergo an approved 3-year Women's course enter the scale at £156 and remain on this point for 2 years before qualifying for increments.
(9) A Teachers' Grade III Certificate recognised by the Chief Federal Adviser on Education	LA	£120-9-228	—
(10) Completion of a course of training at a Grade II Training Centre with failure to obtain a Grade II certificate recognised by the Chief Federal Adviser on Education	LC/TR	£111-9-192	(*i*) Teachers who complete an approved 2-year course (after successful completion of a full secondary course) but fail to obtain a Grade II Certificate enter this scale at £165. (*ii*) Teachers who complete an approved 4-year course will enter the scale at £111 or at a point equivalent to four increments above their salary prior to admission to the course, on the scale appropriate to their school leaving certificates, whichever is greater. (*iii*) Teachers, who hold a Grade III Certificate recognised by the Chief Federal Adviser on Education, will remain on the scale appropriate to the Grade III Certificate but will receive one increment in respect of each year's training. (*iv*) Increments awarded in (*ii*) and (*iii*) above, shall be made at the discretion of the Chief Education Officer, Lagos.
(11) Completion of a course of training at a Grade III Training Centre, but failure to obtain a Grade III Certificate recognised by the Chief Federal Adviser on Education	LC/TR	—	Such a teacher enters the scale for uncertificated teachers appropriate to his School Leaving Certificate but may be awarded one increment for each year of training at a Grade III Training

SCHEDULE—*continued*

TABLE I (Regulations 5 (*ix*) & 12)

SCALES OF SALARY FOR VOLUNTARY AGENCY TEACHERS EMPLOYED IN LAGOS

Qualifications 1	*Part of Teachers' Register* 2	*Approved Salary Scale* 3	*Special Conditions and Allowances* 4
(12) A pass in an intermediate examination of a University approved by the Chief Federal Adviser on Education or a Higher School Certificate of the Cambridge School Examination Syndicate or other qualification deemed equivalent by the Chief Federal Adviser on Education	LC	£192-12-324	Such a teacher to be placed on probation for 2 years before earning increments.
(13) A Cambridge School Certificate or other certificate recognised as equivalent by the Chief Federal Adviser on Education, without a course of teacher-training	LC	£156, £162	—
(14) A Secondary IV Pass or a School Leaving Certificate deemed its equivalent by the Chief Federal Adviser on Education, without a course of teacher-training	LC	£108-6-138	Teachers may not enter this scale until they have completed a probationary period of not less than 2 and not more than 4 years.
(15) A Standard VI Pass recognised by the Chief Education Officer, Lagos, or a certificate deemed equivalent by the Chief Federal Adviser on Education	LC	£84-6-138	(*i*) Teachers may not enter this scale until they have completed a probationary period of not less than 2 and not more than 4 years with the proviso that one year of teacher-training count as one year of teaching. (*ii*) A teacher who holds a Modern II Pass recognised by the Chief Education Officer, Lagos, may enter this scale at £102.
(16) Specially selected uncertificated teachers	LC/S	£120-9-192	Uncertificated teachers selected by the Chief Education Officer, Lagos, on the recommendation of the Proprietor of an Approved Voluntary Agency may enter this scale at £120 or at a point appropriate to their previous salary, whichever is greater.
(17) A secondary IV or Modern II Pass approved by the Chief Education Officer, Lagos, or a Leaving Certificate deemed equivalent by the Chief Federal Adviser on Education	LD	£96	Probationary teachers with these qualifications.
(18) A Standard VI Pass recognised by the Chief Education Officer, Lagos, or a certificate deemed equivalent by the Chief Federal Adviser on Education	LD	£78	Probationary teachers with these qualifications.

SCHEDULE

TABLE I

(Regulations 5 (*ix*) & 12)

SCALES OF SALARY FOR VOLUNTARY AGENCY TEACHERS EMPLOYED IN LAGOS

Qualifications 1	*Part of Teachers' Register* 2	*Approved Salary Scale* 3	*Special Conditions and Allowances* 4
(19) A Cambridge School Certificate, other certificate recognised as equivalent by the Chief Federal Adviser on Education and successful completion of a 3-year training course at a Government Technical Institute or a course of training deemed comparable by the Chief Federal Adviser on Education	LB	£291-15-396-18-576	Handicraft Teacher specially trained for Secondary Schools.
(20) A Secondary IV Pass or a School Leaving Certificate deemed equivalent by the Chief Federal Adviser on Education and successful completion of a 2-year course of training at a Government Technical Institute or a course of training deemed comparable by the Chief Federal Adviser on Education	LB	£156-12-384	Manual Training Teachers specially trained for Primary Schools.
(21) Successful completion of training at a Government Trade Training Centre	LB	£156-12-300	Manual Training Instructors specially trained for Primary Schools at a course approved for the purpose by the Chief Federal Adviser on Education. Such teachers should be placed on probation for 3 years before earning increments.
(22) Successful completion of articles of apprenticeship recognised by the Chief Federal Adviser on Education, after obtaining a First School Leaving Certificate recognised by the Chief Education Officer, Lagos.	LB	£130-9-184	—
(23) Successful completion of a 2-year course of training after passing Standard VI at a Vocational School approved by the Chief Education Officer, Lagos.	LB	£96-6-138	—

Notes.—(1) In the case of Vocational Teachers not possessing any of the above qualifications, *ad hoc* rates of salary may be fixed by the Chief Education Officer, Lagos.

(2) An increment should be withheld if a Proprietor or Manager is so directed by the Chief Education Officer, Lagos, on his initiative or on that of the Proprietor or Manager, but should not be withheld without the consent of such Chief Education Officer.

MADE at Lagos this 24th day of January, 1956.

L. ROBERTS,
Acting Deputy Secretary to the Council of Ministers

EXPLANATORY NOTE

These regulations substitute a new Table of salaries to be paid to teachers to enable a Government Grant-in-Aid to be paid. Regulation 3 provides that grants-in-aid in respect of the period since 30th September, 1954, shall be re-calculated by reference to the new Table.

L.N. 11 of 1956

MINERALS ORDINANCE (CHAPTER 134)

Prospecting (Areas and Minerals) Prohibition (Amendment) Declaration, 1956

Date of Commencement : 9th February, 1956

In exercise of the powers conferred by section 8 of the Minerals Ordinance, the Governor-General, after consultation with the Council of Ministers, has made the following declaration—

Citation.

1. This declaration may be cited as the Prospecting (Areas and Minerals) Prohibition (Amendment) Declaration, 1956.

Amendment of Public Notice 22 of 1946 (Vol. VIII p. 562).

2. Immediately after paragraph 9 of the Prospecting (Areas and Minerals) Prohibition Declaration, 1946, there shall be inserted the following new paragraphs:—

"10. The following area is hereby declared to be closed to prospecting for all minerals:—

All that parcel of land known as Mines Reclamation Area No. 17 of Jos Division of Plateau Province, containing an area of approximately 61.51 acres, the boundaries of which are described below:—

Starting at a concrete pillar marked P.B.P. 6141 (also CB3 of M.L. 10553) which lies on a bearing of 210° 46′ at a distance of 7,985 feet from Trig. Point Y1, the boundaries run in straight lines, the bearings and lengths of which are as follows:—

From	*Bearing*	*Length*	*To*
P.B P.6141	284° 00′	931′	P.B P.5919
P.B P.5919	325° 39′	262′	P.B P.5920
P.B P.5920	304° 57′	442′	P.B P.5641
P.B P.5641	2° 23′	193′	P.B P.5640
P.B P.5640	306° 12′	448′	P.B P.5650
P.B P.5650	284° 33′	27′	P.B P.5649
P.B P.5649	24° 48′	1,276′	P.B P.6145
P.B P.6145	114° 32′	713′	P.B P.6144
P.B P.6144	114° 32′	600′	P.B P.6143
P.B P.6143	178° 00′	1,275′	P.B P.6142
P.B P.6142	177° 59′	498′	P.B P.6141 (the starting point).

All bearings and lengths are approximate and all bearings are referred to Colony North.

"11. The following area is hereby declared to be closed to prospecting for all minerals:—

All that parcel of land near Gyel Village in Jos Division of Plateau Province, containing an area of approximately 303.8 acres, the boundaries of which are described below:—

Starting from a concrete pillar marked P.B.P.6177 which is distant 37 feet on an approximate bearing of 347° 20′ from trig. point Y65 the

boundaries run in straight lines the bearings and lengths of which are as follows:—

From	*Bearing*	*Length*	*To*
P.6177	129° 52′	368′	P.6178
P.6178	129° 51′	1,474′	P.6179
P.6179	129° 51′	1,024′	P.6180
P.6180	129° 51′	658′	P.6181
P.6181	243° 05′	141′	P.6182
P.6182	183° 43′	280′	P.6183
P.6183	164° 51′	590′	P.6184
P.6184	159° 14′	364′	P.6185
P.6185	259° 44′	805′	P.6186
P.6186	159° 00′	552′	P.6187
P.6187	239° 40′	187′	P.6188
P.6188	149° 45′	691′	P.6189
P.6189	131° 45′	644′	P.6190
P.6190	131° 01′	233′	P.6191
P.6191	109° 47′	227′	P.6192
P.6192	145° 30′	255′	P.6193
P.6193	153° 47′	434′	P.6194
P.6194	124° 43′	907′	P.6195
P.6195	220° 06′	657′	P.6196
P.6196	244° 41′	553′	P.6197
P.6197	312° 25′	988′	P.6198
P.6198	304° 40′	640′	P.6225
P.6225	304° 41′	287′	P.6199
P.6199	201° 00′	384′	P.6200
P.6200	119° 49′	1,035′	P.6201
P.6201	138° 31′	352′	P.6202
P.6202	138° 23′	275′	P.6203
P.6203	244° 43′	69′	P.6204
P.6204	319° 45′	499′	P.3671
P.3671	226° 30′	162′	P.3670
P.3670	252° 16′	149′	P.3669
P.3669	270° 58′	196′	P.3668
P.3668	214° 49′	190′	P.3667
P.3667	227° 16′	270′	P.3666
P.3666	212° 16′	543′	P.3665
P.3665	277° 56′	170′	P.3664
P.3664	208° 28′	275′	P.6205
P.6205	244° 48′	82′	P.6206
P.6206	359° 00′	694′	P.6207
P.6207	3° 03′	69′	P.6208
P.6208	324° 10′	39′	P.6209
P.6209	324° 11′	55′	P.6210
P.6210	323° 21′	507′	P.6211
P.6211	5° 52′	1,101′	P.6212
P.6212	275° 56′	604′	P.6213
P.6213	186° 37′	1,225′	P.6214
P.6214	301° 51′	381′	P.6215
P.6215	7° 42′	1,058′	P.6216
P.6216	7° 42′	771′	P.6217

From	*Bearing*	*Length*	*To*
P.6217	353° 41′	235′	P.6218
P.6218	79° 14′	328′	P.6219
P.6219	338° 25′	363′	P.6220
P.6220	320° 49′	303′	P.6221
P.6221	79° 26′	377′	P.6222
P.6222	338° 28′	448′	P.6223
P.6223	69° 30′	672′	P.6224
P.6224	81° 50′	865′	P.6169
P.6169	337° 01′	814′	P.6170
P.6170	326° 18′	1,349′	P.6171
P.6171	323° 32′	817′	P.6172
P.6172	300° 48′	495′	P.6173
P.6173	320° 20′	919′	P.6174
P.6174	74° 16′	441′	P.6175
P.6175	129° 47′	140′	P.6176
P.6176	129° 39′	106′	P.6177

(The starting point).

All property beacons are concrete pillars: all bearings and lengths are approximate and all bearings are referred to Colony North."

MADE at Lagos this 24th day of January, 1956.

L. ROBERTS,
Acting Deputy Secretary to the Council of Ministers

M00853

The following Bill, which will in due course be presented to the House of Representatives for enactment, is published for general information.

By His Excellency's Command,

R. F. A. GREY,
Chief Secretary of the Federation

Lagos, 9th February, 1956.

A BILL

FOR

AN ORDINANCE TO AMEND THE EDUCATION ORDINANCE (ORDINANCE 17 OF 1952) IN ITS APPLICATION TO LAGOS.

[ ] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows— Enactment.

1. This Ordinance may be cited as the Education (Lagos) (Amendment) Ordinance, 1956, and shall apply to Lagos only. Short title and application.

Amendment of section 2 of the principal Ordinance. (Ordinance No. 17 of 1952).

2. Section 2 of the Education Ordinance 1952 (hereinafter referred to as the principal Ordinance) shall be amended by the insertion in its proper alphabetical order of the following—

" "Minister" means the Member of the Council of Ministers charged under section 98 of the Nigeria (Constitution) Order in Council, 1954, with responsibility for education ;". L.N. 102 of 1954.

Repeal of certain sections.

3. The principal Ordinance shall be amended by the repeal of sections 4, 5, 6, 7 and 8.

Repeal and re-enactment of section 19.

4. Section 19 of the principal Ordinance shall be repealed and replaced by the following—

"Establishment of new school.

19. (1) No new school other than a Government school shall be established unless—

(*a*) notification in writing giving the following particulars is sent by the proprietor to the Chief Education Officer, Lagos, not less than three months before the school is opened—

(*i*) the name and address of the proprietor of the school ;

(*ii*) the name and address of the manager ;

(*iii*) the situation of the school and plan of the buildings ;

(*iv*) the type of school, the number and type of classes and the medium of instruction proposed ;

(*v*) the numbers, qualifications and nationality of the staff ;

(*vi*) the nature of the interest in or tenure of the land to be possessed by the school ; and

(*vii*) such further information as the Chief Education Officer, Lagos, may require, and

(*b*) the consent in writing of the Chief Education Officer, Lagos, has been obtained.

(2) Any proprietor who furnishes particulars in a notification under subsection (1) which are false to his knowledge shall be guilty of an offence and liable on summary conviction to a fine of twenty pounds, without prejudice to any other proceeding which may be taken against him under this Ordinance.

(3) Any proprietor who opens any school without having conformed to the provisions of subsection (1) shall be guilty of an offence and liable on summary conviction to a fine of fifty pounds and to a further fine of two pounds for each and every day during which the school is opened, without prejudice to any other proceeding which may be taken against him under this Ordinance.

(4) For the purpose of this section a change in the curriculum or type of instruction approved by the Chief Education Officer, Lagos, to a curriculum or type of instruction not approved in relation to that school by the Chief Education Officer, Lagos, shall be deemed to constitute the establishment of a new school notwithstanding that such change relates to a school already in existence, and to require notification under subsection (1) and the consent in writing required by that subsection.

(5) For the purpose of this section a change of proprietor or a change in the situation of a school shall be deemed to constitute the establishment of a new school notwithstanding that such a change relates to a school already in existence and to require notification under subsection (1) and the consent in writing required by that subsection: Provided that in the event of such a change as is referred to in this subsection the Chief Education Officer, Lagos, may, upon application, waive or reduce the period of three months specified in paragraph (*a*) of subsection (1) and may under paragraph (*b*) of that subsection give his consent retrospectively."

Amendment of section 23.

5. Section 23 of the principal Ordinance shall be amended by the addition after paragraph (*b*) of the following—

Addition of new sections 23A, 23B and 23C.

"(*bb*) Where, after an inspection by such competent person as the Chairman of the Regional Board may consult, the Regional Board is advised that the school buildings or any part thereof are a danger to the pupils or staff of the school ; or".

6. The principal Ordinance shall be amended by the insertion after section 23 of the following three new sections—

"Power to appoint a supervisor.

23A. (1) In the circumstances specified in subsection (2) the Minister may by order under his hand published in the Gazette appoint a supervisor of any

school, who shall have power at all reasonable times to enter the premises of the school and to give directions for the management thereof.

(2) This section shall apply—

(*a*) where under section 23 the Regional Board has power to order a school to be closed, but the Minister is of opinion that it will best serve the interest of the community that the school should continue but do so under supervision ;

(*b*) where under paragraphs (*f*) or (*g*) of subsection (1) of section 23 the Chairman of the Regional Board has pointed out in writing to the proprietor or served notice on the proprietor of the faults referred to in either of those paragraphs ;

(*c*) where a grant has been made out of public funds to the proprietor of the school for capital expenditure and without reasonable cause the school is not in the opinion of the Minister being conducted in accordance with an undertaking given by the proprietor for the purpose of such capital grant.

(3) A supervisor appointed under this section—

(*a*) shall have power to do and direct to be done, subject to any directions given to him in writing by the Chief Education Officer, Lagos, all such acts and things as may be necessary in his opinion to maintain the school as an educational institution,

(*b*) shall receive no pecuniary advantage from the school and shall not be financially responsible for any liabilities incurred by the school, its proprietor or manager, and

(*c*) shall not be personally liable in any action, civil or criminal, for any act or thing *bona fide* done by him in pursuance of this section.

(4) The manager, proprietor and any member of the staff of a school in respect of which a supervisor has been appointed shall carry out any reasonable directions given by such supervisor, and any person who fails to comply with this subsection shall be guilty of an offence and liable on summary conviction to a fine of fifty pounds.

Compulsory acquisition of existing school.

23B. (1) Whenever an order under section 23 has been made, or a supervisor has been appointed under section 23A, or if a grant out of public funds has been made to the proprietor of a school for capital expenditure and the Minister is of the opinion that the terms of

an undertaking given for the purpose of such capital grant have without reasonable cause not been complied with, the Minister, after such inquiry as he may think fit, may declare by notification in the Gazette that the land and premises upon which a school is being conducted are required for educational purposes by the Government of the Federation.

(2) Upon such a declaration being made the land and premises to which it relates shall be deemed to be land required for a public purpose of the Federation within the meaning of the Public Lands Acquisition Ordinance and the Governor-General may cause action to be taken under that Ordinance for acquiring the same for the Government of the Federation.

Cap. 185.

(3) When any land which has been the subject of a declaration under this section has been acquired the Governor-General—

(*a*) may vest the land or any part thereof in the Lagos Town Council by means of a certificate under the hand and seal of the Chief Federal Land Officer, and the Lagos Town Council shall utilise or cause to be utilised such land for such educational purposes as the Minister shall direct, or

(*b*) may direct and empower the Chief Federal Land Officer to lease such land or any part thereof to a Voluntary Agency upon such terms as may be decided upon by the Minister.

(4) In assessing the compensation, if any, payable under the Public Lands Acquisition Ordinance for the acquisition of any land under this section, there shall be deducted such amount as the Minister shall certify to represent the amount of any grant made out of public funds during the ten years immediately preceding the date of such acquisition to the proprietor of the school for capital expenditure: Provided that if the Minister shall consider that on account of the period which has elapsed since any such grant was made or for some other good reason it would be inequitable to deduct the whole amount of such grant he may so certify and such lesser amount as he may certify to be an equitable deduction shall then be deducted.

(5) Compensation, if any, payable under the Public Lands Acquisition Ordinance for the acquisition of any land under this section shall be assessed in accordance with the provisions of section 15 of that Ordinance save

that the same shall be assessed having reference to th value immediately before the publication of the Gazet notification under subsection (1) of this section, an such compensation shall be paid by the Government the Federation.

Compulsory acquisition for new school or addition to school.

23c. (1) Whenever it appears to the Minister—

(*a*) that the acquisition of any land by a Voluntar Agency approved under regulations made under th Ordinance is desirable for the purpose of building school or for extending an existing school, and

(*b*) there is any hindrance to acquisition by suc Voluntary Agency of such land, including any failu by such Voluntary Agency to reach agreement as the amount to be paid in respect of such acquisitio the Minister may, upon the application of the Volu tary Agency and after such inquiry as he may thin fit, declare by notification in the Gazette that the lan is required for educational purposes by the Gover ment of the Federation.

(2) Upon such a declaration being made the lan to which it relates shall be deemed to be land require for a public purpose of the Federation within th meaning of the Public Lands Acquisition Ordinance an the Governor-General may cause action to be take under that Ordinance for acquiring the same for th Government of the Federation.

(3) When any land which has been the subject of declaration under this section has been acquired th Governor-General—

(*a*) may vest the land or any part thereof in th Lagos Town Council by means of a certificate und the hand and seal of the Chief Federal Land Office and the Lagos Town Council shall utilise or cause be utilised such land for such educational purposes a the Minister shall direct, or

(*b*) may direct and empower the Chief Feder Land Officer to lease such land or any part thereof a Voluntary Agency upon such terms as may b decided upon by the Minister.

(4) Compensation, if any, payable under the Publ Lands Acquisition Ordinance for the acquisition of an land under this section shall be assessed in accordanc with the provisions of section 15 of that Ordinance sav that the same shall be assessed having reference to th

" value immediately before the publication of the Gazette notification under subsection (1) of this section, and such compensation shall be paid by the Government of the Federation."

Amendments in Schedule.

7. The sections and portions of the Ordinance specified in the first column of the Schedule hereto shall be amended by the deletion of the words or portions specified in the second column and the substitution therefor of the words or portions (if any) appearing in the third column.

SCHEDULE

MISCELLANEOUS AMENDMENTS (Section 7)

1st Column	*2nd Column*	*3rd Column*
13 2nd & 3rd lines	"the Central Board or of"	—
14 Wherever the expressions occur	"the Central Board or of" "the Central Board or to" "the Central Board or"	—
14 Subsection (2)	paragraph (*b*)	"(*b*) if without having previously obtain the leave of the Chief Education Officer, Lagos he be absent from the meetings of the Regional Board or from Nigeria for a continuous period of nine calendar months ; or"
15 and 16 Wherever the expression occurs	"the Central Board or"	—
21	"Central Board"	"Minister"
24	"the Central Board" "the Board"	"the Minister"
24 (1)	"at its next meeting" "its decision"	"his decision"

Objects and Reasons

The main purpose of this Bill is to make interim arrangements for matters provided for in the White Paper on Education in Lagos preparatory to the introduction of free primary education in January 1957. The amendments are designed to facilitate the maintenance of the existing educational resources and to provide for their expansion.

Provisions in the existing Ordinance relating to the Central Board are repealed (CLAUSE 3.) These could not be removed by adaptation orders under the Constitution as the Central Board have certain appeal functions, but under CLAUSE 7, by reference to a Schedule of amendments, these appeal functions are imposed on the Minister, who is defined by CLAUSE 2.

The proposed system of capital grants outlined in the White Paper makes i necessary to ensure that schools shall not be diverted to some other type of education or to any unauthorised purpose, and new subsections (4) and (5) are written into sectio 19 by CLAUSE 4 for this purpose.

CLAUSE 5 gives much needed powers in respect of dangerous school premises.

CLAUSE 6 introduces a section to provide for the appointment of a supervisor b the Minister in the following cases—

(*a*) instead of action being taken under the existing Ordinance to close an unsatis factory school, or

(*b*) when there has been breach of the conditions under which a capital gran under the White Paper has taken place.

Compulsory acquisition of land (subject to the Public Lands Acquisition Ordinanc and the provisions for compensation therein contained) is provided for by the nev sections 23B and 23C also introduced by clause 6. It may be resorted to—

(*a*) instead of action being taken under the existing Ordinance to close an unsatis factory school, or

(*b*) when there has been breach of the conditions under which a capital gran under the White Paper has been made, or

(*c*) when land is required for a new school or extension of an existing school.

A. MCKISACK,
Attorney-General of the Federatio

Lagos.

Supplement to Official Gazette No. 11, Vol. 43, 16th February, 1956—Part B

L.N. 12 of 1956

ANTIQUITIES ORDINANCE, 1953 (No. 17 OF 1953)

Antiquities (Monuments) Declaration Notice, 1956

Date of Commencement : 16th February, 1956

WHEREAS the Antiquities Commission has submitted applications in accordance with subsection (4) of section 14 of the Antiquities Ordinance, 1953 (hereinafter referred to as the Ordinance) for the declaration as monuments of the antiquities set forth in the Schedule to this notice ;

AND WHEREAS the applications have been considered by the Governor-General in Council :

NOW THEREFORE in exercise of the powers conferred by subsection (5) of section 14 of the Ordinance the Governor-General, after consultation with the Council of Ministers, hereby gives the following notice—

1. This notice may be cited as the Antiquities (Monuments) Declaration Notice, 1956. Citation

2. The antiquities set forth in the Schedule to this notice are declared to be monuments. Declaration of monuments.

SCHEDULE

(1) The stone-built causeway at Forof, near Bokkos in Plateau Province, together with an area of land including the stream within a radius of three hundred feet of the centre of the causeway.

(2) The stone-built causeway at Tading, near Bokkos in Plateau Province, together with an area of land including the stream within a radius of three hundred feet of the centre of the causeway.

(3) The stone-built causeway at Batura, near Bokkos in Plateau Province, together with an area of land including the stream within a radius of three hundred feet of the centre of the causeway.

(4) The cairn of stones at the foot of Panshanu Pass near mile 31 on the Jos-Bauchi road, known as Kwandon Kaya which was set up by the army of the Emir of Bauchi, Yakubu I, to commemorate the submission of the pagan tribes of the Panshanu hills, and the surrounding land within three hundred feet of the centre of the cairn.

(5) The house and compound at Keffin Madaki, 28 miles North of Bauchi, known as Gidan Madakin Bauchi, which was built in 1860 by the celebrated master-builder, Babban Gwani of Zaria.

(6) The rock shelter containing polychrome cave paintings in the hill known as Dutsen Mesa at Birnin Kudu in Kano Province, and the land within a radius of three hundred feet of the rock shelter.

(7) The first mining beacon to be erected in Nigeria, which was set up at Tilden Fulani, at mile 14 on the Jos-Bauchi road, by the late Lt-Col. Henry William Laws, C.M.G., D.S.O., on 19th September, 1905, together with the land within a radius of one hundred feet.

(8) The steel foot bridge originally erected by the late Lord Lugard at Zungeru in 1904, and re-erected in 1954 in the Kaduna Gardens.

MADE at Lagos this 13th day of February, 1956.

L. ROBERTS,
Acting Deputy Secretary to the

The following Bill, which will in due course be presented to the House of Representatives for enactment, is published for general information.

By His Excellency's Command,

R. F. A. GREY,
Chief Secretary of the Federation

Lagos. 16th February, 1956.

A BILL

FOR

AN ORDINANCE TO AMEND THE WORKMEN'S COMPENSATION ORDINANCE (CHAPTER 234).

[ ]

Date of commencement.

Enactment.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows—

Short title.

1. This Ordinance may be cited as the Workmen's Compensation (Amendment) Ordinance, 1956.

Amendment of section 2 of the principal Ordinance. Cap. 234.

2. Section 2 of the Workmen's Compensation Ordinance (hereinafter referred to as the principal Ordinance) shall be amended—

(*a*) by the insertion in the fifth line of subsection (1) after the words "contract of service", of the following—

"(which expression shall be deemed to include service as a tributer)"; and

(*b*) by the deletion in the same subsection of paragraph (*d*).

Amendment of section 3.

3. Section 3 of the principal Ordinance shall be amended by the repeal in subsection (1) of the definition of "tributer" and the substitution therefor of the following—

" 'tributer' bears the meaning assigned thereto by section 2 of the Minerals Ordinance (Cap. 134),".

Objects and Reasons

These amendments are consequential upon proposed amendments to the Minerals Ordinance (Chapter 134). The Workmen's Compensation Ordinance which came into operation in 1942 expressly excluded provision for tributers as they were provided for under the Minerals Ordinance, but other employees under the Minerals Ordinance receive compensation for injuries under the Workmen's Compensation Ordinance, and the position of tributers would be assimilated to that of such other employees by this Bill.

Lagos.

A. McKisack,
Attorney-General of the Federation

SML/DA/5

Supplement to Official Gazette No. 15, Vol. 43, 23rd February, 1956—Part B

L.N. 13 of 1956

THE AID TO PIONEER INDUSTRIES ORDINANCE, 1952
(No. 10 OF 1952)

Order Declaring A Pioneer Industry

Date of Commencement 23rd February, 1956

WHEREAS representations have been received pursuant to subsection (1) of section 3 of the Aid to Pioneer Industries Ordinance, 1952, for the making of an Order declaring the industry and the products set out in the Schedule to this Order to be a pioneer industry and pioneer products:

AND WHEREAS all necessary steps have been taken, pursuant to subsections (1), (2) and (3) of section 3 of the said Ordinance, prior to the making of this Order;

NOW THEREFORE, in exercise of the powers conferred upon the Governor-General by subsection (3) of section 3 of the Aid to Pioneer Industries Ordinance, 1952, the following Order is hereby made:—

1. This Order may be cited as the Aid to Pioneer Industries (No. 2) Order, 1956. Short title.

2. It is hereby declared that Declaration.

(*a*) the industry set out in the Schedule hereto shall be a pioneer industry; and

(*b*) the products set out in the Schedule hereto of such industry shall be pioneer products of such industry.

SCHEDULE

Industry	*Products*
Manufacture of Travel goods involving the use of a substantial proportion of Nigerian raw materials.	Travel bags and suitcases containing a substantial proportion of Nigerian raw materials.

L. ROBERTS,
Acting Deputy Secretary to the Council of Ministers

Lagos, 18th February, 1956.

L.N. 14 of 1956

ROAD TRAFFIC ORDINANCE
(No. 43 OF 1947)

Road Traffic (Amendment) Regulations, 1956

Date of Commencement: 23rd February, 1956

In exercise of the powers conferred by section 34 of the Road Traffic Ordinance, 1947, the Governor-General, after consultation with the Council of Ministers, has made the following regulations—

1. These regulations may be cited as the Road Traffic (Amendment) Regulations, 1956, and shall apply in relation to Lagos, the Southern Cameroons and all Federal Trunk Roads. Citation and application.

Amendment of regulation 24 (1) of the Road Traffic Regulations. Width.

2. Paragraph (1) of regulation 24 of the Road Traffic Regulations, 1948, shall be amended as follows—

(*a*) For sub-paragraph (*b*) there shall be substituted the following paragraph—

"(*b*) no omnibus (within the meaning of regulation 45) motor vehicle or trailer shall exceed eight feet in overall width". ; and

(*b*) For the words "six inches" in sub-paragraph (*c*) there shall be substituted the words "three inches".

MADE at Lagos this 9th day of February, 1956.

L. ROBERTS,
Acting Deputy Secretary to the Council of Ministers

L.N. 15 of 1956

PORTS ORDINANCE, 1954

(No. 27 OF 1954)

Appointed Day (Part XI) Notice

Date of Commencement : 1st March, 1956

In exercise of the powers conferred by subsection (2) of section 1 of the Ports Ordinance, 1954, the Governor-General has appointed the 1st day of March, 1956 as the day on which Part XI of the Ports Ordinance, 1954, shall come into operation.

Lagos the 9th February, 1956.

A. F. F. P. NEWNS,
Secretary to the Governor-General and the Council of Ministers

---

L.N. 16 of 1956

LABOUR CODE ORDINANCE (CHAPTER 99)

Industrial Workers (Employment Exchanges) (Amendment) Rules, 1956

Date of Commencement : 1st March, 1956

In exercise of the powers conferred by section 230 of the Labour Code Ordinance, and with the approval of the Governor-General, the Commissioner of Labour has made the following rules :—

Citation.

1. These rules may be cited as the Industrial Workers (Employment Exchanges) (Amendment) Rules, 1956, and shall apply in respect of Lagos.

Amendment of rule 5 of principal rules, P.N. 6 of 1952.

2. At the end of rule 5 of the Industrial Workers (Employment Exchanges) Rules, 1952, (hereinafter referred to as the principal rules) there shall be added the following words—

"and indicate to the worker the intervals at which he is to re-register".

Revocation of rule 9 of principal rules.

3. Rule 9 of the principal rules is hereby revoked.

Replacement of Schedule to principal rules.

4. For the Schedule to the principal rules there shall be substituted the Schedule to these rules.

ML/MB/67

B 39

SCHEDULE

FORM A

DEPARTMENT OF LABOUR, NIGERIA

REGISTRATION CARD

I

Date of issue .....

Registration No. .....

Surname (CAPITALS) .....

Mr/Mrs/Miss .....

Other Name(s) .....

Address .....

.....

Date of birth (or age) .....

Trade.....

Signature of holder
(or left thumb mark) .....

Certificate of Competence in trade above

Number .....

Grade .....

.....

Exchange Manager

II

Particulars of Education

School last attended.....

Date of leaving .....

Certificate/Qualification .....

.....

.....

.....

.....

Signature of holder .....

.....

Exchange Manager

III

(Reverse side of II)

Important

1. If you are unemployed, report at the office where this card was issued for renewal as directed below.

.....

.....

2. If your employment terminates (whatever the reason) and you are in need of employment, report with this card at the office of issue or at the nearest employment exchange so as to put your name on the register for employment.

IV

(Reverse side of I)

3. If you obtain a job on your own, hand over your unemployment card, ask your employer to fill in the necessary particulars and forward it by post or hand to the employment exchange.

This Card is not transferable

B 40

FORM B

I

DEPARTMENT OF LABOUR, NIGERIA

UNEMPLOYMENT CARD

Reg. No. ..... T/Q	Certificate of Competence in trade
Name (Mr/Mrs/Miss)	Number .....
Address	Grade .....

Notice to Employers	*Renewal Dates*
1. The above-named is registered with the Department of Labour for Employment. If he is to be employed by you please fill in particulars below and return card to address overleaf. (No postage required).	.....
	.....
	.....
Name of Employer	.....
Address	.....
	.....
For further particulars, if considered necessary, please get in touch with the Employment Exchange where the holder is registered.	.....
	.....

II

(Reverse side)

ON HER MAJESTY'S SERVICE

The Exchange Manager,

Department of Labour,

Employment Exchange,

.....

B 41

FORM C

I

DEPARTMENT OF LABOUR, NIGERIA

INTRODUCTION CARD

To : ..... Date .....

In reply to your request for .....

.....

the bearer Mr/Mrs/Miss .....
is a likely applicant for employment. Please complete the particulars below and return this card to the Employment Exchange. (No stamp required).

.....
Exchange Manager's Signature

Have you employed the above-named ? .....

If "Yes", state date he is to commence work .....

Remarks, if any .....

.....
Employer's Signature

II

(Reverse side)

Notice to Holder

Please hand this card to the employer to whom it is addressed. He will NOT return it to you even if he does not engage you.

If you are not engaged by the employer to whom this card is addressed, there is no need for you to report at the Employment Exchange except for the renewal of your card. The fact of your not being employed by this employer will be known by the Employment Exchange when this card is returned by the employer.

O.H.M.S.

The Exchange Manager,
Department of Labour,
Employment Exchange,

.....

B 42

MADE at Lagos this 8th day of February, 1956.

G. FOGGON,
Commissioner of Labour

APPROVED by the Governor-General at Lagos this 8th day of February, 1956.

By His Excellency's Command,

A. F. F. P. NEWNS,
Secretary to the Governor-General

EXPLANATORY NOTE

This amendment will allow applicants for employment to register more frequently and will thus increase the possibility of their obtaining suitable work.

The following Bills, which will in due course be presented to the House of Representatives for enactment, are published for general information.

By His Excellency's Command,

R. F. A. GREY,
Chief Secretary of the Federation

Lagos, 23rd February, 1956.

A BILL

FOR

AN ORDINANCE FURTHER TO AMEND THE MERCHANDISE MARKS ORDINANCE. Title.

[*By Notice*] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows:— Enactment.

1. This Ordinance may be cited as the Merchandise Marks (Amendment) Ordinance, 1956, and shall come into operation on a day to be appointed by the Governor-General by notice in the Gazette. Short title and commencement.

Amendment of section 2 of Cap. 131.

2. Section 2 of the Merchandise Marks Ordinance (hereinafter referred to as the principal Ordinance) shall be amended as follows—

(*a*) in the definition of "false trade description" there shall be inserted the words "or misleading" after the word "false" where it occurs in the second and fifth lines thereof ;

(*b*) immediately after paragraph (*a*) in the definition of "trade description" there shall be inserted the following new paragraphs—

"(*aa*) as to the standard of quality of any goods, according to a classification commonly used or recognised in the trade ; or

(*ab*) as to the fitness for purpose, strength, performance or behaviour of any goods ; or" ;

(*c*) by the insertion of the following subsections after subsection (3)—

"(4) Without prejudice to the generality of the definitions of "false trade description" and "trade description" as defined in this section, a trade description (to whichever of the matters mentioned in the definition of "trade description" it relates) shall be deemed for the purposes of this Ordinance to be a false trade description if it is calculated to be misunderstood as, or mistaken for, an indication as to the same or some other such matter which would be false or misleading in a material respect as regards the goods to which the description is applied and anything calculated to be misunderstood as, or mistaken for, an indication of any of those matters shall be deemed for those purposes to be a trade description.

(5) Notwithstanding anything in the definition of "false trade description" no trade mark within the meaning of Trade Marks Ordinance, or part of such trade mark, shall by virtue of subsection (4), or paragraph (*aa*) or paragraph (*ab*) in the definition of "trade description", be treated as a false trade description in relation to any goods to which the trade mark is applied, if the following conditions are satisfied, that is to say—

Cap. 217.

(*a*) on the date the Merchandise Marks (Amendment) Ordinance, 1956, came into operation the trade mark either is registered under the Trade Marks Ordinance, or is in use to indicate a connection in the course of trade between those goods and the proprietor of the trade mark ; and

Cap. 217.

(*b*) the trade mark as applied is used to indicate a connection in the course of trade between the goods and the person who is the proprietor of the trade mark ; and

(*c*) the person who is the proprietor of the trade mark is the same person as, or a successor in title of, the proprietor on the date the Merchandise Marks (Amendment) Ordinance, 1956, came into operation.

(6) Nothing contained in subsection (4), or in paragraph (*aa*) or paragraph (*ab*) in the definition of "trade description", nor the use of the word "misleading" in the definition of "false trade description" shall extend the classes of goods which under section 14 are prohibited to be imported into Nigeria as having a false trade description applied to them.".

Amendment of section 3 of Cap. 131.

3. For subsection (2) of section 3 of the principal Ordinance there shall be substituted the following subsection—

"Selling goods to which false trade marks or descriptions applied.

(2) Every person who sells, or exposes for, or has in his possession for, sale, or any purpose of trade or manufacture, any goods or things to which any forged trade mark or false trade description is applied, or to which any trade mark or marks so nearly resembling a trade mark as to be calculated to deceive is falsely applied, as the case may be, shall, unless he proves either—

(*a*) that, having taken all reasonable precaution against committing an offence against this Ordinance, he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the trade mark, mark or trade description, and that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things ; or

(*b*) that otherwise he had acted innocently ;

be guilty of an offence against this Ordinance."

Objects and Reasons

The provisions of the Merchandise Marks Ordinance follow closely the provisions of the Merchandise Marks Act, 1887, of the United Kingdom. The Merchandise Marks Act, 1887, has been amended by the Merchandise Marks Act, 1953. The object of this Bill is to adopt certain of the amendments made by the 1953 Act and thus extend to this country the protective measures recently accepted in the United Kingdom.

2. Clause 2 of the Bill amends the definition of "false trade description" and "trade description" by (subject to savings) extending the scope of these definitions.

3. Clause 3 of the Bill clarifies the meaning of subsection (2) of section 3 of the principal Ordinance. This amendment makes no change in the law.

A. McKisack,
Attorney-General of the Federation.

Lagos

A BILL

FOR

AN ORDINANCE TO AUTHORISE THE APPLICATION OF CERTAIN MONIES DERIVED FROM A PROVIDENT FUND TOWARDS THE RELIEF OF CERTAIN RETIRED AND OTHER RAILWAY SERVANTS AND THEIR FAMILIES AND THE EDUCATION OF CHILDREN OF RAILWAY SERVANTS, AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID. Title.

[*By Notice*] Date of commencement.

WHEREAS there exists within the Non-Pensionable Railway Servants' Provident Fund established by the Railway Servants' Provident Fund Regulations made under the Provident Funds Ordinance a reserve which has accumulated over a period of time from the undistributed interest on the investments held on behalf of the said Provident Fund and from the capital appreciation of such investments: Preamble. Cap. 181.

AND WHEREAS the purpose of the creation and maintenance of the said reserve was that there should be maintained over as long a period of years as possible the due payment of the approved rate of interest of four pounds *per centum per annum* on compulsory deposits and on bonuses on such compulsory deposits in accordance with the provisions of the said Regulations:

Cap. 83. No. 28 of 1945. AND WHEREAS since the enactment of the Government and Railway Servants (Withdrawal from Provident Funds) Ordinance and the Nigerian Government Railway Pensionable Offices (Return of Contributions—Amendment) Ordinance, 1945, the number of depositors and the corresponding value of the deposits remaining in the said Provident Fund have been greatly reduced and accordingly the calls on the said reserve have become merely nominal:

AND WHEREAS it is expedient that the interest which shall hereafter arise from the investments representing the reserve, together with a Reserve Fund to be established from the said reserve, should be applied in the manner hereafter appearing:

Enactment. NOW THEREFORE BE IT ENACTED by the Legislature of the Federation of Nigeria as follows:—

Short title and commencement. **1.** This Ordinance may be cited as the Non-Pensionable Railway Servants' Provident Fund Reserve (Application) Ordinance, 1956, and shall come into operation on a day to be appointed by the Governor-General by notice in the Gazette.

Interpretation. **2.** In this Ordinance, unless the context otherwise requires—

"income of the Reserve Fund" means the income arising from the Reserve Fund at any time after the commencement of this Ordinance from the reserve mentioned in the definition of "Reserve Fund" in this section contained;

Ordinance 2 of 1950. "Nigerian Railway Corporation" means the corporation established under the Nigerian Railway Corporation Ordinance, 1955;

Cap. 181. "Reserve Fund" means the balance of the capital monies of the reserve (and the investments for the time being representing the same) which have accumulated from the undistributed interest on the investments held on behalf of the Non-Pensionable Railway Servants' Provident Fund established under the Provident Funds Ordinance and from the capital appreciation of such last-mentioned investments, after deduction of such sum as may be required by regulations made under section 9 to be set aside for the purpose specified in paragraph (*d*) of that section;

"trustees" means the trustees of the Reserve Fund appointed by or under this Ordinance.

Trustees of the Reserve Fund. **3.** (1) The Reserve Fund shall be administered by the trustees thereof.

(2) The trustees of the Reserve Fund shall be—

(*a*) the Public Trustee, who shall be custodian trustee of the Reserve Fund;

(*b*) not more than twelve or less than six trustees appointed by the Governor-General in Council, who shall be managing trustees and shall be persons recommended to the Governor-General by such trade unions or other associations representing the interests of present or former railway servants as may be prescribed.

(3) The managing trustees may act by a majority of those present at any meeting of the managing trustees at which a quorum is present.

(4) The procedure of the trustees shall, subject to the provisions of this Ordinance, be such as the trustees may determine, and the quorum for any meeting shall be five.

(5) A direction of the managing trustees shall continue in force until revoked by a subsequent direction of the managing trustees, notwithstanding any changes in the persons who are managing trustees and notwithstanding that, for any reason, there are no managing trustees or fewer than six managing trustees.

(6) The provisions set out in the Schedule to this Ordinance (being certain provisions of subsection (2) of section 8 of the Public Trustee Ordinance, as modified for the purposes of this Ordinance) shall have effect with respect to the functions of the custodian trustee and the managing trustees respectively. Schedule. Cap. 187.

Purposes to which Reserve Fund and income may be applied.

4. (1) The trustees may apply the income of the Reserve Fund, and so much of the Reserve Fund as the Governor-General in Council may from time to time direct, to any or all of the following purposes—

(*a*) to provide relief by way of periodical or other compassionate allowances in deserving cases amongst the following persons and their families, that is to say, persons who, whether before or after the commencement of this Ordinance, have retired from the service of the Nigerian Government Railway or the Nigerian Railway Corporation, and—

(*i*) at the date of their retirement were depositors in the 1941 Provident Fund; or

(*ii*) at the date of their retirement were depositors in the 1944 Provident Fund; or

(*iii*) whose deposits in the 1941 Provident Fund were paid out to them, before their retirement, under the provisions of paragraph (*b*) of section 8 of the Nigerian Government Railway Pensionable Offices Ordinance; Cap. 158.

(*b*) the education of the orphan or other children of servants of the Nigerian Government Railway or the Nigerian Railway Corporation;

(*c*) to provide by way of periodical or other compassionate allowances for the relief of hardship among servants of the Nigerian Railway Corporation or their families where such hardship is caused by the sickness, injury or death of the servant of the Corporation.

Provided that a servant of the Nigerian Government Railway or the Nigerian Railway Corporation or his family shall not be debarred from

subsection by reason of his leaving the service of the Government Railway or the Corporation unless he shall have been dismissed for misconduct.

(2) For the purposes of this section the family of a person shall be deemed to comprise his mother, father, children and wife and, in the case of a person who is a member of a community which practises polygamy, any wife or wives to whom he is married according to the custom of that community, but no other person.

(3) In this section—

Ordinance 15 of 1941.

"the 1941 Provident Fund" means the Non-Pensionable Railway Servants' Provident Fund established by the Railway Servants' Provident Fund Ordinance, 1941 ;

Cap. 181.

"the 1944 Provident Fund" means the Non-Pensionable Railway Servants' Provident Fund established by the Railway Servants' Provident Fund Regulations made under the Provident Funds Ordinance.

Appointment of person to attend meetings of trustees.

5. (1) The Governor-General may appoint a person who is an officer in the public service of the Federation or a member, officer or servant of the Nigerian Railway Corporation to attend meetings of the managing trustees.

(2) It shall be the duty of the managing trustees to notify, in such manner as may be prescribed, the person appointed under subsection (1) of every meeting to be held by the managing trustees.

(3) It shall be the duty of the person appointed under subsection (1)—

(*a*) to attend meetings of the managing trustees ;

(*b*) if so requested by the managing trustees, to offer them advice on any matter relating to the discharge of their functions ;

(*c*) to report to the Governor-General upon any matter in respect of which the managing trustees are not, in his opinion, discharging their functions in a satisfactory manner.

Duties of the trustees.

6. (1) It shall be the duty of the trustees—

(*a*) (*i*) to meet at intervals of not more than four months at times and places to be announced beforehand ;

(*ii*) to receive applications for relief or educational assistance, and to consider each such application on its merits, making such inquiries thereinto as they think fit ;

(*iii*) to assess the amounts which, having regard to the financial circumstances of the persons to or in respect of whom the payments are to be made and to the resources available to and the commitments undertaken by the trustees, they consider proper to be paid in each particular case, and to cause payments to be made accordingly ;

(*b*) to record minutes of their meetings and to keep such other records as may be prescribed ;

(*c*) to keep full and accurate accounts of receipts and payments.

(2) The minutes, records and accounts kept by the trustees shall be subject to inspection and audit by the Audit Department of the Government of the Federation and to inspection by the Governor-General in Council or any person authorised in that behalf by the Governor-General in Council.

Custodian trustee's fees.

Cap. 187.

7. The custodian trustee may charge such fees as may be prescribed or, until fees are prescribed for that purpose, such fees as he is authorised to charge under the Public Trustee Ordinance.

Expenses of management.

8. The trustees may employ such officers and servants, if any, as they think necessary in connection with the management of the Reserve Fund, and the expenses of the management of the Reserve Fund, including the fees of the custodian trustee and the remuneration of any such officers and servants as aforesaid, shall be defrayed out of the income of the Reserve Fund :

Provided that the total expenditure which the trustees may incur in any year or part thereof shall not exceed such limit as may be prescribed in relation to that year or part thereof.

Regulations.

9. The Governor-General in Council may make regulations for prescribing anything which is required or authorised by this Ordinance to be prescribed and generally for putting into effect the purposes and provisions of this Ordinance, and without prejudice to the generality of the foregoing power may make regulations with respect to any of the following matters—

(*a*) the duties of the trustees other than those prescribed by this Ordinance ;

(*b*) the proportion of the income of the Reserve Fund which shall be applied towards relief by way of compassionate allowances under paragraph (*a*) of subsection (1) of section 4 and the proportion which shall be applied for the education of children under paragraph (*b*) of that subsection ;

(*c*) the manner in which accounts, minutes, case histories and other records shall be kept by the trustees ;

(*d*) the sum to be set aside from the reserve mentioned in the definition of the "Reserve Fund" in section 2 for the purpose of maintaining the payment of interest under the provisions of the Railway Servants' Provident Fund Regulations on the deposits and bonuses of those depositors in the fund to which those regulations relate who remain at the commencement of this Ordinance.

Vol. IX p. 377.

SCHEDULE

CERTAIN PROVISIONS OF SUBSECTION (2) OF SECTION 8 OF THE PUBLIC TRUSTEE ORDINANCE, AS MODIFIED FOR THE PURPOSES OF THIS ORDINANCE

Section 3 (6).

1. All sums payable to or out of the Reserve Fund or the income of the

2. The management of the Reserve Fund and the exercise of any power or discretion exercisable in relation thereto shall be vested in the managing trustees.

3. As between the custodian trustee and the managing trustees, the custodian trustee shall have the custody of all securities and documents of title relating to the property of the Reserve Fund, but the managing trustees shall have free access thereto and be entitled to take copies thereof or extracts therefrom.

4. The custodian trustee shall concur in and perform all acts necessary to enable the trustees to exercise their powers of management or any other power or discretion vested in them, unless the matter in which he is requested to concur is a breach of trust or involves a personal liability upon him in respect of calls or otherwise, but unless he so concurs the custodian trustee shall not be liable for any act or default on the part of the managing trustees or any of them.

5. The custodian trustee, if he acts in good faith, shall not be liable for accepting as correct or acting upon the faith of any statement of the managing trustees as to any matter of fact, nor for acting upon any legal advice obtained by the managing trustees independently of the custodian trustee, nor for acting in accordance with any directions given to him in writing and purporting to be signed by or on behalf of the managing trustees.

Objects and Reasons

A substantial sum of money has accumulated as a reserve in respect of a provident fund called the Non-Pensionable Railway Servants' Provident Fund, which was first established in 1927. In 1945 legislation was enacted permitting contributors to the provident fund to opt for pensionable conditions of service and thereafter to withdraw from the fund. The number of contributors was in consequence greatly reduced, and it has continued to diminish. The reserve is therefore greatly in excess of the sum required for the purposes of that fund. It is accordingly proposed that the surplus amount should be constituted into a Reserve Fund under this Bill, to be managed by trustees appointed under *clause* 3.

The income of this Reserve Fund, and such parts of the capital as the Federal Government may from time to time direct, will, it is proposed, be applied for three purposes. One is to provide relief in deserving cases amongst railway servants who were contributors to the provident fund, and have retired from Government service or the service of the Nigerian Railway Corporation, and their families. The others are to assist in the education of children of servants of the Nigerian Government Railway or the Nigerian Railway Corporation and to provide compassionate allowances for the relief of hardship arising from the sickness, injury or death of employees of the Nigerian Railway Corporation (*clause* 4).

The remaining clauses of the Bill relate to the duties of the trustees and include provision for a person in the Federal Public Service or in the Nigerian Railway Corporation to attend meetings of the trustees (*clause* 5).

A. McKisack,
Attorney-General of the Federation

Lagos.

Extraordinary

Federation of Nigeria Official Gazette

No. 16 **LAGOS - 24th February, 1956** **Vol. 43**

Government Notice No. 342

The following is published in the Supplement to this Gazette:—

L.N. 17 of 1956—Customs (Duties and Exemptions) (Amendment) Order in Council, 1956.

L.N. 18 of 1956—Excise Duties (Cigarettes and Beer) Order, 1956.

By His Excellency's Command,

R. F. A. GREY,
Chief Secretary of the Federation

Lagos, 24th February, 1956.

Printed and Published by the Federal Government Printer, Nigeria. 331/256/4,900

Annual Subscription : Nigeria, £3. Overseas, £3-10*s* post free. Present issue 4*d* per copy
Agents in England for the Sale of the *Official Gazette* and for all Government Publications—
The Crown Agents for Oversea Governments and Administrations, 4 Millbank, Westminster, S.W.1.

Supplement to Official Gazette Extraordinary No 16, Vol 43, 24th February, 1956—Part B

L.N. 37 of 1956.

CUSTOMS ORDINANCE (CHAPTER 48)

Customs (Duties and Exemptions) (Amendment) Order in Council, 1956

Date of Commencement : 24th February, 1956

In exercise of the powers conferred by section 10 of the Customs Ordinance, the Governor-General, after consultation with the Council of Ministers, has made the following Order in Council :—

1. This Order in Council may be cited as the Customs (Duties and Exemptions) (Amendment) Order in Council, 1956. Citation.

2. For Part I of the Schedule to the Customs Ordinance (which relates to Import Duties of Customs) there shall be substituted the following Part :— Amendment of Schedule to Customs Ordinance Cap. 48.

"PART I

IMPORT DUTIES OF CUSTOMS

		£ s d
1. ALCOHOL :		
(1) Brandy, gin, rum, whisky, bitters and liqueurs	the gallon	5 0 0
(2) Other distilled potable alcoholic beverages, including spirits of wine and pure alcohol but not including medicinal preparations	the gallon or *ad valorem* 75 *per centum*, whichever is the higher.	5 0 0
(3) Perfumed	the gallon or *ad valorem* 75 *per centum*, whichever is the higher.	5 0 0
(4) Medicinal preparations, not particularly exempted under Part III of this Schedule, which contain 10 per cent or more by volume of ethyl alcohol, naphtha or methyl alcohol (methanol) purified so as to be potable	the gallon or *ad valorem* 75 *per centum*, whichever is the higher.	5 0 0
Sub-items (1) and (2) include only liquids which contain $2\frac{1}{2}$ per cent or more by volume of ethyl alcohol, naphtha or methyl alcohol (methanol) purified so as to be potable. Sub-item (3) includes any perfumed liquid containing alcohol of any kind.		
2. ALE, BEER, CIDER, PERRY, PORTER and STOUT	the gallon	0 4 0
3. APPAREL :		
(1) Shirts	each or *ad valorem* 25 *per centum*, whichever is the higher.	0 1 7
(2) Footwear other than gaiters, leggings, spats and puttees	the pair or *ad valorem* 25 *per centum*, whichever is the higher.	0 1 7
(3) Singlets, Chemises, Undervests and similar garments	each or *ad valorem* 25 *per centum*, whichever is the higher.	0 0 8
(4) Pullovers, Cardigans, Jerseys and similar garments	each or *ad valorem* 25 *per centum*, whichever is the higher.	0 1 7
(5) Stockings and hose	the pair or *ad valorem* 25 *per centum*, whichever is the higher.	0 0 8
(6) Other, not particularly exempted from duty under Part III of this Schedule	*ad valorem* 25 *per centum*.	
4. BAGS and SACKS of textile materials	each	0 0 1
5. BEADS	the pound gross or *ad valorem* 25 *per centum*,	0 0 8

		£ s d
6. BICYCLES and TRICYCLES whether imported assembled or in parts to be assembled	each	1 5 0
7. BLANKETS, TOWELS, TABLE-CLOTHS, NAPKINS, BEDSPREADS, BED QUILTS, BED QUILTING, BED SHEETS, PILLOW CASES	*ad valorem* 25 *per centum.*	
8. CAMERAS AND PROJECTORS, parts thereof, appliances used in connection therewith, not particularly exempted from duty under Part III of this Schedule	*ad valorem* 33⅓ *per centum.*	
9. CEMENT, PORTLAND and similar cements for building purposes	the ton	1 8 0
10. CINEMATOGRAPH FILMS not in this Part of this Schedule particularly charged with some different rate of duty and not particularly exempted in Part III of this Schedule, containing pictures for exhibition, whether developed or not	the hundred feet	0 1 0
11. CLOCKS and WATCHES	each	0 1 3
	or *ad valorem* 20 *per centum*, whichever is the higher.	
12. FIREWORKS	the pound gross	0 1 6
13. GRAMOPHONE RECORDS, not particularly exempted from duty under Part III of this Schedule	*ad valorem* 33⅓ *per centum.*	
14. GRAPE MUST	the gallon	2 0 0
15. GREASE, Lubricating	the pound	0 0 1½
16. GUNPOWDER	the pound	0 5 0
17. JEWELLERY, including imitation jewellery and rolled gold, enamel or gilt jewellery, precious stones and pearls and imitations thereof, not particularly exempted from duty under Part III of this Schedule	*ad valorem* 33⅓ *per centum.*	
18. LIME	the ton gross	2 5 0
19. MATCHES :		
In boxes containing 80 matches each or less (Matches in boxes containing a greater quantity than 80 matches each to be charged in proportion).	the gross boxes	0 12 6
For the purpose of this item four "booklets" of matches shall be regarded as a box provided each "booklet" contains not more than 20 matches.		
20. MOTOR VEHICLES :		
(1) Passenger road motor vehicles and chassis, not elsewhere specified, including Jeeps, Land Rovers, kitcars, estate and station wagons and other dual-purpose vehicles, and chassis thereof, together with their appropriate initial equipment	*ad valorem* 15 *per centum.*	
(2) Motor cycles, motor cycle sidecars and all types of motorised cycles, together with their appropriate initial equipment	*ad valorem* 15 *per centum.*	
(3) Motor lorries and trucks, not elsewhere specified, motor omnibuses and charabancs, and chassis thereof, together with their appropriate initial equipment	each	6 5 0
(4) Trailers for vehicles chargeable with duty under sub-items (1), (2) or (3) of this item	*ad valorem* 2 *per centum.*	
(5) Parts and accessories for vehicles chargeable with duty under sub-items (1), (2), (3) or (4) of this item not particularly exempted from duty under Part III of this Schedule	*ad valorem* 20 *per centum.*	
21. OILS not particularly exempted in Part III of this Schedule :		
(1) Gas or diesel oils suitable for use in internal combustion engines	the gallon	0 0 2
(2) Motor spirit and products ordinarily used as such; benzine, bensoline, naphtha (non-potable), gasoline, petrol and petroleum, all kinds of shale and coal tar spirits but not including kerosene and other refined burning oils	the gallon	0 0 10
(3) Illuminating, including kerosene and other refined burning oils	the gallon	0 1 0

		£ s d
(4) Lubricating	the gallon	0 0 10
(5) Essential (natural and synthetic) and perfumed, not for use as food or flavouring	*ad valorem* 20 *per centum.*	
(6) All other, including edible	the gallon or *ad valorem* 20 *per centum.* whichever is the higher.	0 1 3
22. PAPER :		
(1) Newsprint in reels or in the flat	the cwt	0 4 0
(2) Printing and writing paper, other than newsprint, namely, plain or composite paper in reels of not less than 9 inches wide, or flat or folded in the original mill ream wrapper, of a size not less than 16 inches by 15 inches	*ad valorem* 10 *per centum.*	
(3) Paperboard (cardboard) including corrugated cardboard but excluding building board, in uncut rectangular sheets of a size not less than 16 inches by 15 inches	*ad valorem* 10 *per centum.*	
(4) Other paper and paper manufactures not particularly exempted from duty in Part III of this Schedule	*ad valorem* 20 *per centum.*	
23. PERFUMERY, COSMETICS and TOILET PREPARATIONS, not including dentifrices, mouth washes, toilet soaps or perfumed alcohol liable to duty under item 1 (3) or oils chargeable with duty under item 21 (5)	*ad valorem* 75 *per centum.*	
24. PIECE GOODS :		
(1) OF COTTON OR ARTIFICAL SILK OR MIXTURES OF COTTON AND ARTIFICIAL SILK :		
(*a*) Knitted fabrics	the pound or *ad valorem* 20 *per centum*, whichever is the higher.	0 1 4
(*b*) Velveteen, plushes and other pile fabrics	the square yard or *ad valorem* 20 *per centum*, whichever is the higher.	0 1 8
(*c*) Fents	the pound or *ad valorem* 20 *per centum*, whichever is the higher.	0 2 0
(*d*) Printed, dyed in the piece and coloured	the square yard or *ad valorem* 20 *per centum*, whichever is the higher.	0 0 8
(*e*) Other	the square yard or *ad valorem* 20 *per centum*, whichever is the higher.	0 0 8
(2) OF NATURAL SILK :		
(*a*) Velvets	the square yard or *ad valorem* 25 *per centum*, whichever is the higher.	0 1 8
(*b*) Other	the square yard or *ad valorem* 25 *per centum*, whichever is the higher.	0 0 8
(3) OF OTHER MATERIALS	*ad valorem* 25 *per centum.*	
For the purpose of sub-item (1), artificial silk shall include rayon and other textile fibres prepared from natural or synthetic sources by a chemical process of solution followed by extrusion but shall not include textile fibres made of spun glass or metal.		
25. PROVISIONS :		
(1) BUTTER, CHEESE and edible fats of all kinds not in this Part of this Schedule particularly charged with some different rate of duty and not particularly exempted under Part III of this Schedule	the pound	0 0 4
(2) COFFEE, COCOA and CHICORY	the pound	0 0 8
(3) CONFECTIONERY of all kinds, including candied and crystallised fruits, not in this Part of this Schedule particularly charged with some different rate of duty and not particularly exempted under Part III of this Schedule	*ad valorem* 50 *per centum.*	

		£ s d
(4) FISH, including extracts, pastes, roes and other preparations of fish not particularly exempted under Part III of this Schedule :		
(*a*) in tins, jars, bottles, cartons or similar receptacles ..	the pound ..	0 0 4
(*b*) other, but not including fish exempted from duty under Part III of this Schedule	the pound ..	0 0 1½
(5) SALT	the ton	3 13 0 or *ad valorem* 20 *per centum*, whichever is the higher.
(6) TEA	the pound ..	0 0 10
26. ROOFING MATERIALS, corrugated, and ridgings :		
(*a*) of asbestos cement	the ton	1 2 6
(*b*) of ferrous metal	the ton	3 7 6
(*c*) of non-ferrous metal	the ton	10 0 0
27. RUBBER FABRICATED MATERIAL for tyre-retreading, namely : camelback (rubber compound strips), tread cushion and tube gums, retreading cement and gum-dipped cotton or rayon fabric		*ad valorem* 10 *per centum*.
28. TOBACCO :		
(1) Unmanufactured, imported for the manufacture of cigarettes by any person licensed to manufacture cigarettes under the provisions of section 40 of the Excise Ordinance, Chapter 65	the pound ..	0 15 0
(2) Other unmanufactured tobacco	the pound ..	0 12 6
(3) Manufactured :		
(*a*) Cigars	the hundred ..	1 6 8
(*b*) Cigarettes	the pound ..	1 17 6
(*c*) Other, including snuff	the pound ..	1 0 0
29. UMBRELLAS AND PARASOLS	each	0 4 0 or *ad valorem* 33⅓ *per centum*, whichever is the higher.
30. WINE :		
(1) Sparkling	the gallon	3 12 6
(2) Still	the gallon	1 4 0
31. YARNS, other than sewing, darning, knitting, crocheting or embroidery yarns and threads :		
(1) Cotton	the pound ..	0 0 4
(2) Artificial silk	the pound ..	0 0 4
For the purpose of sub-item (2) artificial silk shall include rayon and other textile fibres prepared from natural or synthetic sources by a chemical process of solution followed by extrusion but shall not include textile fibres made of spun glass or metal.		
32. All articles not in this Part of this Schedule particularly charged with some different rate of duty and articles not particularly exempted in Part III of this Schedule		*ad valorem* 20 *per centum*."

Amendment of Part III of Schedule to Cap. 48.

3. Item 53 of Part III of the Schedule to the Customs Ordinance (which relates to Exemptions from Import Duties of Customs) shall be amended as follows :—

(*a*) for sub-item (3) there shall be substituted the following sub-item :—

"(3) Fish including stockfish, fresh, salted, dried, cured or preserved by cold process, not further prepared ; " and

(*b*) for sub-item (7) there shall be substituted the following sub-item :—

"(7) Meat and meat preparations ; "

MADE at Lagos this 20th day of February, 1956.

L. ROBERTS,

Acting Deputy Secretary to the Council of Ministers

L.N. 18 of 1956

EXCISE ORDINANCE (CHAPTER 65)

Excise Duties (Cigarettes and Beer) Order, 1956

Date of Commencement : 24th February, 1956

In exercise of the powers conferred by subsection (3) of section 13 of the Excise Ordinance, the Governor-General, after consultation with the Council of Ministers, has made the following Order—

Citation.

1. This Order may be cited as the Excise Duties (Cigarettes and Beer) Order, 1956.

Imposition of new duty on cigarettes.

2. (1) There shall be imposed, levied and paid for the service of the Federation of Nigeria a new excise duty on all cigarettes manufactured in Nigeria as follows :—

(*a*) where the weight of one thousand cigarettes does not exceed two pounds, a duty of thirty *per centum* of the selling price ; and

(*b*) where the weight of one thousand cigarettes exceeds two pounds but does not exceed two and one-half pounds, a duty of forty *per centum* of the selling price ; and

(*c*) where the weight of one thousand cigarettes exceeds two and one-half pounds, a duty of fifty *per centum* of the selling price.

(2) For the purpose of this Order the expression "selling price" in relation to any cigarettes means—

(*a*) the price declared by the manufacturer to be the price, inclusive of excise duty, at which cigarettes of the same brand, weight, quality and description are ordinarily sold by him ex factory ; or

(*b*) if it appears to the Comptroller that the price so declared is less than the cost of manufacture of the cigarettes together with the excise duty thereon and all profits taken or to be taken by the manufacturer in respect thereof, then a sum which, in the opinion of the Comptroller, is equal to such cost together with such excise duty and profits.

New excise duty supersedes former duty

3. (1) The new excise duty shall be in lieu of the excise duties heretofore leviable on cigarettes.

(2) Part A of the First Schedule to the Excise Ordinance shall be amended accordingly.

Increase of duty on beer.

4. (1) The excise duty on beer shall be increased by one shilling.

(2) Part C of the First Schedule to the Excise Ordinance is accordingly amended by substituting the figures "2 : 9" for the figures "1 : 9" in the third column thereof.

MADE at Lagos this 20th day of February, 1956.

L. ROBERTS
Acting Deputy Secretary to the Council of Ministers

L.N. 19 of 1956

STATUTORY INSTRUMENTS

1956 No. 91

The West African Territories (Air Transport) (Amendment) Order in Council, 1956

Made - - - -	*25th January,* 1956
Laid before Parliament	*30th January,* 1956
Coming into Operation	*31st January,* 1956

At the Court at Buckingham Palace, the 25th day of January, 1956

Present,

The Queen's Most Excellent Majesty in Council

WHEREAS it is expedient to amend the West African Territories (Air Transport) Order in Council, 1946(**a**) (hereinafter called "the principal Order") in the manner hereinafter appearing:

NOW, therefore, Her Majesty, by virtue and in exercise of the powers in that behalf by the British Settlements Acts, 1887 and 1945(**b**), the Foreign Jurisdiction Act, 1890(**c**), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:—

Citations, construction and commencement.

1.—(1) This Order may be cited as the West African Territories (Air Transport) (Amendment) Order in Council, 1956, and shall be construed as one with the West African Territories (Air Transport) Orders in Council, 1946 to 1954(**d**).

(2) The West African Territories (Air Transport) Orders in Council, 1946 to 1954, and this Order may be cited together as the West African Territories (Air Transport) Orders in Council, 1946 to 1956.

(3) This Order shall come into operation on the thirty-first day of January, 1956.

Amendment of section 9 of principal Order.

2. Section 9 of the principal Order shall be amended by the deletion of subsection (3).

W. G. AGNEW

EXPLANATORY NOTE

(This Note is not part of the Order but is intended to indicate its general purport.)

The purpose of this Order is to remove the entitlement of the General Manager to be present at all meetings of the Corporation of West African Airways.

CA. 0011

(**a**) S.R. & O. 1946/682 (Rev. VIII, p. 395: 1946 I, p. 622).

(**b**) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7.

(**c**) 53 & 54 Vict. c. 37.

(**d**) S.R. & O. 1946/682 (Rev. VIII, p. 395: 1946 I, p. 622); S.I. 1949/1234: 1951/1775; 1954/1373; 1949 I, p. 1922; 1951 II, p. 1346; 1954 II, p. 2758).

L.N. 20 of 1956

PORTS ORDINANCE, 1954
(No. 27 OF 1954)

Nigerian Ports Authority (Dues and Rates) (Amendment) Regulations, 1956

Date of Commencement : 1st April, 1956

The Nigerian Ports Authority in exercise of the powers and authority vested in them by section 82 of the Ports Ordinance, 1954, and of every other power in that behalf vested in them do hereby make the following regulations:—

1. These regulations may be cited as the Nigerian Ports Authority (Dues and Rates) (Amendment) Regulations, 1956.

2. The dues and rates set out in Parts II and III of the First Schedule, the Second Schedule, and Parts II and VI of the Third Schedule, of the Nigerian Ports Authority (Dues and Rates) Regulations, 1956, shall be increased by 10 per cent (ten *per centum*) on and after the 1st day of April, 1956.

The Common Seal of the Nigerian Ports Authority was hereunto affixed by order of the said Authority in the presence of :—

R. TAMINI,
Acting Secretary

C. A. DOVE,
Chairman

APPROVED this 22nd day of February, 1956.

ABUBAKAR T. BALEWA,
Minister of Transport

L.N. 21 of 1956

LAGOS TOWN PLANNING ORDINANCE (CAP. 103)

Apapa Town Planning Scheme (Western Area) 1953 (Amendment) Order, 1955

Date of Commencement : 1st March, 1956

In exercise of the powers conferred by section 24A of the Lagos Town Planning Ordinance the Lagos Executive Development Board has, with the approval of the Governor-General in Council, made the following order:—

Citation.

1. This order may be cited as the Apapa Town Planning Scheme (Western Area) 1953 (Amendment) Order, 1955.

Amendment of Clause 2 of Apapa Town Planning Scheme (Western Region) 1953 (Order in Council No. 20 of 1953).

2. For the definition of "the plan" in clause 2 of the Apapa Town Planning Scheme (Western Area) 1953 (hereinafter referred to as the scheme), there shall be substituted the following definition:—

" "the plan" means the Plan numbered I.T.P. 954 and prepared on the instruction of the Lagos Executive Development Board in duplicate, each such duplicate being sealed with the official seal of the Board, and marked "Amended Plan referred to in the Apapa Town Planning Scheme (Western Area)" and signed by the Chairman of the Board, of which duplicates, one is deposited at the office of the Board, and the other at the office of the Town Clerk, Lagos Town Council."

Amendment of Clause 7.

3. Paragraph (1) of clause 7 of the scheme shall be amended as follows:—

(*a*) for the words "warehouse" and "an industrial" in the first and second lines there shall be substituted the words "shop" and "a residential" respectively ;

(*b*) for the words "an industrial building" in the third line there shall be substituted the words "a shop".

4. The table of character zones contained in clause 10 of the scheme shall be amended by deleting the two last items therefrom, namely "Warehouse" and "Industry". Amendment of Clause 10.

5. Clause 13 of the scheme shall be amended by the deletion of item (*b*) from paragraph (2) thereof. Amendment of Clause 13.

MADE by the Lagos Executive Development Board this 2nd day of November, 1955.

T. F. BARKER,
Chairman

APPROVED this 24th day of January, 1956.

L. ROBERTS,
Acting Deputy Secretary to the Council of Ministers

L0006/S. 4

The following Bills, which will in due course be presented to the House of Representatives for enactment, are published for general information.

By His Excellency's Command,

R. F. A. GREY,
Chief Secretary of the Federation

Lagos, 1st March, 1956.

A BILL

FOR

AN ORDINANCE TO AMEND THE NIGERIAN RAILWAY CORPORATION ORDINANCE, 1955.

Title.

[ ]

Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows:—

Enactment.

1. This Ordinance may be cited as the Nigerian Railway Corporation (Amendment) Ordinance, 1956.

Short title.

2. Section 48 of the Nigerian Railway Corporation Ordinance, 1955 (hereinafter referred to as the principal Ordinance) shall be amended by the insertion in paragraph (*e*) of subsection (1), between the word "Corporation" and the words "in respect of", of the words "or the Government of the Federation".

Amendment of section 48 of the principal Ordinance. No. 20 of 1955.

Addition of new section 55A.

3. Immediately after section 55 of the principal Ordinance the following section shall be inserted—

"Extension of Inspector's powers to other railways.

55A. (1) This section shall apply to any railway operated by a person other than the Corporation and used or intended to be used for the public carriage of passengers.

(2) If the Minister by order so directs, all the powers and duties conferred and imposed upon the Inspector of Railways under the foregoing provisions of this Part, or such of those powers and duties as may be specified in the order, may be exercised and performed in relation to any railway to which this section applies and which is specified in the order.

(3) When an order under this section has been made, the foregoing provisions of this Part shall have effect in relation to the railway specified in the order as if—

(*a*) references therein to the Corporation were references to the person operating that railway ; and

(*b*) references in section 52 to railway servants were references to such class of persons as may be specified in the order."

Amendment of the Schedule.

4. The Schedule to the principal Ordinance shall be amended by substituting for sub-paragraph (1) of paragraph 9 the following sub-paragraph—

"(1) If a member of the Corporation is directly or indirectly interested in any contract, proposed contract or other matter and is present at a meeting of the Corporation at which the contract, proposed contract or other matter is the subject of consideration, he shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on, any question with respect to the contract or other matter."

Objects and Reasons

This Bill proposes three amendments to the Nigerian Railway Corporation Ordinance, 1955 (No. 20 of 1955).

Clause 2.—Section 48 of the principal Ordinance empowers the Corporation to make regulations governing the conditions of service of its employees, and one of the subjects upon which regulations may be made is the deduction from salary or wages of amounts owed to the Corporation in respect (among other things) of loans of money, but the provision does not extend to loans made otherwise than by the Corporation. Some railway servants received loans from the Government before the Railway Corporation was formed, and, now that they are in the service of the Corporation, it is desirable that repayment of the loans should continue to be made by regular deductions from their

pay. The effect of the amendment proposed by this clause is to empower regulations to be made governing such deductions. By reason of subsection (2) of section 48, regulations made for that purpose have to be approved by the Minister before they can take effect.

Clause 3.—The Inspector of Railways is empowered, by Part IX of the principal Ordinance, to inspect railways operated by the Corporation. The new section proposed by this clause will empower him, if the Minister so directs, to inspect any railway operated by an authority other than the Corporation (*e.g.*, the Ports Authority) for the public carriage of passengers.

Clause 4 makes stricter provision regarding the obligation of a member of the Corporation to disclose his interest in matters discussed at a meeting of the Corporation. At present it is only an interest in a contract or proposed contract which must be disclosed. The proposed amendment will require disclosure of any matter in which the member has an interest. Similar provision exists in respect of the Ports Authority (by virtue of paragraph 9 of the Fourth Schedule to Ordinance No. 27 of 1954).

A. McKISACK,
Attorney-General of the Federation

Lagos.

C 68

A BILL

FOR

Title. AN ORDINANCE FURTHER TO AMEND THE IMMIGRATION ORDINANCE.

Date of commencement. [ ]

Enactment. BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :—

Short title and commencement. **1.** This Ordinance may be cited as the Immigration (Amendment) Ordinance, 1956, and shall come into force on a date to be fixed by the Governor-General by notice in the Gazette.

Amendment of section 2 of Cap. 89. **2.** (1) Section 2 of the Immigration Ordinance (hereinafter referred to as the principal Ordinance) is hereby amended—

(*a*) by the insertion after the words "section 11" in the definition of "prohibited immigrant" in subsection (1) of the words "and includes a person whose entry into Nigeria has been prohibited under the provisions of section 12" ;

(*b*) by the repeal of subsection (2) and the deletion of the figure and brackets "(1)" at the beginning of the section.

(2) For the avoidance of doubts it is hereby declared that, from the commencement of this Ordinance, the principal Ordinance shall apply to the immigration of any person who, immediately before the commencement of this Ordinance, was a person deemed under the provisions of subsection (2) of section 2 of the principal Ordinance to be a native of Nigeria, unless he is a person in respect of whom the principal Ordinance, by virtue of any other provision thereof, is declared not to apply.

Replacement of section 4 (3) of the principal Ordinance.

3. For subsection (3) of section 4 of the principal Ordinance the following subsection shall be substituted—

"(3) Any native foreigner who satisfies the immigration officer that he is not a prohibited immigrant otherwise than by reason of his not having in his possession a valid passport may enter Nigeria without such passport:

Provided that the Governor-General may direct that any native foreigner or class of native foreigner shall not be permitted to enter Nigeria under the provisions of this subsection".

Insertion of new section 8A in the principal Ordinance.

4. Immediately after section 8 of the principal Ordinance the following section shall be inserted—

"Detention of immigrant.

8A. (1) Notwithstanding anything to the contrary in this Part contained, any passenger who has been informed by the immigration officer, under the provisions of section 7 or section 8, that he is considered to be within the category of a prohibited immigrant may be required to leave Nigeria by the first available means and until he leaves Nigeria may be detained in such manner as the Principal Immigration Officer may direct; and while so detained such passenger shall be deemed to be in lawful custody.

(2) The Principal Immigration Officer may in writing authorise any assistant immigration officer to exercise the power to give directions conferred upon the Principal Immigration Officer by this section".

Replacement of section 10 of the principal Ordinance.

5. For section 10 of the principal Ordinance the following section shall be substituted—

"Offences and penalties in respect of sections 7-9.

10. If any passenger or person entering Nigeria who is referred to in section 7, 8 or 9 fails to comply with any of the requirements of those sections, or withholds from an immigration officer any information which would bring such person within the category of a prohibited immigrant, he shall be guilty of an offence and liable on conviction to a fine of fifty pounds or imprisonment for six months, or to both such fine and such imprisonment."

Amendment of section 11 of the principal Ordinance.

6. Section 11 of the principal Ordinance is hereby amended—

(*a*) by the repeal of the proviso to subsection (1) and the substitution therefor of the following proviso—

"Provided that such prohibition shall not apply to any person to whom a visiting pass or transit pass is issued under the provisions of this Ordinance and who enters Nigeria in accordance with the terms and conditions of such pass." ;

(*b*) by the repeal of paragraph (*e*) of subsection (2) and the substitution therefor of the following paragraph—

"(*e*) any person against whom an order of deportation from Nigeria is in force ;".

Replacement of section 13 of the principal Ordinance.

7. For section 13 of the principal Ordinance the following section shall be substituted—

"Power to prevent entry of and to arrest and expel prohibited immigrants.

13. (1) Subject to the provisions of this Ordinance, any police officer or immigration officer may prevent any prohibited immigrant from entering Nigeria by land, air, sea or inland waters, and may without warrant arrest any person suspected of having entered Nigeria, while being a prohibited immigrant, otherwise than in accordance with the provisions of this Ordinance.

(2) (*a*) Any person arrested under the provisions of subsection (1) of this section shall be brought without delay before a magistrate :

Provided that—

(*i*) where the vessel from which such person disembarked is a sea-going vessel and is on the point of departure he may, instead of being brought before a magistrate, be handed over to the custody of the master of such vessel unless he sooner demands to be taken before a magistrate ;

(*ii*) where he has entered Nigeria overland or by inland waters, he may, instead of being brought before a magistrate, be conducted to and placed across the frontier unless he sooner demands to be taken before a magistrate.

(*b*) Any person placed in the custody of the master of a vessel or conducted to and placed across the frontier under the provisions of either paragraph of the proviso to paragraph (*a*) of this subsection shall, while in such custody or while being so conducted, be deemed to be in lawful custody and, in the case of a person placed in such custody, until the vessel finally leaves Nigeria."

Replacement of section 14 of the principal Ordinance.

8. For section 14 of the principal Ordinance the following sections shall be substituted—

"Penalty for unlawful entry by prohibited immigrant.

14. (1) Any person who, being a prohibited immigrant at the time of his entry into Nigeria, enters Nigeria except in accordance with the provisions of this Ordinance shall be guilty of an offence and, on summary conviction, shall be liable to imprisonment for a term of six months and may be dealt with in all respects as if he was a person whom a court under the provisions of subsection (1) of section 14A had recommended to the Governor-General for deportation.

(2) No person who is a prohibited immigrant shall be exempt from any of the provisions of this Ordinance, nor shall it be lawful for him to be or remain in Nigeria, by reason only of the fact that he was not notified that he was not permitted to enter Nigeria, or that he was allowed to enter Nigeria through an oversight or want of knowledge that he was a prohibited immigrant.

(3) If at any time within two years after a person has entered Nigeria it is proved that he is a person belonging to any of the classes of persons whose entry is prohibited under this Ordinance, he shall be deemed to have been a prohibited immigrant at the time of his entry into Nigeria.

"Deportation orders.

14A. (1) Subject to the provisions of subsection (1) of section 14 and section 22, where a person, not being a native of Nigeria, has been convicted of any offence against this Ordinance, the court may recommend to the Governor-General that such person be deported from Nigeria :

Provided that, where a person is charged with an offence against this Ordinance and the court thinks that the charge is proved, the court, if it thinks the circumstances so warrant, may without proceeding to conviction either remand such person in custody for a period not exceeding one month or release him on bail and refer the facts of the case to the Governor-General.

(2) The Governor-General, after considering any recommendation or reference of facts as aforesaid may, if he thinks fit, make a deportation order requiring the person in relation to whom the recommendation or reference was made to leave and remain out of Nigeria.

(3) When a deportation order has been made in relation to any person, such person may be detained in such manner as circumstances may require until he can conveniently be placed on board a vessel, aircraft or motor or other vehicle about to leave Nigeria or he can otherwise be conveniently deported, and shall be deemed to be in lawful custody while so detained until the vessel, aircraft or motor or other vehicle finally leaves Nigeria or he is outside the frontiers of Nigeria, as the case may be.

(4) When arrangements have been made for the deportation of a person undergoing a sentence of imprisonment imposed under this Ordinance, such person may be taken and placed on board the vessel, aircraft or motor or other vehicle on which he is to be deported notwithstanding that the full term of imprisonment has not been served, and shall be deemed to be in lawful custody while so placed and until the vessel, aircraft or motor or other vehicle finally leaves Nigeria."

Amendment of section 18 (2) of the principal Ordinance.

9. In section 18 of the principal Ordinance there shall be inserted immediately after the words "this Ordinance", where they occur in paragraph (*a*) of subsection (2), the words "and who are in possession of a valid visiting pass or transit pass".

Amendment of section 19 of the principal Ordinance.

10. In section 19 of the principal Ordinance for the words "and in any case such person may be treated as a prohibited immigrant", where they occur at the end of the section, there shall be substituted the words "and such person shall be guilty of an offence and liable on conviction to a fine of fifty pounds or to imprisonment for six months, or to both such fine and such imprisonment."

Amendment of section 20 of the principal Ordinance.

11. Section 20 of the principal Ordinance is hereby amended—

(*a*) by the deletion of the words "to be treated as a prohibited immigrant", where they occur in paragraphs (1) and (2), and the substitution therefor in each case of the words "to be deported" ;

(*b*) by the deletion of the words "and the employee shall thereupon with all convenient speed be deported from Nigeria", which occur in sub-paragraph (*c*) of paragraph (2), and the substitution therefor of the words "and thereupon the employee may be dealt with in all respects as if he was a person whom a court under the provisions of subsection (1) of section 14A had recommended to the Governor-General for deportation".

Amendment of section 21 (3) of the principal Ordinance.

12. In section 21 of the principal Ordinance for the words "subsection (2)", which occur in paragraph (*a*) (*iv*) of subsection (3), there shall be substituted the words "subsection (3)".

Amendment of section 22 of the principal Ordinance.

13. In section 22 of the principal Ordinance for the words "section 26" there shall be substituted the words "section 14A".

Amendment of section 24 (3) of the principal Ordinance.

14. In section 24 of the principal Ordinance between the words "provisions of" and the words "this section", where they occur in subsection (3), there shall be inserted the words "subsection (1) of".

Insertion of new section 25A in the principal Ordinance.

15. Immediately after section 25 of the principal Ordinance there shall be inserted the following new section—

"Additional powers of immigration officer.

25A. An immigration officer may

(*a*) require the master of any vessel carrying passengers to whom permission to land in Nigeria has been refused to take such steps as, in the opinion of the immigration officer, are necessary for the safe custody of such passengers ; and

(*b*) grant to or withhold permission from any member of the crew of any vessel to disembark with a view to landing."

Repeal of section 26 of the principal Ordinance.

16. Section 26 of the principal Ordinance is hereby repealed.

Amendment of section 29 of the principal Ordinance.

17. In section 29 of the principal Ordinance the following paragraph shall be inserted immediately after paragraph (*c*)—

"(*cc*) requiring persons when entering or leaving Nigeria, or intending or about to leave Nigeria, to produce a passport or other document of identity for examination by an immigration officer ;".

Objects and Reasons

This Bill has four main purposes—

(1) to clarify the provisions in the Immigration Ordinance relating to the immigration of non-Nigerian Africans ;

(2) to restrict the classes of persons who, by virtue of being deemed to be "natives of Nigeria" for the purposes of the Ordinance, are exempt from the restrictions which it imposes ;

(3) to clarify the provisions as to deportation ;

(4) to remedy various drafting anomalies and obscurities in the Ordinance.

Clauses 3 and 6 deal with the first of the above matters. The provisions governing the immigration of non-Nigerian Africans (called "native foreigners" in the Ordinance) contained in sections 4 (3), 11 (1) (*b*) and 11 (2) (*e*) are extremely confusing. The intention of those provisions, however, appears to be that a native foreigner shall be in the same position as any other non-Nigerian except that, unless the Governor-General otherwise directs in any particular case or class of cases, he is allowed to enter Nigeria without a passport. The Bill sets out that intention in plain language.

Clause 2 (*b*) repeals the provision which, read with section 4 (1) (*d*) of the Ordinance, has the effect that a person who is not a Nigerian but is a British subject or British protected person and was born in Nigeria of parents ordinarily resident in Nigeria, and a person who is a naturalised British subject and obtained his naturalisation in Nigeria, are exempt from the requirements of the Ordinance as to immigration. The latter class is small but the former class is steadily increasing, and it is thought that there is insufficient justification for either class to enjoy a privilege which properly appertains to Nigerians only.

Clauses 5, 10, 11, 13, and 16 are designed to clarify the existing provisions relating to deportation, which are not always easy to understand. The principle which the Bill seeks to make clear is that (subject to the exception mentioned in the new section 14A) a deportation order can only be made if the person concerned has been convicted of an offence under the Immigration Ordinance; that in certain cases a recommendation by the court for deportation is required (but not in the case of a person convicted of entering Nigeria while being a prohibited immigrant); and that all deportation orders will be made by the Governor-General.

Clauses 2 (*a*), *7*, *8*, *9*, *12 and 14* are for the purposes of removing obscurities or drafting errors.

Clause 4 gives additional powers for the detention of persons who are not allowed to enter Nigeria but who may not be able to leave in the same aircraft, vessel or vehicle as that in which they arrived.

Clause 15 gives the immigration authorities power to control the disembarkation of the crews of ships in Nigerian ports.

Clause 17 is necessitated by a court decision that a regulation requiring persons to produce passports when leaving Nigeria was not within the regulation-making power conferred by the Ordinance.

A. McKisack,
Attorney-General of the Federation.

Lagos.

INDUSTRIAL LOANS (LAGOS AND FEDERATION) ORDINANCE, 1956

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Establishment of Federal Loans Board.
4. Membership and proceedings of Board.
5. Appointment of secretary.
6. Appointment of and terms of service of other staff.
7. Funds and resources.
8. Transfer of relevant assets of Colony Development Board.
9. Power of Board to make loans.
10. Limitation on yearly expenditure.
11. Applications to be investigated by Director of Commerce and Industries.
12. Interest and security.
13. Charge on property and priority of loans.
14. Examination as to application of loan.
15. Order of Board upon such examination
16. Misapplication of loan
17. Offences by applicants
18. Corruption in connection with loans
19. Power to invest
20. Power to acquire, hold and dispose of property
21. Power to contract
22. Service of notices
23. Exemption from stamp duties and fees.
24. Fees of court.
25. Expenditure on incidental matters.
26. Accounts and audit.
27. Bad debts.
28. Annual report.
29. Powers of Minister.
30. Control of Board funds on dissolution.
31. Payments may be directed into general revenue.

SCHEDULE

Constitution and Proceedings of the Board.

C 76

A BILL

FOR

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT AND FUNCTIONS OF A FEDERAL LOANS BOARD, TO PROMOTE INDUSTRIAL DEVELOPMENT IN AND AROUND LAGOS, AND IN RESPECT OF PROJECTS OF A MAJOR NATURE TO PROMOTE INDUSTRIAL DEVELOPMENT THROUGHOUT THE FEDERATION, AND FOR PURPOSES CONNECTED THEREWITH.

Commencement.

[ ]

Enactment.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :—

Short title.

1. This Ordinance may be cited as the Industrial Loans (Lagos and Federation) Ordinance, 1956.

Interpretation.

2. In this Ordinance unless the context otherwise requires—

"Minister" means the Minister charged under section 98 of the Nigeria (Constitution) Order in Council, 1954, with responsibility for industrial development.

L.N. 102 of 1954.

3. (1) So soon as may be after the commencement of this Ordinance there shall be established a board to be called the Federal Loans Board (hereinafter referred to as the Board). Establishment of Federal Loans Board.

(2) The Board shall be a body corporate and shall have perpetual succession and a common seal, and may sue and be sued in its own name.

4. (1) The members of the Board shall be appointed by the Minister and shall consist of a Chairman and not more than ten other members of whom— Membership and proceedings of Board.

(*a*) the Chairman and two other members shall be officers in the public service of the Federation ;

(*b*) one shall be appointed with the consent of the Lagos Executive Development Board and shall be an officer of that Board engaged under section 6 of the Lagos Town Planning Ordinance ; Cap. 103.

(*c*) one shall be a representative of the Lagos Chamber of Commerce selected by the Minister from a panel submitted by that Chamber ;

(*d*) one shall be a representative of the Lagos Town Council selected by the Minister from a panel submitted by that Council ;

(*e*) the remainder shall be persons who are not officers in the public service of the Federation.

(2) No person who is an officer in the public service of the Federation or of a Region shall be appointed to the Board without the consent of the Governor-General or of the Governor of that Region respectively.

(3) The Board shall pay to its members such remuneration, fees and allowances for expenses as the Minister may authorise : Provided that no such remuneration, fees or allowances other than such allowances as may be expressly authorised by the Governor-General in Council shall be paid under this sub-section to any person who holds an office of profit under the Crown.

(4) The provisions contained in the Schedule shall have effect with respect to the constitution and proceedings of the Board and otherwise in relation thereto. Schedule.

5. The Minister shall appoint a secretary to the Board : Provided that no officer in the public service of the Federation or of a Region shall be appointed to be secretary except with the consent of the Governor-General or of the Governor of that Region respectively. Appointment of secretary.

6. The Board may, with the approval of the Minister— Appointment of and terms of service of other staff.

(*a*) from time to time, upon such salaries, terms and conditions as it may think fit, appoint such officers and employees as may be necessary for the proper and efficient conduct of its operations ;

(*b*) by rules make provision for pensions, gratuities or retiring allowances to any officer or employee, and may require officers and employees to contribute to any pensions fund, provident fund or contributory scheme.

Funds and resources.

7. The funds and resources of the Board shall consist of—

(*a*) such moneys as may be appropriated from time to time to the Board by any vote or resolution of the House of Representatives ;

(*b*) all moneys and other assets vested in the Board pursuant to the provisions of section 8 ;

(*c*) all investments or other property acquired by or vested in the Board, and all moneys earned or arising therefrom ;

(*d*) all moneys from time to time received by or falling due to the Board in respect of the repayment of any loan made by the Board or by the Colony Development Board referred to in section 8, or the interest payable in respect of any such loan ;

(*e*) all other moneys or other property which may in any manner become payable to or vested in the Board in respect of any matter incidental to its powers and duties.

Transfer of relevant assets of Colony Development Board.

8. (1) In this section—

"appointed day" means a date to be appointed for the purpose of this section by the Governor-General by notification in the Gazette ;

Ordinance 14 of 1949.

"Colony Development Board" means the Colony Development Board established by section 3 of the Regional Development Boards Ordinance, 1949 ;

"transfer schedule" has the meaning assigned to it by subsection (2).

(2) It shall be lawful for the Governor-General in Council, after consultation with the Government of the Western Region, to cause to be prepared a schedule of the assets of the Colony Development Board which in his opinion relate, or which in his opinion can more conveniently be related, to the area of the Federal Territory of Lagos, as distinct from the area of the Colony excluding such Federal Territory, and to cause the schedule to be authenticated under the hand of the Secretary to the Council of Ministers and deposited with the secretary of the Board. Such schedule shall be known as the transfer schedule, and shall be made available by the secretary of the Board for inspection upon the request of any person considered by him to have any right in or any claim against or in respect of any asset included in such schedule.

(3) With effect from the appointed day all the assets included in the transfer schedule shall vest in the Board by virtue of this section and without further assurance, and the Board shall in respect of such assets have all the rights and be subject to all the liabilities which the Colony Development Board had or to which the Colony Development Board was subject immediately before the appointed day.

(4) Every agreement relating to assets included in the transfer schedule to which the Colony Development Board was a party shall have effect as from the appointed day as if the Board had been a party to the agreement and as if for any reference to the Colony Development Board there were substituted a reference to the Board in respect of anything falling to be done on or after the appointed day.

(5) Where by operation of any of the foregoing provisions of this section any right or liability becomes a right or liability of the Board, the Board and all other persons shall as from the appointed day have the same rights, powers and remedies (and in particular the same rights and powers as to the taking or resisting of legal proceedings) for ascertaining, perfecting or enforcing that right or liability as they would have had if it had at all times been a right or liability of the Board, and any legal proceedings pending on the appointed day by or against the Colony Development Board shall be continued by or against the Board.

Power of Board to make loans.

9. (1) The Board may make loans to any persons for projects designed to further the industrial development of the Federal territory of Lagos or its environs or the industrial development of the Federation of Nigeria : Provided that—

(*a*) a loan in excess of three thousand pounds shall require the approval of the Minister ;

(*b*) a loan of less than thirty thousand pounds shall be made only for a project of which the principal place of operation is intended to be in the Federal territory of Lagos, or within ten miles of its boundaries ;

(*c*) a loan of thirty thousand pounds or more shall require the approval of the Governor-General in Council and, where the project relates in whole or in respect of a substantial part to a Region, shall also require the approval of the Governor in Council of that Region ;

(*d*) no loan in excess of fifty thousand pounds shall be made.

(2) The Board, with the approval of the Minister (which approval may be given generally or in relation to a particular loan), either in lieu of a loan or as part of a loan may make purchases of plant, equipment or materials or acquire land or erect buildings or carry out any other works on behalf of the applicant for a loan, and in respect of the cost thereof subsection (1) of this section and the remaining provisions of this Ordinance shall apply as fully as though such cost were a loan, or (as the case may be) part of a loan, to the applicant.

Limitation on yearly expenditure on smaller loans.

10. Loans made by the Board of amounts not exceeding three thousand pounds shall not, except with the approval of the Minister, exceed a total of twenty thousand pounds in any one financial year.

Applications to be investigated by Director of Commerce and Industries.

11. Before considering any application for a loan the Board shall refer the application to the Director of Commerce and Industries, who shall thereupon cause the application to be fully investigated, and shall furnish the Board with full particulars of the result of the investigation.

Interest and security.

12. (1) When making a loan the Board may charge such rate of interest as it may deem fit in any particular case, and may require and accept such security for the loan as it may think fit, or, with the approval of the Minister, may make the loan without requiring any security.

(2) In relation to any loan made by it the Board shall have power to accept payment of the whole or any part of the principal and interest of the loan before the time when such payment is due, upon such terms and conditions as the Board may deem fit, and shall have power, with the approval in each case of the Minister—

(*a*) to postpone upon such terms and conditions as the Board may deem fit the payment of any sum due for principal or interest for any time not exceeding five years ;

(*b*) to extend from time to time the period for the repayment of any loan, or compound or release any loan or any part thereof upon such terms and conditions as the Board may deem fit ;

(*c*) to reduce the rate of interest payable in respect of any loan.

(3) Where any property mortgaged as security for a loan is sold for the purpose of the enforcement of the security, the Board may buy such property and may either manage and hold such property or sell or otherwise dispose of it as the Board may think fit.

Charge on property and priority of bans.

13. Where a loan is made by the Board on the security of a mortgage of any property, whether with or without any other security, the property shall from and after the date of the mortgage be charged with the payment of such loan and interest as in the mortgage mentioned, in priority, save so far as is otherwise specified in the mortgage, over every other debt, mortgage or charge whatsoever affecting the property, except any loan due to any creditor not assenting to such priority which has been made in good faith before the loan made by the Board and which has been secured by a duly registered mortgage of the property executed to a person who is entitled as a *bona fide* creditor to the repayment thereof with interest : Provided that if there is more than one such creditor and not less than four-fifths in value of such creditors consent in writing that the said charge shall have priority over the loans and mortgages of all such creditors, than the loans and mortgages of all such creditors, as well those who have not agreed as those who have agreed, shall be postponed to the loan made by the Board and to the security for the same.

Examination as to application of loan.

14. (1) When the Board has made a loan of money, the Board may from time to time make or cause to be made such examination as may be necessary to ensure that the loan is being or has been applied to the purposes for which it was made.

(2) The Board may appoint any of its officers, or any other person authorised in writing by the Board, to make such examination, and the person who received the loan shall produce to such officer or person all the relevant books, documents and other matters and things necessary for the purposes of the examination.

Order of Board upon such examination.

15. Where, upon any examination made under the provisions of section 14, it appears to the Board that any sum being the whole or any part of the loan made by the Board, has not been applied for the purposes

for which the loan was made, the Board may order that such sum be repaid to the Board within the time mentioned in the order, and any sum so ordered to be repaid to the Board shall thereupon become a debt due to the Board.

Misapplication of loan.

16. If in the opinion of the Board a loan made under the provisions of this Ordinance has been misapplied, the Board may, in addition to or in lieu of any other proceedings, where such loan has been secured by mortgage or otherwise, by notice in writing addressed to the borrower recall the said loan or any part thereof, and may require the loan or that part to be repaid on the date specified in the notice, and any security given for the purpose of the loan may be realised accordingly.

Offences by applicants.

17. If any applicant for a loan under this Ordinance—

(*a*) knowingly makes to the Board any statement which is false in a material particular ; or

(*b*) with intent to defraud fails to disclose to the Board any material information within his knowledge ;

he shall be guilty of an offence and shall be liable to imprisonment for one year or to a fine of one hundred pounds, or to both such imprisonment and such fine

Corruption in connection with loans.

18. (1) If any member or servant of the Board corruptly accepts or agrees to accept or obtains from any person any property or benefit of any kind for himself or for any other person in respect of or in connection with a loan or an application therefor under this Ordinance, he shall be guilty of an offence and shall be liable on conviction to imprisonment for two years or to a fine of five hundred pounds, or to both such imprisonment and such fine.

(2) If any person corruptly gives or promises or offers to give any property or benefit of any kind to a member or servant of the Board in respect of or in connection with any loan under this Ordinance or any application therefor he shall be guilty of an offence and liable on conviction to imprisonment for two years or to a fine of five hundred pounds, or to both such imprisonment and such fine.

Power to invest.

19. The Board may from time to time invest moneys standing to its credit—

(*a*) in securities approved either generally or specifically by the Minister ; or

(*b*) in any scheme or project approved by the Minister as suitable for the investment of the Board's moneys,

and may from time to time vary such investments.

Power to acquire, hold and dispose of property.

20. The Board may with the approval of the Minister purchase, lease, hold, manage and dispose of any property or any right or interest in property whatsoever, whether real or personal and whether by way of investment or otherwise.

Power to contract.

21. (1) The Board may enter into such contracts as may be necessary or expedient for the carrying out of its functions under this Ordinance.

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

(3) Any document purporting to be a document duly executed or issued under the seal of the Board or on behalf of the Board shall, unless the contrary is proved, be deemed to be a document so executed or issued, as the case may be.

Service of notices.

22. Service upon the Board of any notice, order or other document may be effected by delivering the same to, or by sending it by registered post addressed to, the secretary of the Board.

Exemption from stamp duties and fees. Cap. 108.

23. Stamp duties, and registration fees under the provisions of the Land Registration Ordinance, shall not be payable in the Federal Territory of Lagos in respect of a mortgage or other document securing a loan made by the Board or a document discharging any such mortgage or security.

Fees of court.

24. In any proceedings in a court for the recovery of a debt due to the Board the same fees of court (if any) shall be payable by the Board as if the debt were due to the Government of the Federation.

Expenditure on incidental matters.

25. The Board, with the approval of the Minister (which approval may be given generally or in relation to any particular matter) may from its funds and resources make payment for any expense, cost or expenditure properly incurred or accepted by the Board in pursuance of its purposes under the provisions of this Ordinance.

Accounts and audit.

26. (1) The Board shall keep accounts of its transactions to the satisfaction of the Minister and the accounts for each financial year shall be audited by a qualified accountant approved by the Minister.

(2) The financial year of the Board shall be such as the Board may decide. In the absence of a decision of the Board to the contrary it shall be the period of twelve months terminating on the 31st day of March in each year, and the period from the commencement of this Ordinance to the 31st day of March, 1957, shall be deemed to be the first financial year.

Bad debts.

27. The Board may, with the approval of the Governor-General in Council, write off bad debts.

Annual report.

28. (1) The Board shall within six months after the end of each financial year submit to the Minister a report in respect of the previous financial year containing—

(*a*) an account of its transactions throughout such year with such particulars thereof as the Minister may direct ; and

(*b*) a statement of the accounts of the Board duly audited in accordance with the provisions of section 26.

(2) A copy of the report, together with a copy of the report of the auditor, shall be printed and laid before the House of Representatives.

Powers of Minister.

29. (1) The Minister may, after consultation with the Board, give it directions of a general character as to the exercise and performance of its functions under this Ordinance.

(2) The Board shall furnish the Minister with such information and returns relating to the activities or proposed activities of the Board as the Minister may from time to time require.

Control of Board funds on dissolution.

30. Where the Board ceases for any reason to exercise its functions under this Ordinance, whether by reason of the repeal of this Ordinance or otherwise, the funds of the Board shall be disposed of in such manner as the House of Representatives may by resolution direct.

Payments may be directed into general revenue.

31. From time to time the Governor-General in Council may direct that the Board shall pay all or any part of its revenue or funds into the general revenue or other funds of the Federation, and thereupon the Board shall forthwith pay such sum into the general revenue or other funds of the Federation, as the case may be, and the Board shall lose all right, title and interest in such sum, which shall thereupon form part of the general revenue or other funds of the Federation.

SCHEDULE

Constitution and Proceedings of the Board

Term of office of Chairman and members.

1. (1) The Chairman of the Board shall, subject to the other provisions of the Schedule, hold office for five years from the date of his appointment.

(2) The members of the Board, other than the Chairman, shall, subject to the other provisions of this Schedule, hold office for such period not exceeding three years as may be determined by the Minister at the time of their respective appointments.

(3) The Chairman and other members shall be eligible for re-appointment at the conclusion of their respective terms of office.

Resignation.

2. A member of the Board, other than a person who is a public officer, may at any time resign by sending his resignation in writing to the Minister.

Vacation of office.

3. (1) The Governor-General in Council may at any time terminate the appointment of a member of the Board.

(2) If the Minister is satisfied that a member of the Board, other than a person who is a public officer—

(*a*) has been absent from two consecutive meetings of the Board without the permission of the Chairman, or

(*b*) has made an arrangement with his creditors ; or

(*c*) is incapacitated by physical or mental illness ; or

(*d*) is otherwise unable or unfit to discharge the functions of a member,

the Minister may declare the office of such member to be vacant and shall notify the declaration in such manner as the Minister thinks fit, and upon such notification being made the office shall become vacant.

Validity of proceedings.

4. The validity of any act or proceedings of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any member or by reason that some person who was not entitled to do so took part therein.

Temporary membership.

5. Where the Chairman or other member of the Board is temporarily incapacitated by illness or temporarily absent from Nigeria, the Minister may appoint any person to hold temporarily the office held by such incapacitated or absent member during the period of such incapacity or absence, and all the powers and duties of the Chairman or member, as the case may be, under the Ordinance shall devolve upon the person so temporarily appointed.

Co-opting members.

6. Where upon any special occasion the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt such person to be a member for such meeting or meetings as may be required, and such person whilst so co-opted shall have all the rights and privileges of a member save that he shall not be entitled to vote on any question.

Power to examine on oath.

7. (1) The Board may examine any person willing to be examined on any matters connected with the execution of this Ordinance, and may for that purpose or otherwise for the purpose of the execution of the Ordinance administer an oath and take evidence by affidavit or declaration.

(2) Any person who, when examined by the Board under the provisions of the Ordinance, wilfully gives false evidence, or who, for the purpose of obtaining a loan from the Board wilfully gives information to the Board which is false in a material particular, shall be guilty of an offence, and may be tried and punished in the same manner as if he had given false evidence in a judicial proceeding.

Quorum.

8. The Chairman or other member presiding and four other members shall form a quorum at any meeting of the Board.

Standing orders.

9. Subject as aforesaid, the Board may make standing orders—

(*a*) for the proceedings of the Board, the manner of transaction of its business and the method of voting and for the appointment of and transaction of business by committees of the Board ;

(*b*) for the appointment of a person to preside at any meeting whereat neither the Chairman nor a person duly appointed as temporary Chairman is present ;

(*c*) for the custody and use of the common seal and, subject to the provisions of section 21, the manner in which documents, cheques and instruments of any description shall be signed on behalf of the Board.

Objects and Reasons

This Bill is designed to take the place in Lagos of the Regional Development Boards Ordinance (No. 14 of 1949), and to provide the administration necessary for the grant of the industrial loans foreshadowed by the Economic Programme 1955-60. It is proposed that loans below £30,000 should only be sanctioned for projects in the Federal Territory of Lagos, or within 10 miles of its boundaries. Larger loans not in excess of £50,000 could be sanctioned for projects anywhere in the Federation, although, as other funds are available for industrial projects in the Regions, it is likely that the majority of such larger loans would be sanctioned for Lagos.

Clause 3 provides for the establishment of a Federal Loans Board which will deal with all applications.

Clause 8 is of importance as it provides the machinery necessary for taking over such of the assets and liabilities of the Colony Development Board as relate to Lagos. Discussions are still proceeding with the Government of the Western Region as to the best method of apportioning them.

Clause 9 contains the loan-making power, and also provides that larger loans, where they substantially affect a Region, shall require the consent of the Government of the Region as well as that of the Federal Government.

The Bill differs from the Regional Development Boards Ordinance on a number of points, of which the more important are the following—

(*a*) the Board will be appointed by the Minister and include representatives of certain specified bodies (*Clause 4*) ;

(*b*) the Director of Commerce and Industries will be required to investigate all applications for loans (*Clause 11*) ;

(*c*) loans will no longer require the approval of the Standing Committee on Finance, but, except in the case of loans not exceeding £3,000, the approval of the Minister or, if a loan exceeds £30,000, of the Governor-General in Council will be necessary (*Clause 9*) ;

(*d*) false statements and suppression of facts in respect of an application for a loan are made an offence (*Clause 17*) ;

(*e*) corruption in connection with advances is made an offence punishable with two years' imprisonment or a fine of £500 (*Clause 18*) ;

(*f*) the Minister may give directions of a general character to the Board, and it is required to furnish information to him when required (*Clause 29*).

A. McKisack,
Attorney-General of the Federation

Lagos.

Assented to in Her Majesty's name this 28th day of February, 1956. **A 1**

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 1 **1956**

Federation of Nigeria

IN THE FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.V.O., K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO MAKE FURTHER PROVISION WITH RESPECT TO CO-OPERATIVE SOCIETIES IN LAGOS. Title.

[*1st April, 1956*] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows— Enactment.

1. (1) This Ordinance may be cited as the Co-operative Societies (Lagos) (Miscellaneous Provisions) Ordinance, 1956, and shall come into operation on the 1st day of April, 1956, and shall Citation, commencement and construction.

Cap. 39.

(2) In relation to Lagos this Ordinance shall be construed as one with the Co-operative Societies Ordinance (hereinafter referred to as the principal Ordinance).

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

W.R. Law No. 6 of 1953. W.R. Law No. 5 of 1954.

"the Law" means the Western Region Co-operative Societies Law, 1953, as amended by the Western Region Co-operative Societies (Amendment) Law, 1954.

Application of principal Ordinance to Lagos.

3. With effect from the commencement of this Ordinance—

(*a*) the principal Ordinance shall apply to and in respect of Lagos as though Lagos were a Region ; and

(*b*) any society applying for registration with a registered address in Lagos shall be registered under the principal Ordinance and not under the Law.

Registered societies deemed to be registered under principal Ordinance.

4. Any co-operative society with a registered address in Lagos which, immediately before the commencement of this Ordinance, is, or is deemed to be, a registered society registered under the Law shall be deemed to be a registered society registered under the principal Ordinance.

Transitional provisions.

5. (1) In relation to any such registered society as is referred to in section 4 of this Ordinance—

(*a*) nothing in this Ordinance shall affect any order, rule, regulation, certificate, exemption, appointment, conveyance, mortgage, deed or agreement made or issued, resolution passed, direction given, proceeding taken, instrument issued or thing done under the Law and any such order, rule, regulation, certificate, exemption, appointment, conveyance, mortgage, deed or agreement which was in force immediately before the commencement of this Ordinance shall, so far as it could lawfully have been made, passed, given, taken, issued or done under the principal Ordinance, have effect and may be amended or revoked as if it had been so made, passed, given, taken, issued or done ;

(*b*) any document referring to the Law shall, in relation to anything which takes place after the commencement of this Ordinance, be construed as referring to the corresponding enactment of the principal Ordinance ;

(*c*) the registration register or other record of registered societies (by whatever name it may be known) kept by the appropriate registrar in Lagos shall contain copies of any entries made in the registration register kept by the registrar appointed under the Law ;

(*d*) any funds held by the registrar appointed under the Law on behalf of or to the credit of a registered society shall be transferred to and held by the appropriate registrar in Lagos for a like purpose.

(2) Where the registration of a registered society with a registered address in Lagos has been cancelled under section 42 of the Law and the liquidation of the society has not been completed, the liquidator appointed under the Law, or a liquidator appointed in his place by the appropriate registrar in Lagos, shall have power to proceed with the liquidation of the society as if the registration of the society had been cancelled and the liquidation commenced under the principal Ordinance, and the provisions of subsection (2) of section 63 of the principal Ordinance shall apply in respect of any money lying unclaimed when the liquidation has been closed.

Special provisions for central societies with addresses outside Lagos. Powers of Regional registrar.

6. (1) Where—

(*a*) a co-operative society is registered with an address anywhere in the Federation outside Lagos, under the provisions of any Ordinance or Law enacted, or having effect as if it had been enacted, by the Legislature of a Region or the Southern Cameroons ;

(*b*) the purposes of the society are such that if it had been registered with an address in Lagos under the principal Ordinance it would have been a central society for the purposes of the principal Ordinance ; and

(*c*) the society carries on any business or has any assets, records or books of account in Lagos ;

the Regional registrar shall have and may exercise in Lagos in relation to such society and to the officers, agents, servants, members and creditors of such society all the powers conferred upon the appropriate registrar in Lagos by sections 46, 47, 48, 49 and 50 of the principal Ordinance, and the provisions of sections 51, 52 and 66 of the principal Ordinance shall apply in relation to the exercise of such powers by the Regional registrar.

(2) In this section "Regional registrar" means any officer appointed under the Ordinance or Law under which a society referred to in subsection (1) is registered and exercising functions analogous to those conferred upon the appropriate registrar in Lagos by the principal Ordinance.

Law to cease to apply.

7. The Law shall cease to apply in relation to Lagos.

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

Assented to in Her Majesty's name this 28th day of February, 1956.

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 2 1956

Federation of Nigeria

IN THE FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.V.O., K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO PROVIDE FOR THE REMISSION OF TAXES AND SIMILAR CHARGES IN ORDER THAT EFFECT MAY BE GIVEN TO THE PROVISIONS OF CONSULAR CONVENTIONS. Title.

[*29th February, 1956.*] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows— Enactment.

1. (1) This Ordinance may be cited as the Consular Conventions (Taxation Exemption) Ordinance, 1956. Short title and application.

(2) This Ordinance shall apply to—

(*a*) any law for the time being in force in Lagos ; and

(*b*) any law for the time being in force in a Region or the Southern Cameroons in so far as any such law contains provision with respect to any matter that is included in the Exclusive Legislative List or the Concurrent Legislative List ; and

(*c*) any law for the time being in force in a Region or the Southern Cameroons in so far as any such law contains provision with respect to any matter not included in the Exclusive Legislative List or the Concurrent Legislative List only in so far as the Governor of a Region or the Commissioner of the Cameroons, as the case may be, has declared by notice published in the *Official Gazette* that the provisions of this Ordinance shall have effect in relation to the Region or the Southern Cameroons.

(3) In this section "Exclusive Legislative List" and "Concurrent Legislative List" mean the Exclusive Legislative List and the Concurrent Legislative List as defined by section 2 of the Nigeria (Constitution) Order in Council, 1954.

Power to remit taxes, etc.

2. (1) The Governor-General in Council may by order remit in whole or in part any tax, fee, rate, duty or similar charge that would otherwise be payable under any law for the time being in force to which this Ordinance applies, where he deems it necessary so to do, in order to give effect to any consular convention concluded by Her Majesty with a foreign State.

(2) An order made under this section may be made with retrospective effect.

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

Assented to in Her Majesty's name this 28th day of February, 1956.

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 3

1956

Federation of Nigeria

IN THE FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.V.O., K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE FURTHER TO AMEND THE LABOUR CODE ORDINANCE, CAP. 99. — Title

[*29th February, 1956.*] — Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :— — Enactment.

1. This Ordinance may be cited as the Labour Code (Amendment) Ordinance, 1956. — Citation.

Repeal of sections 113, 114, 115, 116 and 118 of Cap. 99.

2. Sections 113, 114, 115, 116 and 118 of the Labour Code Ordinance, and the Schedule thereto, shall be repealed.

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

Assented to in Her Majesty's name this 28th day of February, 1956.

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 4 1956

Federation of Nigeria

IN THE FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.V.O., K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO AMEND THE ORDINANCES AUTHENTICATION ORDINANCE, 1950. — Title.

[*29th February, 1956.*] — Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows— — Enactment.

1. This Ordinance may be cited as the Ordinances Authentication (Amendment) Ordinance, 1956, and shall have effect in relation to all Ordinances enacted on or after the 1st day of January, 1956. — Citation and application.

Amendment of section 6 of principal Ordinance. No. 8 of 1950.

2. In section 6 of the Ordinances Authentication Ordinance, 1950, (hereinafter referred to as the principal Ordinance) for the words "Chief Justice, to be enrolled in the Supreme Court" there shall be substituted the words "Chief Justice of the Federation, to be enrolled in the Federal Supreme Court".

Amendment of section 11B of principal Ordinance.

3. In section 11B of the principal Ordinance after the words "Chief Justice" where they first occur there shall be inserted the words "of the Federation".

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 5 1956

Federation of Nigeria

IN THE FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.V.O., K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE FURTHER TO AMEND THE PORTS ORDINANCE, 1954. Title.

[*29th February, 1956.*] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :— Enactment.

1. This Ordinance may be cited as the Ports (Amendment) Ordinance, 1956. Short title.

2. For sub-paragraph (1) (*a*) of paragraph 5 of the Seventh Schedule to the Ports Ordinance, 1954 (hereinafter referred to as the principal Ordinance) there shall be substituted the following— Amendment of paragraph 5 (1) of Seventh Schedule to Ordinance No. 27 of

"(*a*) is ordinarily resident in Nigeria or maintains a place of business in Nigeria or carries on business in Nigeria through a duly authorised agent ; and"

Amendment of paragraph 6 (1) of Seventh Schedule.

3. In sub-paragraph (1) of paragraph 6 of the Seventh Schedule to the principal Ordinance there shall be substituted for the words and figures "and for every additional £10,000 over £50,000, 4 votes" the words and figures "and for every additional £2,000 over £12,000, 2 votes".

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 6 1956

Federation of Nigeria

IN THE FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.V.O., K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO AMEND THE RECIPROCAL ENFORCEMENT OF JUDGMENTS ORDINANCE. Title.

[*By Notice*] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :— Enactment.

1. (1) This Ordinance may be cited as the Reciprocal Enforcement of Judgments (Amendment) Ordinance, 1956, and shall come into operation on a day to be appointed by the Governor-General by notice in the Gazette. Short title, commencement and application.

(2) This Ordinance shall have effect throughout the Federation.

2. In section 5 of the Reciprocal Enforcement of Judgments Ordinance for the words "in the Supreme Court" there shall be substituted the words "in a High Court". Amendment of section 5 of Cap. 192.

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

Assented to in Her Majesty's name this 28th day of February, 1956. **A 15**

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 7 **1956**

Federation of Nigeria

IN THE FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.V.O., K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO PROVIDE THAT THE CAMEROONS DEVELOPMENT CORPORATION ORDINANCE SHALL CEASE TO HAVE EFFECT IN RELATION TO THE NORTHERN REGION SO FAR AS IT RELATES TO MATTERS WITHIN THE LEGISLATIVE COMPETENCE OF THE FEDERAL LEGISLATURE. — Title.

[*By Notice*] — Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :— — Enactment.

1. This Ordinance may be cited as the Cameroons Development Corporation Ordinance (Cesser of Application) (Northern Region) Ordinance, 1956, and shall come into operation on a day to be appointed by the Governor-General by notice in the Gazette. — Short title and commencement.

Cameroons Development Corporation Ordinance to cease to apply in relation to Northern Region in certain matters Cap. 25.

2. (1) The Cameroons Development Corporation Ordinance shall cease to have effect in relation to the Northern Region so far as it relates to any matter included in the Exclusive Legislative List or the Concurrent Legislative List.

(2) In this section "Exclusive Legislative List" and "Concurrent Legislative List" bear the meanings assigned to those expressions in section 2 of the Nigeria (Constitution) Order in Council, 1954.

L.N. 102 of 1954.

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

Assented to in Her Majesty's name this 28th day of February, 1956. **A 17**

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 8 **1956**

Federation of Nigeria

IN THE FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.V.O., K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO AMEND THE REGISTRATION OF TITLES ORDINANCE (CHAPTER 197) — Title.

[*1st March, 1956*] — Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows— — Enactment,

1. (1) This Ordinance may be cited as the Registration of Titles (Lagos) (Amendment) Ordinance, 1956, and shall come into operation on the 1st day of March, 1956. — **Short title, commencement and application.**

(2) This Ordinance shall apply within the Federal territory of Lagos only.

2. Section 3 of the Registration of Titles Ordinance (hereinafter referred to as the principal Ordinance) shall be amended by the addition (in its proper alphabetical order) of the following definition— — Amendment of section 3 of the principal Ordinance Cap. 197.

" "certificate of title" means a certificate issued by the Registrar in accordance with the provisions of section 55 ;".

Amendment of section 5.

3. Section 5 of the principal Ordinance shall be amended—

(*a*) by the insertion after the word "period" in the third line of the second proviso in subsection (1) of the words

", upon payment of a fee to be prescribed," and

(*b*) by the addition at the end of such proviso of the following—

"The Registrar shall have power to remit or reduce the amount of the prescribed fee in any case in which he considers it desirable so to do."

Amendment of section 8.

4. Section 8 of the principal Ordinance shall be amended by the repeal of subsection (4) and the substitution therefor of the following—

"(4) Where an objection to a first registration is received within two months from the date of the notice or within two months from the date upon which such notice is served upon the person objecting, whichever is the later, the registration shall not be effected until the person objecting has been given an opportunity of being heard : Provided that the Registrar may, in his discretion, extend or reduce the said period of two months."

Amendment of section 9.

5. Section 9 of the principal Ordinance shall be amended by the repeal of the proviso to subsection (2).

Repeal of section 11.

6. Section 11 of the principal Ordinance shall be repealed.

Addition of a new section 15A.

7. The principal Ordinance shall be amended by the insertion after section 15 of the following new section—

"Certain leases not registrable.

15A. A lease for a term limited to take effect more than twenty-one years from the date of the instrument purporting to create it shall not after the 1st day of March, 1956, be registered under this Ordinance."

Amendment of section 22.

8. Section 22 of the principal Ordinance shall be amended by the deletion of the words "including entry and foreclosure" in the third line of paragraph (*a*) and in the third line of paragraph (*b*), and the substitution therefor in each case of the following—

"including entry, foreclosure and sale".

Amendment of section 34.

9. Section 34 of the principal Ordinance shall be amended by the deletion of the words "in the prescribed manner" in the fifth line of subsection (1), and the substitution therefor of the following—

"in any registered disposition or other instrument".

Amendment of section 79.

10. Section 79 of the principal Ordinance shall be amended by the deletion of the words "prescribed size and quality" in subsection (5) and the substitution therefor of the following—

"size and quality prescribed by the regulations made under the provisions of the Land Registration Ordinance."

Cap. 108.

Addition of a new section 81A.

11. The principal Ordinance shall be amended by the insertion after section 81 of the following new section—

"Documents in foreign language to be accompanied by translation.

81A. Any document delivered to the Registrar which is not in the English language shall be accompanied by a translation certified as correct by some person approved by the Registrar."

Amendment of section 82.

12. Section 82 of the principal Ordinance shall be amended by the deletion of the word "three" in the second line of subsection (2) and the substitution therefor of the following—

"five".

Amendment of section 85.

13. Section 85 of the principal Ordinance shall be amended by the repeal of subsection (1) and the substitution therefor of the following—

"Exemption of registered land from Land Registration Ordinance".

(1) No document affecting land which originates an application for first registration and which is executed after the creation of the registration district in which such land is situate and no document affecting registered land executed after first registration shall require to be registered under the Land Registration Ordinance. No registered owner, being a purchaser for value subsequent to first registration shall be affected by notice of any document registered under such Ordinance."

Cap. 108.

Addition of new section 98A.

14. The principal Ordinance shall be amended by the insertion after section 98 of the following new section—

"Power of Chief Justice to make rules.

98A. The Chief Justice of Lagos may make rules prescribing the procedure to be adopted in the conduct of appeals from decisions of the Registrar."

Addition of new sub-heading.

15. The principal Ordinance shall be amended by the insertion immediately above section 100 of the new sub-heading—

"FEES".

Amendment of section 101.

16. Section 101 of the principal Ordinance shall be amended—

(*a*) by the deletion in paragraph (*b*) of the words "and the fees to be paid"; and

(*b*) by the insertion after paragraph (*b*) of the following new paragraph—

"(*bb*) remitting or reducing any fee payable under this Ordinance; and".

Amendment of First Schedule.

17. The First Schedule to the principal Ordinance shall be amended—

(*a*) by the deletion in form 2 of the heading "ADVERTISEMENTS" and the substitution therefor of the following—

"NOTICE";

(*b*) by the deletion in the third column of item C in form 16 of the word "lessor's" and the substitution therefor of the following—

"lessee's".

Repeal and replacement of Second Schedule.

18. The Second Schedule to the principal Ordinance shall be repealed and replaced by the following—

SECOND SCHEDULE

FEES

	£	s	d
1. On first registration of freehold land			
Where the value of the land :—			
(*a*) does not exceed £100	1	0	0
(*b*) exceeds £100 :—			
For the first £100	1	0	0
For every additional £100 or part thereof up to £500	0	10	0
For every additional £100 or part thereof over £500 and up to £1,000	0	5	0
For every additional £100 or part thereof over £1,000	0	2	6
2. On first registration of leasehold land			
Where the annual rent :—			
(*a*) does not exceed £20	1	0	0
(*b*) exceeds £20 :—			
For the first £20	1	0	0
For every additional £5 or part thereof up to £50	0	5	0
For every additional £5 or part thereof over £50 and up to £150	0	2	0
For every additional £5 or part thereof over £150 and up to £250	0	1	0
For every additional £5 or part thereof over £250	0	0	6
3. For registration of a transfer or change of ownership (except on transmission) assignment of lease or sub-lease, charge or sub-charge or transfer thereof.			
Where the amount of the consideration, premium, or the amount of charge or sub-charge :—			
(*a*) does not exceed £100	1	0	0
(*b*) exceeds £100 :—			
For the first £100	1	0	0
For every additional £100 or part thereof up to £500	0	5	0
For every additional £100 or part thereof over £500	0	2	6
4. For registration of a lease or sub-lease			
Where the annual rent of the lease or sub-lease :—			
(*a*) does not exceed £20	1	0	0
(*b*) exceeds £20 :—			
For the first £20	1	0	0
For every additional £5 or part thereof up to £50	0	2	6
For every additional £5 or part thereof over £50 up to £150 ..	0	1	0
For every additional £5 or part thereof over £150	0	0	6
5. For registration of release of a charge or sub-charge or surrender of a lease or sub-lease	1	0	0
6. For registration of a mortgage by deposit of certificate of title	1	0	0
7. For registration of a discharge of a mortgage by deposit of certificate of title	0	10	0
8. For registration of creation or discharge of an easement, profit a prendre or restrictive covenant	1	0	0
9. For registration of a caution or restriction or alteration or withdrawal thereof :—			
In the case of registered land	1	0	0
In the case of unregistered land	2	0	0
10. For extending the period prescribed by section 5 of the Ordinance pursuant to an order of the registrar or the court	2	0	0

SECOND SCHEDULE—*continued*

	£	s	d
FEES			
11. For a new certificate of title	2	0	0
12. For alteration of the terms of a registered lease, sub-lease or charge ..	1	0	0
13. For lodging objection against first registration	2	0	0
14. For rectification of the register	1	0	0
15. For registering a change of name or address or additional address ..	0	10	0
16. For filing notice of appeal	1	0	0
17. For preparing or settling a statement on an appeal or reference to the Court	2	0	0
18. For inspection of title on the register	0	5	0
19. For taking a declaration	0	4	0
For each exhibit thereto	0	1	0
20. For certified copies of documents for every 100 words (exclusive of plans)	0	2	0
For copies of plans. Such sum as the Registrar may direct.			
21. For any entry or cancellation on the register or any act, matter, or thing for which the Registrar considers a fee should be chargeable and for which no other fee is provided, such sum as the Registrar may direct but not exceeding	1	0	0
22. Advertising in the local newspapers as required by sections 8 and 57. Such sum as the Registrar may direct.			

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

Assented to in Her Majesty's name this 28th day of February, 1956. A 23

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 9 1956

Federation of Nigeria

IN THE FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.V.O., K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO AMEND THE LAND REGISTRATION ORDINANCE (CHAPTER 108) Title.

[*1st March, 1956*] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :— Enactment.

1. (1) This Ordinance may be cited as the Land Registration (Lagos) (Amendment) Ordinance, 1956, and shall come into operation on the 1st day of March, 1956. Short title, commencement and application.

(2) This Ordinance shall have effect in the Federal territory of Lagos only.

Amendment of section 14 of the principal Ordinance Cap. 108.

2. Section 14 of the Land Registration Ordinance (hereinafter referred to as the principal Ordinance) shall be amended by the addition of the following further proviso :—

"Provided further that this section shall not apply in the case of any document which is exempted from registration under this Ordinance by virtue of section 85 of the Registration of Titles Ordinance and which is registered under that Ordinance."

Cap. 197.

Amendment of section 15.

3. Section 15 of the principal Ordinance shall be amended by the addition of the following proviso :—

"Provided that this section shall not apply in the case of any document which is exempted from registration under this Ordinance by virtue of section 85 of the Registration of Titles Ordinance and which is registered under that Ordinance."

Cap. 197.

Amendment of section 16.

4. Section 16 of the principal Ordinance shall be amended :—

(*a*) by the insertion after the word "Ordinance" in the first line of the words "and in particular of subsection (2) of this section," ;

(*b*) by renumbering the section as subsection (1) ; and

(*c*) by the addition of the following new subsection

"(2) Any document which is exempted from registration under this Ordinance by virtue of section 85 of the Registration of Titles Ordinance and which is registered under that Ordinance shall, for the purpose of determining priorities as between instruments registered under this Ordinance and documents affecting land registered under the Registration of Titles Ordinance, be deemed to be registered in accordance with this Ordinance, and the registration thereof shall be deemed to have taken place at the beginning of the day on which the application for registration under the Registration of Titles Ordinance was made in accordance with that Ordinance."

Cap. 108.

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

L.N. 22 of 1956

LABOUR CODE ORDINANCE (CAP. 99)

Conditions of Employment (Minesfield) (Amendment) Order, 1956

Date of Commencement : 23rd February, 1956

In exercise of the powers conferred by section 209 of the Labour Code Ordinance, the Governor-General, after consultation with the Council of Ministers, has made the following Order—

1. This Order may be cited as the Conditions of Employment (Minesfield) (Amendment) Order in Council, 1956, and shall be deemed to have come into operation on the 23rd February, 1956. Citation and commencement.

2. Article 19 of the Conditions of Employment (Minesfield) Order in Council, 1948 (hereinafter referred to as the principal Order) is amended— Amendment of Article 19. (1953 Ann. Vol. p. B 173.)

(*a*) by the deletion in the ninth line of paragraph (1) of the words, "the rate of $1\frac{1}{4}d$ a pound" and the substitution therefor of the following—

"a price not exceeding the local retail market price" ;

(*b*) by the revocation of paragraph (2).

3. The Schedule to the principal Order is revoked. Revocation of Schedule.

MADE at Lagos this 2nd day of March, 1956.

L. ROBERTS,
Acting Deputy Secretary to the Council of Ministers

EXPLANATORY NOTE

A wage concession which is additional to the terms of settlement of recent disputes on the minesfield is contingent upon revocation of the liability upon employers to supply corn at $1\frac{1}{4}d$ a lb. By this amendment they will continue to supply it near the workings, at a price not exceeding the local market price. The further revocation of Article 19 (2) and the Schedule does away with provision for exceptional circumstances when the employers would have no liability to supply corn at all.

, The following Bill, which will in due course be presented to the House of Representatives for enactment, is published for general information.

By His Excellency's Command,

R. F. A. GREY,
Chief Secretary of the Federation

Lagos, 8th March, 1956.

A BILL
FOR

AN ORDINANCE TO PROVIDE FOR THE ASSESSMENT OF THE VALUE OF TENEMENTS OF PUBLIC UTILITY CORPORATIONS FOR RATING PURPOSES, TO PROVIDE WHAT RATES ARE TO BE LEVIED IN RESPECT THEREOF, AND FOR PURPOSES ANCILLARY THERETO.

[ ]

Date of commencement.

Short title, construction and application. Cap. 16.

1. (1) This Ordinance may be cited as the Assessment and Rating (Public Utility Corporations) Ordinance, 1956 and shall be read as one with the Assessment Ordinance (hereinafter referred to as the principal Ordinance).

(2) This Ordinance shall have effect in relation to the Federal Territory of Lagos.

Interpretation.

2. In this Ordinance, except where the context otherwise requires—

"dwelling-house" means a hereditament used wholly or mainly for the purposes of a private dwelling or private dwellings, with or without any garage, outhouse, garden, compound, yard, court, forecourt or other appurtenances ;

"public utility corporation" means the Electricity Corporation of Nigeria established in pursuance of the Electricity Corporation of Nigeria Ordinance, 1950, the Nigerian Ports Authority established in pursuance of the Ports Ordinance, 1954, the Nigerian Railway Corporation established in pursuance of the Nigerian Railway Corporation Ordinance, 1955, and any other body that the Governor-General may by notification in the Gazette declare to be a public utility corporation for the purposes of this Ordinance.

Ordinance 15 of 1950. Ordinance 27 of 1954. Ordinance 20 of 1955.

Basis of assessment.

3. With effect from the 1st day of April, 1956, assessment in pursuance of the principal Ordinance in respect of tenements occupied by a public utility corporation, other than tenements used as dwelling-houses, shall be of the depreciated capital value of such tenements assessed as provided for in section 4 of this Ordinance.

Method of assessment of such basis.

4. (1) In assessing depreciated capital value no account shall be taken of the value of—

(*a*) any machinery in or upon the tenements ;

(*b*) any wharf or pier, or pontoon used as a wharf or pier ;

(*c*) any railway track: Provided that in assessing the value of any building in which a portion of such track is situate the area of land on which such track is situate shall be included in the assessment of the value of such building ;

(*d*) any fencing, earthworks, bridges, signal boxes and other signal apparatus, or water towers and equipment of a like nature relating to any railway track ;

(*e*) any railway station platform, together with any roof or canopy thereto, but subject to paragraph (*d*) of this subsection, not including any building erected upon such platform.

(2) The depreciated capital value of a tenement shall be the amount which it is assessed the replacement of the tenement would cost at the prices ruling at the time of assessment depreciated according to the age, obsolescence and structural condition of the buildings upon the tenement at that time.

Amount of rates to be levied.

5. In respect of any period commencing on and after the 1st day of April, 1956, the rates payable under the Lagos Local

Government Law, 1953, shall be the amount represented by five *per centum* of the depreciated capital value multiplied by the rate per pound levied under section 135 and section 136 of that Law. W.R. Law 4 of 1953.

6. In the application of subsection (2) of section 9 of the principal Ordinance to tenements occupied by a public utility corporation, other than tenements used as dwelling-houses, it shall not be requisite for the Governor-General to issue directions as to the method of assessment of such tenements, and references in the principal Ordinance to capital value shall in respect of such tenements mean depreciated capital value assessed in accordance with the provisions of this Ordinance. Application of principal Ordinance.

Objects and Reasons

There are practical difficulties whereby the application of the Assessment Ordinance to the valuation of the tenements occupied by the public utility corporations is not feasible. The present Bill makes provision whereby assessment in respect of each of their undertakings can be made upon the basis of replacement value after making allowance for decreases in value on account of age and other factors, and after a measure of de-rating in respect of wharves, railway tracks and platforms. In relation to machinery de-rating is provided for as is done in the principal Ordinance in respect of machinery on other tenements.

Dwelling-houses occupied by a public utility corporation will be assessed and rated in the normal manner. In respect of other tenements the rates payable with effect from the 1st April, 1956, will be the amount per pound levied each year by the town council multiplied by 5 per cent of the depreciated capital value (assessed as above).

A. McKisack,
Attorney-General of the Federation

Lagos.

Supplement to Official Gazette No. 21, Vol. 43, 15th March, 1956—Part B

L.N. 23 of 1956

PENSIONS ORDINANCE, 1951
(ORDINANCE 29 OF 1951)

Pensions (Declaration of Pensionable Offices) (Amendment) Order, 1956

Date of Commencement : 8th March, 1956

In exercise of the powers conferred by section 2 of the Pensions Ordinance, 1951, the Governor-General has made the following Order—

Citation.

1. This Order may be cited as the Pensions (Declaration of Pensionable Offices) (Amendment) Order, 1956.

Amendment of the principal Order. L.N. 96 of 1954.

2. The Pensions (Declaration of Pensionable Offices) Order 1954 (hereinafter referred to as the principal Order), shall be amended by the addition after paragraph 2 thereof of the following new paragraph—

"Schedule not to be affected by omnibus amendments. Cap. 30. L.N. 131 of 1954.

2A. The effective dates specified opposite the offices mentioned in the Schedule shall remain effective in respect of such offices under the titles as mentioned in the Schedule notwithstanding a change in any such title by an order under the Changes of Titles Ordinance, or by section 2 of the Adaptation of Laws Order, 1954, or by any other general amendment."

Amendment of Schedule to principal Order.

3. The Schedule to the principal Order shall be deemed to be further amended in the manner specified in the Schedule hereto.

SCHEDULE

(para. 3).

Under item 1, ADMINISTRATION, and the sub-item (*t*), *Secretariats*, etc., *add*

"Personnel Officer	1–4–54
Chief Secretary of the Federation	1–10–54
Financial Secretary of the Federation	1–10–54
Deputy Commissioner of the Cameroons	1–10–54
Financial and Development Secretary of the Southern Cameroons	1–10–54
Chief Administrative Officer, Lagos	1–10–54
Senior Establishment Officer	1–4–55
Pensions Records Officer	28–9–55"

Under item 2, ADMINISTRATOR-GENERAL, *add*

"Federal Assistant Administrator-General	1–10–54
Store Clerk	1–4–55"

Under item 5, AVIATION, *add*

"Secretary-Typist	1–4–55
Clerical Assistant	1–4–55
Electrical Maintenance Engineer	1–1–56
Chief Plant Attendant	1–1–56
Electrical Artisan	1–1–56
Plant Attendant..	1–1–56"

SCHEDULE—*continued*

Under item 6, BROADCASTING, *add*

"Deputy Director	1–4–55
All graded Accounting Assistants	1–4–55
Assistant Chief Engineer	1–4–55
Chief Producer	1–4–55
Religious Broadcasting Assistant	1–4–55
Controller News	1–4–55
Editor "Radio Times"	1–4–55
All graded News Officers	1–4–54
Commercial Manager	1–4–55
Senior Accountant	1–4–55
Technical Supervisor	1–4–55
Chief Installer	1–4–55
Linesmen, Grades I and II	1–4–55"

Under item 14, EXECUTIVE AND LEGISLATURE, *add*

"Private Secretary to Ministers without Portfolio ..	1–4–53
Deputy Secretary (Economic Committee)	4–5–55
Editor	1–10–55
Assistant Editor	1–10–55"

Under item 15, EXTRA DEPARTMENTAL SERVICES, in sub-item (*b*), GOVERNMENT VALUATION UNIT, *add*

"Valuation Officer	1–4–52"

and in sub-item (*a*), ANTIQUITIES, *add*

"Library Assistant	1–4–55"

and in sub-item (*e*), COASTAL AGENCY, *add* the following—

"Coastal Agent	1–4–55
Assistant Coastal Agent	1–4–55
Principal Coastal Agent (Accounts)	1–4–55
Accountant	1–4–55
All graded Accounting Assistants	1–4–55
Principal Coastal Agent (Freight)	1–4–55
All graded Shipping Clerks	1–4–55
Clerical Assistant	1–4–55
Baggage Master	1–4–55
All graded Senior Baggage Assistants	1–4–55
Principal Accountant	1–7–55
Principal Assistant Coastal Agent	1–7–55
Principal Freight Assistant	1–7–55
All graded Senior Freight Assistants	1–7–55
Freight Assistant	1–7–55"

and in sub-item (*d*), NIGERIAN CENTRAL RECORDS OFFICE, *add*

"Archivist	1–4–55
All graded Archive Assistants	1–4–55
Repair and Binding Staff	1–4–55
Assistant Photographer	1–4–55"

and after sub-item (*e*), *add* the following new sub-items :—

"(*f*) Office of the Commissioner for Nigeria in the United Kingdom	Director of Students	4–1–55
	Principal Secretary to the Commissioner	1–10–55
	Senior Assistant Secretary	1–1–56
	Assistant Secretary	1–1–56"

SCHEDULE—*continued*

"(*g*) Nigerian Pilgrims Office in the Sudan	Assistant Pilgrims Officer	1–1–56"

Under item 16, FORESTRY, *add*

"Librarian	1–4–55"

Under item 17, GEOLOGICAL SURVEY, *add*

"Establishment Officer	1–6–55"

Under item 20, JUDICIAL, *add*

"Assistant Registrar, West African Court of Appeal ..	1–4–55
Confidential Clerk	1–11–55
Federal Justice	3–2–56"

Under item 23, LAND, *add*

"Accountant	12–8–54
Chief Federal Land Officer	1–4–55
Finance Officer	1–4–55"

Under item 24, LEGAL, *add*

"Attorney-General of the Federation	1–10–54
Solicitor-General of the Federation	1–10–54
Legal Secretary of the Southern Cameroons	1–10–54"

Under item 26, MARKETING AND EXPORTS, *add*

"Principal Scientific Officer..	1–4–55"

Under item 27, MEDICAL, *add*

"Vice-Principal and Pharmaceutical Registrar	1–10–54
Medical Statistical Assistant	1–4–55
Optometrist (Optician)..	1–4–55
Dental Technical Instructor	1–4–55"

Under item 28, METEOROLOGICAL SERVICE, *add*

"Electrical Engineer	1–4–55
Clerical Assistant	1–4–55"

Under item 30, MINES, *add*

"Secretary-Typist	1–4–55
Accountant	1–10–55"

Under item 31, Ministries, in sub-item (*h*) MINISTRY OF TRANSPORT, *add*

"Government Marine Officer	1–3–55
Shipping Master	1–3–55
Assistant Shipping Master	1–3–55"

and after sub-item (*v*), *add* the following new sub-items—

"(*w*) Ministry of Land, Mines and Power	Chief Electrical Inspector	1–4–55"
"(*x*) All Federal Ministries	Permanent Secretary	1–10–54
	Senior Assistant Secretary	1–4–55
	Assistant Secretary	1–10–54
	Private Secretary	1–10–54

SCHEDULE—*continued*

	Secretary-Typist	1–10–54
	All graded Clerks	1–10–54
	All graded Stenographers	1–10–54"

After item 32, *add* the following new item and detail—

"32A. FEDERAL INFORMATION SERVICE

	Director of Federal Information Services	1–10–54
	Deputy Director of Federal Information Services ..	1–10–54
	Art Adviser	1–4–55
Film Production Unit	Producer	1–4–55
	Director/Script Writer	1–4–55
	Editor	1–4–55
	Recording Superintendent	1–4–55
	Laboratory Superintendent ..	1–4–55
	Negative Cutter	1–4–55
	Assistant Cameraman	1–4–55
	Sub-Editor	1–4–55
	Assistant Script Writer	1–4–55
	Assistant Recording Superintendent	1–4–55
	Assistant Negative Cutter	1–4–55
	All graded Assistant Film Processors	1–4–55
	All graded Projectionists	1–4–55
Cinema Engineering Section	Maintenance Superintendent ..	1–4–55
	Mobile Cinema Supervisor ..	1–4–55"

Under item 33, POLICE, *add*

"Deputy Inspector-General of Police	1–4–55
Deputy Superintendent of Police	1–4–55
Woman Sergeant	1–4–55
Police Matron	1–4–55
Woman Corporal	1–4–55
Woman Lance-Corporal	1–4–55"

Under item 34, POSTS AND TELEGRAPHS, *add*

"Deputy Chief Accountant	1–4–55
All graded Assistant Machine Supervisors	1–4–55
Stock Verifier	1–4–55
Principal Stores Assistant	1–4–55
Postal Controller	1–4–55
Head Postmaster	1–4–55
Telegraphist	1–4–55
Counter Clerk	1–4–55
Phonogram Operator	1–4–55
Deputy Engineer-in-Chief	1–4–55
Maintenance Supervisor	1–4–55
Senior Assistant Superintendent of Workshops	1–4–55
Vice-Principal, Post Office Training Centre	1–4–55
Aerial Rigger	1–4–55
Assistant Office Manager	1–4–55
Welfare Officer	1–4–55
Senior Investigation Officer	1–4–55

SCHEDULE—*continued*

Typist	1–4–55
Controller of Staff and Buildings	1–4–55
Assistant Controller (Staff)	1–4–55
Assistant Controller (Buildings)	1–4–55
Staff Engineer	1–8–55
Finance Officer	1–11–55"

Under item 35, PRINTING and STATIONERY, *add*

"Storekeeper and Typewriter Depot Manager	1–4–55
Typewriter Engineer	1–4–55
Assistant Foreman, Engineering	1–7–55"

Under item 38, PUBLIC WORKS, *add*

"Machine Operator	1–4–55
All graded Accounting Assistants	1–4–55"

Under item 39, STATISTICS, *add*

"Federal Government Statistician	1–10–54
Deputy Federal Government Statistician	1–10–54
Statistical Machinery Supervisor	1–4–54"

Under item 40, RAILWAY, in sub-item (*y*), in respect of *Secretary-Typist*, *delete* effective date "1–4–50", and *substitute* "1–4–47"

and in sub-item (*aa*), in respect of *Electrical Assistant*, *delete* effective date "1–4–50" and *substitute* "1–4–49"

and in sub-item (*kk*), in respect of *Training Within Industry Follow-up Officer*, *delete* effective date "1–4–52" and *substitute* "1–4–51".

Under the same item 40, in sub-item (*a*) ADMINISTRATION, MANAGEMENT, *add*

"Principal Assistant to General Manager	1–1–46
Assistant General Manager (Operating)	1–4–48"

and in sub-item (*b*), ADMINISTRATION, STAFF, *add*

"Assistant Staff Manager	1–1–46
Railway Labour Officer	1–1–46
Assistant Labour Officer	1–1–46
Assistant Welfare Officer	1–1–46
Senior Establishment Officer	1–4–55
Administrative Assistants, Grades I and II	1–4–46
Assistant General Manager (Staff and Organisation) ..	1–4–48
Principal Assistant (Staff and Organisation)	1–4–48
All graded Stenographers	1–4–48
Female Clerk	1–4–48
Secretary-Typist	1–4–50
Industrial Relations and Welfare Officer	1–4–51"

and in sub-item (*c*), ADMINISTRATION, ACCOUNTS AND STATISTICS, *add*

"All graded Stenographers	1–4–49
All graded Machine Operators	1–4–54
Office Equipment Assistant	1–4–55"

and in sub-item (*d*), ADMINISTRATION, STORES, *add*

"All graded Stenographers	1–4–50"

SCHEDULE—*continued*

and in sub-item (*e*), ADMINISTRATION, PRINTING, *add*

"Craftsman	1–4–48
Chargeman	1–4–49
All graded Assistant Shop Foremen	1–4–50"

and in sub-item (*f*), CIVIL ENGINEERING, *add*

"Senior Workshop Foreman	1–1–46
Permanent Way Instructor	1–1–46
School Clerk and Timekeeper	1–1–46
Supernumerary Assistant Engineer (Pupil Engineer) ..	1–4–51
Senior Permanent Way Instructor	1–4–53
Bridge Erector	1–4–54
Assistant Registrar	1–4–55
Secretary-Typist	1–4–55
Senior Relay Clerk, Grade I	1–4–55
Relay Clerk	1–4–55
Superintendent of Planning (Maintenance)	1–4–55
Permanent Way Assistant	1–4–55
Assistant Signal Superintendent	1–4–55
Signal Telegraph Inspector	1–4–55
All graded Sub Signal Inspectors (Telegraphy)	1–4–55
Senior Store Clerk	1–4–55
Draughtsman (Engineering)	1–4–47
Draughtsman (Architectural)	1–4–47
Signal Engineer	1–4–47
Personal Assistant to Chief Engineer	1–4–48
All graded Stenographers	1–4–49
Yard Superintendent	1–4–49"

and in sub-item (*g*), MECHANICAL ENGINEERING, *add*

"Chief Draughtsman	1–1–46
Superintendent Motive Power	1–1–46
Senior Foreman Electrician	1–1–46
District Boilermaker	1–1–46
Weighbridge Foreman	1–1–46
All graded Locomotive Drivers	1–1–46
Carriage and Wagon Inspector	1–1–46
Senior Running Shed Foreman	1–1–46
All graded Assistant Carriage and Wagon Inspector ..	1–1–46
Electrical Chargeman	1–1–46
All graded Clerks	1–1–46
Electrical Engineer	1–4–48
All graded Junior Technical Staff	1–4–48
Mechanical Engineering Assistant	1–4–48
Senior Wharf Plant Inspector	1–4–48
Plant Supervisor	1–4–49
Locomotive Running Assistant	1–4–49
Instructional Driver	1–4–49
Senior Foreman Electrician	1–4–49
Electrical Assistant	1–4–49
Personal Assistant to Chief Mechanical Engineer ..	1–4–50
Draughtsman (Mechanical)	1–4–50
Production Foreman	1–4–50
Assistant Production Foreman, Grade II	1–4–50

SCHEDULE—*coutinued*

All graded Senior Shed Clerks	1–4–50
Electrical Inspector	1–4–51
Tallyman	1–4–54
Millwright Supervisor	1–4–55
Assistant Outdoor Machinery Foreman, Grade II ..	1–4–55
Senior Assistant Electrical Engineer	1–4–55
Diesel Foreman..	1–4–55"

and in sub-item (*h*), OPERATING AND COMMERCIAL, *add*

"Assistant Traffic Manager	1–1–46
Chief Traffic Inspector	1–1–46
Wharf Superintendent	1–1–46
Assistant Wharf Superintendent	1–1–46
Assistant Road Transport Officer	1–1–46
Road Transport Foreman	1–1–46
Wharf Clerk	1–1–46
Senior Station Master	1–1–46
Assistant Loco Inspector	1–1–46
All graded Clerks	1–1–46
All graded Station Staff (Instructor)	1–1–46
Road Transport Superintendent	1–4–46
Wharf Foreman	1–4–46
Chief and Assistant Chief Telegraphists	1–4–46
All graded Stenographers	1–4–48
Wireless Supervisor	1–4–49
Senior Wharf Staff	1–4–49
All graded Telegraphists	1–4–49
Operating Inspector	1–4–51
Senior Assistant Wharf Superintendent	1–4–51
Mechanical Engineering Assistant	1–4–52
Wharf Plant Assistant	1–4–54
Wharf Staff Assistant	1–4–54
Senior Booking and Transport Clerk	1–4–54
Office Equipment Supervisor	1–4–54
Traffic Controller	1–4–54
Station Assistant	1–4–54
Senior Commercial Inspector	1–4–55
Commercial Inspector	1–4–55
Secretary-Typist	1–4–55
Adrema Machine Operator	1–4–55
Office Equipment Assistant..	1–4–55
Station Overseer	1–4–55
Assistant Commercial Inspector	1–4–55
Senior Travelling Ticket Collector..	1–4–55
Travelling Ticket Collector..	1–4–55
Senior Yard Supervisor	1–4–55
Yard Supervisor	1–4–55
Assistant Yard Supervisor	1–4–55
Senior Yard Record Clerk	1–4–55
Yard Record Clerk	1–4–55
Senior Assistant Foreman (Loco Outdoor)	1–4–55
Passed Firemen	1–4–55
Senior Instructor	1–4–55
Instructor (Locomotive)	1–4–55
Instructor (Traffic)	1–4–55"

SCHEDULE—*continued*

and after sub-item (*zz*) *add* the following new sub-item and detail—

"(*aaa*) ADMINISTRATION—Research	Research Officer	1–4–55
	Assistant Research Officer	1–4–55
	Technical Assistant-in-Training ..	1–4–55"

Under item 41, SURVEY, *add*

"Deputy Director of Federal Surveys	1–4–55
Leveller	1–4–55
Chief Computer	1–4–55"

Under item 42, TREASURY, *add*

"Chief Machine Operator	1–4–55
Machine Operator	1–4–55"

Under item 43, VETERINARY, *add*

"Chargeman	1–4–55"

MADE at Lagos this 8th day of March, 1956.

By His Excellency's Command,

R. F. A. GREY,
Chief Secretary of the Federation

EXPLANATORY NOTE

This Order adds further offices to the Schedule of those declared to be pensionable. It is necessary that that Schedule should continue to refer to an office by its original title notwithstanding any subsequent change in the title, and paragraph 2 amends the original Order for such purpose.

MP No. P19379/S. 3

L.N. 24 of 1956

WEST AFRICAN INSTITUTE FOR TRYPANOSOMIASIS RESEARCH ORDINANCE, 1950

(ORDINANCE 36 OF 1950)

Pensionable Offices (W.A.I.T.R.) (Amendment) Order, 1956

Date of Commencement : 8th March, 1956

In exercise of the powers conferred by section 7A of the West African Institute for Trypanosomiasis Research Ordinance, 1950, the Governor-General has made the following Order:—

Citation.

1. This Order may be cited as the Pensionable Offices (W.A.I.T.R.) (Amendment) Order, 1956.

Amendment of Schedule to L.N. 13 of 1955.

2. The Schedule to the Pensionable Offices (W.A.I.T.R.) Order, 1955, shall be deemed to be amended in the manner specified in the Schedule hereto.

SCHEDULE

Under Offices to be declared pensionable, *add*—

"Clerical Assistant	1-4-51"

MADE at Lagos this 8th day of March, 1956.

By His Excellency's Command,

R. F. A. GREY,
Chief Secretary of the Federation

M.P. No. P.19379/S. 3.

L.N. 27 of 1956

INCOME TAX ORDINANCE (CAP. 92)

Income Tax (Exemption) (I.C.A. Employees) Order, 1956

Date of Commencement : 1st April, 1955

In exercise of the powers conferred by subsection (4) of section 9 of the Income Tax Ordinance, the Governor-General, after consultation with the Council of Ministers, has made the following Order—

1. This Order may be cited as the Income Tax (Exemption) (I.C.A. Employees) Order, 1956, and shall be deemed to have come into operation on the 1st April, 1955. Citation and commencement.

2. Any person who is a national of the United States of America and employed in Nigeria by the International Co-operation Administration (successor to the Foreign Operations Administration), being an Administration or Agency formed and directed by the Government of the United States of America, is while so employed exempted from the provisions of sections 26 and 45 of the Income Tax Ordinance. Exemption of I.C.A. personnel.

MADE at Lagos this 11th day of March, 1956.

L. ROBERTS,
Acting Deputy Secretary to the Council of Ministers

EXPLANATORY NOTE

The International Co-operation Administration, who are extending technical aid in Nigeria, pay American personnel employed here, but require that they should be exempted from income tax levied in Nigeria. This Order so provides.

F52410/S. 29/C. 5

L.N. 28 of 1956

CRIMINAL PROCEDURE ORDINANCE (CAP. 43)

Attorney-General of the Federation (Delegation of Powers) (Lagos) Notice, 1956

Date of Commencement : 22nd March, 1956

In exercise of the powers conferred by section 76 of the Criminal Procedure Ordinance I hereby, in respect of Lagos, make the following delegations of powers in relation to criminal proceedings for, or inquiries with respect to, offences against any Ordinance or Law which applies only to Lagos, or which is expressed to apply to Lagos as if it were a Region—

Powers	*Officers to whom delegated*
All the powers vested in the Attorney-General of the Federation by sections 73 and 74 of the said Ordinance.	All Crown counsel (other than pupil Crown counsel) of the Federal Legal Department.
All the powers vested in the Attorney-General of the Federation by section 75 of the said Ordinance.	The Solicitor-General of the Federation.

MADE this 16th day of March, 1956.

A. MCKISACK,

B 66

L.N. 29 of 1956

CRIMINAL PROCEDURE ORDINANCE (CAP. 43)

Attorney-General of the Federation (Delegation of Powers) (Federation) Notice, 1956

Date of Commencement : 22nd March, 1956

In exercise of the powers conferred by section 76A of the Criminal Procedure Ordinance I hereby make the following delegations of powers in relation to criminal proceedings for, or inquiries with respect to, offences against any Federal law—

Powers	*Officers to whom delegated*	*Area in respect of which delegated*
All the powers vested in the Attorney-General of the Federation by sections 73, 74 and 75 of the said Ordinance as applied by section 76A.	Attorney-General of the Northern Region	Northern Region
	Attorney-General of the Eastern Region	Eastern Region
	Attorney-General of the Western Region	Western Region
	Solicitor-General of the Federation	Lagos
	Legal Secretary, Southern Cameroons	Southern Cameroons
All the powers vested in the Attorney-General of the Federation by sections 73 and 74 of the said Ordinance as applied by section 76A.	All senior Crown counsel of the Northern Region Legal Department	Northern Region
	Manus Nunan, Esquire, Crown counsel	Northern Region
	Ian Malcolm Lewis, Esquire, Crown counsel	Northern Region
	Norman Henderson, Esquire, Crown counsel	Northern Region
	Ian McLean, Esquire, Crown counsel	Northern Region
	All senior Crown counsel of the Eastern Region Legal Department	Eastern Region
	John McPhillamy Adams, Esquire, Crown counsel	Eastern Region
	Francis Omenye Nwokedi, Esquire, Crown counsel	Eastern Region
	All senior Crown counsel of the Western Region Legal Department	Western Region

MADE this 16th day of March, 1956.

A. MCKISACK,
Attorney-General of the Federation

Supplement to Official Gazette No. 23, Vol. 43, 29th March, 1956—Part B

L.N. 30 of 1956

CUSTOMS ORDINANCE (CAP. 48)

Customs (Amendment) Regulations, 1956

Date of Commencement : 23rd December, 1954

In exercise of the powers conferred by section 262 of the Customs Ordinance, the Governor-General, after consultation with the Council of Ministers, has made the following regulations—

1. These regulations may be cited as the Customs (Amendment) Regulations, 1956, and shall be deemed to have come into operation on the 23rd December, 1954. — Citation and commencement.

2. Regulation 103A of the Customs Regulations (as substituted by the Customs (Amendment No. 7) Regulations, 1951) is amended by the addition of the following proviso at the end of paragraph 1— — Amendment of regulation 103A of Customs Regulations. (Vol. VII p. 388, and regs. 41 of 1951).

"Provided that the value per ton of groundnut oil and of groundnut cake shall be deemed respectively to be £4-6*s*-4*d* and £5-13*s*-8*d* less than the price per ton arrived at under paragraph (*a*) or paragraph (*b*) as the case may be."

3. The Customs (Amendment) (No. 2) Regulations, 1954, and paragraph 2 (*ii*) of the Customs (Amendment) (No. 2) Regulations, 1955 are rescinded. — Rescission. (L.NN. 175 of 1954 & 62 of 1955).

MADE at Lagos this 3rd day of March, 1956.

L. ROBERTS,
Acting Deputy Secretary to the Council of Ministers

EXPLANATORY NOTE

The amendment substitutes a more accurate basis of customs duty relief in respect of processing costs for groundnut oil and groundnut cake for that previously in force.

35438/S. 1

Supplement to Official Gazette No. 27, Vol. 43, 19th April, 1956—Part B

L.N. 32 of 1956

NIGERIA (CONSTITUTION) ORDER IN COUNCIL, 1954 AND 1955

Allocation of Junior Officers (Eastern Region) (Amendment) Order, 1956

Date of Commencement : 1st January, 1956

In exercise of the powers conferred upon him by section 182 of the Nigeria (Constitution) Order in Council, 1954, the Governor-General of the Federation of Nigeria has made the following order:—

1. This order may be cited as the Allocation of Junior Officers (Eastern Region) (Amendment) Order, 1956, and shall be deemed to have come into operation on the 1st January, 1956.

2. The Schedule to the Allocation of Junior Officers (Eastern Region) Order, 1955, is hereby amended by the deletion of the number "7" and the insertion of the number "9" in the item referring to Clerical Assistant.

DATED at Lagos this 13th day of April, 1956.

By His Excellency's Command,

A. G. H. GARDNER-BROWN,
Deputy Chief Secretary of the Federation

TR42771/S. 2

L.N. 33 of 1956

INCREASE OF RENT (RESTRICTION) ORDINANCE, CHAPTER 93

Increase of Rent (Lagos Rehousing Scheme No. 1 of 1951) (Premises Decontrol) Order, 1956

Date of Commencement : 19th April, 1956

In exercise of the powers conferred by section 16 of the Increase of Rent (Restriction) Ordinance, the Governor-General, after consultation with the Council of Ministers, has made the following order—

1. This Order may be cited as the Increase of Rent (Lagos Rehousing Scheme No. 1 of 1951) (Premises Decontrol) Order, 1956. Citation.

2. The provisions of the Increase of Rent (Restriction) Ordinance shall not apply to any premises which are within the area of the Lagos Rehousing Scheme No. 1 of 1951, as from the date of commencement of this Order. Decontrol of premises within Lagos Rehousing Scheme No. 1 of 1951 (Order in Council No. 4 of 1952).

MADE at Lagos this 5th day of April, 1956.

P. H. G. STALLARD,
Acting Deputy Secretary to the Council of Ministers

L0009/S. 9

L.N. 34 of 1956

LAGOS TOWN PLANNING ORDINANCE (CAP. 103)

Lagos Central Planning Scheme (Amendment) Order, 1956

Date of Commencement : 19th April, 1956

In exercise of the powers conferred by section 24A of the Lagos Town Planning Ordinance, the Lagos Executive Development Board has, with the approval of the Governor-General in Council, made the following order:—

Citation.

1. This Order may be cited as the Lagos Central Planning Scheme (Amendment) Order, 1956.

Amendment of First Schedule to Lagos Central Planning Scheme 1951.

2. Immediately after serial number 42 in the First Schedule to the Lagos Central Planning Scheme, 1951, there shall be inserted the serial numbers and properties set forth in the Schedule hereto.

SCHEDULE

Serial Nos.	*Address of Property*
43	Victoria Street, No. 17A and 19
44	Victoria Street, No. 34
45	Broad Street, junction into Victoria Street, No. 78.
46	Broad Street, No. 130
47	Broad Street, No. 132/4
48	Broad Street, No. 148
49	Broad Street, No. 160/2
50	Balogun Street, No. 40 and Palm Church Street, No. 94.

MADE by the Lagos Executive Development Board this 13th day of January, 1956.

T. F. BARKER,
Chairman

APPROVED by the Governor-General in Council this 5th day of April, 1956.

P. H. G. STALLARD,
Acting Deputy Secretary to the Council of Ministers

L0009/S. 9

L.N. 35 of 1956

REGISTRATION OF TITLES ORDINANCE (CAP. 197)

Registration of Titles (Application) Order, 1956

Date of Commencement : 19th April, 1956

In exercise of the power conferred by section 2 of the Registration of Titles Ordinance, the Governor-General, after consultation with the Council of Ministers, has made the following order—

Citation.

1. This Order may be cited as the Registration of Titles (Application) Order, 1956.

2. The Registration of Titles Ordinance shall apply to the area specified in the Schedule hereto.

Application of Cap. 197 to area specified in Schedule.

SCHEDULE

The area commonly known as the Epetedo Compounds in Lagos enclosed in the following boundaries—

Starting at a point in Oshodi Street opposite the south-west Number 94 in Volume 4 in the Land Registry at Lagos ; thence along Oshodi Street in a northerly direction to a point opposite the south-east corner of the land referred to in the Crown Grant registered as Number 93 in Volume 4 of the Land Registry at Lagos thence in a westerly direction along the south boundary of the land referred to in Crown Grant Number 93 ; thence in a northerly direction along the west boundary of the land referred to in the said Crown Grant Number 93 to Inabere Street ; thence along Inabere Street in an easterly direction to Oshodi Street ; thence along Oshodi Street in a northerly direction to its junction with Evans Street ; thence along Evans Street in a westerly direction to its junction with Glover Street ; thence along Glover Street in a northerly direction past its intersection with Okepopo Steeet to a point opposite the north boundary of the land referred to in the Crown Grant registered as Number 70 in Volume 4 in the Land Registry at Lagos ; thence along the said north boundary of the land referred to in Crown Grant Number 70 to Oshodi Street ; thence along Oshodi Street in a southerly direction to its junction with Igunu Street ; thence along Igunu Street in an easterly direction to its junction with Dumaresque Street ; thence along Dumaresque Street in a northerly direction to its intersection with Tapa Street ; thence along Tapa Street in an easterly direction to its intersection with Patey Street ; thence along Patey Street in a southerly direction to a point opposite the north-west corner of the land referred to in the Crown Grant registered as Number 92 in Volume 4 in the Land Registry at Lagos ; thence along the north boundary of the land referred to in Crown Grant Number 92 ; thence along the east boundary of the land referred to in Crown Grant Number 92 to its junction with the east boundary of the land referred to in the Crown Grant registered as Number 90 in Volume 4 in the Land Registry at Lagos ; thence along the east boundary of the land referred to in Crown Grant Number 90 to its junction with the south-east boundary of the land referred to in the Crown Grant registered as Number 95 in Volume 4 in the Land Registry at Lagos ; thence along the south-east boundary of the land referred to in Crown Grant Number 95 ; thence along the south boundary of the land referred to in Crown Grant Number 95 to the junction of Gambari Street and Patey Street ; thence along Gambari Street in a westerly direction to its junction with Freeman Street ; thence along Freeman Street in northerly direction to a point opposite the south-east corner of the land referred to in the Crown Grant registered as Number 94 in Volume 4 in the Land Registry at Lagos ; thence along the south boundary of the land referred to in Crown Grant Number 94 to Oshodi Street, the starting point.

MADE at Lagos this 5th April, 1956.

P. H. G. STALLARD,
Acting Deputy Secretary to the Council of Ministers

EXPLANATORY NOTE

This Order extends the application of the Registration of Titles Ordinance to a further area in Lagos.

L0022/S. 1

B 74

L.N. 36 of 1956

REGISTRATION OF TITLES ORDINANCE (CAP. 197)

Registration of Titles (Application) (No. 2) Order, 1956

Date of Commencement : 19th April, 1956

In exercise of the powers conferred by section 2 of the Registration of Titles Ordinance, the Governor-General, after consultation with the Council of Ministers, has made the following order—

Citation.

1. This Order may be cited as the Registration of Titles (Application) (No. 2) Order, 1956.

Application of Cap. 197 to area Specified in Schedule.

2. The Registration of Titles Ordinance shall apply to the area specified in the Schedule hereto.

SCHEDULE

Part of the area commonly known as Wright's Estate, Ebute Metta, enclosed in the following boundaries—

Starting from a concrete pillar marked PBL618 the co-ordinates of which are 4662.72 feet south ; 3336.67 feet east of the L.C.S 165P. the origin of the Lagos Cadastral Surveys, the boundaries run in straight lines ; the approximate bearings and distances are as follows—

From	*Bearings*	*Distances*	*To*
PBL618	67° 56′	185.00 feet	PBD637
PBD637	67° 56′	165.00 feet	PBL636
PBL636	67° 54′	105.00 feet	POINT 'A'
POINT 'A'	13° 22′	132.00 feet	POINT 'B'
POINT 'B'	151° 12′	445.00 feet	PDB652
PBD652	151° 14′	530.00 feet	PDB634
PBD634	151° 14′	468.00 feet	PBD643A
PBD643A	151° 14′	22.00 feet	PBD643
PBD643	151° 14′	940.00 feet	PBD645
PDB645	151° 14′	430.00 feet	PBL5010
PBL5010	235° 20′	873.00 feet	POINT 'X'
POINT 'X'	320° 58′	123.00 feet	PBL4906
PBL4906	320° 58′	124.00 feet	PBL5091
PBL5091	347° 39′	247.00 feet	PBL5
PBL5	337° 15′	205.00 feet	PBL1575
PBL1575	337° 15′	360.00 feet	PBL1478
PBL1478	337° 15′	40.00 feet	PBL1555
PBL1555	337° 15′	880.00 feet	PBL2974
PBL2974	338° 04′	87.00 feet	PBL1269
PBL1269	337° 57′	640.00 feet	LCS475P
LCS475P	337° 55′	90.00 feet	PBY379
PBY379	337° 55′	120.00 feet	PBY380
PBY380	337° 55′	80.00 feet	PBY381
PBY381	338° 04′	130.00 feet	PBL618 ; (the starting point).

All bearings are referred to true north.

MADE at Lagos this 5th April, 1956.

P. H. G. STALLARD,
Acting Deputy Secretary to the Council of Ministers

EXPLANATORY NOTE

This Order extends the application of the Registration of Titles Ordinance to a further area at Ebute Metta.

L0022/S. 1

L.N. 37 of 1956

DIPLOMATIC PRIVILEGES (EXTENSION) ORDINANCE, 1947
(No. 25 OF 1947)

Diplomatic Privileges (UNICEF) Order, 1956

Date of Commencement : 19th April, 1956

In exercise of the powers conferred by section 3 of the Diplomatic Privileges (Extension) Ordinance, 1947, the Governor-General, after consultation with the Council of Ministers, has made the following order—

1. This order may be cited as the Diplomatic Privileges (UNICEF) Order, 1956. Citation

A.—THE ORGANISATION

2. The United Nations Children's Fund (hereinafter referred to as the Organisation) is an organisation of which Her Majesty's Government in the United Kingdom and the Governments of foreign sovereign Powers are members. International membership.

3. The Organisation shall have the legal capacities of a body corporate and, except in so far as in any particular case it has expressly waived its immunity, immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution. Body corporate.

4. The Organisation shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of official archives and premises of an envoy of a foreign sovereign Power accredited to Her Majesty. Archives and premises.

5. The Organisation shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power. Taxes and rates.

6. The Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Nigeria or for exportation, or on the importation of any publications of the Organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Comptroller of Customs and Excise may prescribe for the protection of the Revenue. Customs duties.

7. The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Organisation for its official use and in the case of any publications of the Organisation directly imported or exported by it. Control of imports and exports.

8. The Organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside Nigeria) of any reduced rates applicable for the corresponding service in the case of press telegrams. Telegraphic services.

B.—Representatives of Members and of the Executive Board of the Organisation

Privileges of members.

9. (1) Except in so far as in any particular case any privilege or immunity is waived, in the case of representatives of member Governments, by the member Governments whom they represent, and in the case of persons designated to serve on the Executive Board of the Organisation and their alternates and advisers, by the Executive Board, representatives of member Governments and persons designated to serve on the Executive Board of the Organisation and their alternates and advisers shall enjoy

(*a*) while exercising their functions as such, and during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability of all papers and documents;

(*b*) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in their capacity as representatives;

(*c*) while exercising their functions and during their journey to and from the place of meeting, the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, save that the relief allowed shall not include relief from customs and excise duties except in respect of goods imported as part of their personal baggage. They shall not, where the incidence of any form of taxation depends upon residence, be deemed to be resident in Nigeria whilst exercising their functions or during their journey to and from the place of meeting. The provisions of this subsection shall not apply to British subjects or British Protected Persons whose usual place of abode is in Nigeria.

(2) For the purposes of the application of this order, the expression "representatives of member governments" shall be deemed to include their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.

(3) The provisions of paragraphs (1) and (2) shall not confer any immunity or privilege upon any person as the representative of Her Majesty's Government in Nigeria or as a member of the staff of such a representative or any person who is a British subject or a British Protected Person and who is not the representative of a Government of Her Majesty other than Her Majesty's Government in Nigeria or a member of the staff of and accompanying any such representative.

C.—High Officials

Director-General and his Deputy.

10. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, officers of the Organisation holding the offices of Director-General or Deputy Director-General shall be accorded in respect of themselves, their spouses and children under the age of 21, the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, his spouse and children, and they shall also enjoy exemption from income tax in respect of emoluments received by them as officers of the Organisation.

D.—Persons Serving on Committees of or Employed on Missions on Behalf of the Organisation

Committee and mission members.

11. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, persons (other than officials of the Organisation) serving on Committees of, or employed on missions on behalf of the Organisation shall enjoy—

(*a*) while exercising their functions as such, and during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability of all papers and documents relating to the work of the Organisation ;

(*b*) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions. Such immunity shall continue notwithstanding that the person concerned is no longer employed on missions on behalf of the Organisation.

E.—Other Officials of the Organisation

Other officials.

12. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, all officials of the Organisation, other than those referred to in section 10 above, shall enjoy—

(*a*) immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties ;

(*b*) exemption from income tax in respect of emoluments received by them as officers and servants of the Organisation.

F.—General

List to be published.

13. The names of the persons to whom the provisions of sections 9, 10, 11 and 12 of this order apply shall be set forth in a list compiled and published from time to time under section 3 (2) of the Ordinance, and such list shall show in regard to each person the date as from which, for the purposes of this order, he first held the office or employment in question, and the date when he ceased to hold that office or employment.

Made this 13th day of April, 1956.

P. H. G. Stallard,
Acting Deputy Secretary to the Council of Ministers

MH.12/Vol. IV.

Explanatory Note

This order extends to the United Nations Children's Fund (which is known by the initials of its former name, UNICEF) and its representatives, the privileges and exemptions already enjoyed by the World Health Organisation and similar United Nations bodies.

B 78

L.N. 38 of 1956

IMMIGRATION ORDINANCE (CHAPTER 89)

Sathgarao Deportation Order in Council, 1956

Date of Commencement : 19*th April,* 1956

WHEREAS on the 23rd day of January, 1956, before the Magistrate's Court of Lagos, SATHGARAO, a native of Burma, was charged under section 18 of the Immigration Ordinance with entering into Nigeria being a prohibited immigrant contrary to the said Ordinance, and was convicted under section 14 (1) of the said Ordinance :

AND WHEREAS the said Court in exercise of the powers conferred by section 26 (1) of the said Ordinance referred the facts of the case to the Governor-General and recommended that the said SATHGARAO be deported from Nigeria:

AND WHEREAS the Governor-General in Council has considered the recommendation that the said SATHGARAO be deported from Nigeria and deems it fit to make a deportation order—

NOW THEREFORE, in exercise of the powers conferred upon the Governor-General in Council by section 26 (1) of the Immigration Ordinance, it is hereby ordered and required that the said SATHGARAO shall leave Nigeria at the first available opportunity and shall thereafter remain out of Nigeria.

MADE by the Governor-General in Council at Lagos this 5th day of April, 1956.

P. H. G. STALLARD,
Acting Deputy Secretary to the Council of Ministers

25800/S. 131

Assented to in Her Majesty's name this 18th day of April, 1956.

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 10 1956

Federation of Nigeria

IN THE FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.V.O., K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO AMEND THE UNIVERSITY COLLEGE HOSPITAL ORDINANCE, 1952 (ORDINANCE 26 OF 1952)

[*1st May, 1956*] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows:— Enactment.

1. This Ordinance may be cited as the University College Hospital (Amendment) Ordinance, 1956, and shall come into operation on 1st of May, 1956. Short title.

2. Section 5 of the University College Hospital Ordinance, 1952, shall be amended by the deletion of paragraph (*e*) of sub-section (2) and the substitution therefor of the following— Amendment of section 5 of Ordinance 26 of 1952.

"(*e*) the following two persons, who shall be known as *ex officio* members—

L.N. 102 of 1954.

(*i*) the Federal Permanent Secretary who under section 100 of the Nigeria (Constitution) Order in Council, 1954, has supervision over the Department of Medical Services of the Federation, and

(*ii*) the Chief Medical Adviser to the Federal Government of Nigeria.".

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

Assented to in Her Majesty's name this 18th day of April, 1956. A 27

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 11 1956

Federation of Nigeria

IN THE FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.V.O., K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO AMEND THE EDUCATION ORDINANCE (ORDINANCE 17 OF 1952) IN ITS APPLICATION TO LAGOS.

[*26th April, 1956*] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows— Enactment.

1. This Ordinance may be cited as the Education (Lagos) (Amendment) Ordinance, 1956, and shall apply to Lagos only. Short title and

Amendment of section 2 of the principal Ordinance. (Ordinance No. 17 of 1952).

2. Section 2 of the Education Ordinance 1952 (hereinafter referred to as the principal Ordinance) shall be amended by the insertion in its proper alphabetical order of the following—

" "Minister" means the Member of the Council of Ministers charged under section 98 of the Nigeria (Constitution) Order in Council, 1954, with responsibility for education ;".

L.N. 102 of 1954.

Repeal of certain sections.

3. The principal Ordinance shall be amended by the repeal of sections 4, 5, 6, 7 and 8.

Repeal and re-enactment of section 19.

4. Section 19 of the principal Ordinance shall be repealed and replaced by the following—

"Establishment of new school.

19. (1) No new school other than a Government school shall be established unless—

(*a*) notification in writing giving the following particulars is sent by the proprietor to the Chief Education Officer, Lagos, not less than three months before the school is opened—

(*i*) the name and address of the proprietor of the school ;

(*ii*) the name and address of the manager ;

(*iii*) the situation of the school and plan of the buildings ;

(*iv*) the type of school, the number and type of classes and the medium of instruction proposed ;

(*v*) the numbers, qualifications and nationality of the staff ;

(*vi*) the nature of the interest in or tenure of the land to be possessed by the school ; and

(*vii*) such further information as the Chief Education Officer, Lagos, may require, and

(*b*) the consent in writing of the Chief Education Officer, Lagos, has been obtained.

(2) Any proprietor who furnishes particulars in a notification under subsection (1) which are false to his knowledge shall be guilty of an offence and liable on summary conviction to a fine of twenty pounds, without prejudice to any other proceeding which may be taken against him under this Ordinance.

(3) Any proprietor who opens any school without having conformed to the provisions of subsection (1) shall be guilty of an offence and liable on summary conviction to a fine of fifty pounds and to a further fine of two pounds for each and every day during which the school is opened, without prejudice to any other proceeding which may be taken against him under this Ordinance.

(4) For the purpose of this section a change in the curriculum or type of instruction approved by the Chief Education Officer, Lagos, to a curriculum or type of instruction not approved in relation to that school by the Chief Education Officer, Lagos, shall be deemed to constitute the establishment of a new school notwithstanding that such change relates to a school already in existence, and to require notification under subsection (1) and the consent in writing required by that subsection.

(5) For the purpose of this section a change of proprietor or a change in the situation of a school shall be deemed to constitute the establishment of a new school notwithstanding that such a change relates to a school already in existence and to require notification under subsection (1) and the consent in writing required by that subsection: Provided that in the event of such a change as is referred to in this subsection the Chief Education Officer, Lagos, may, upon application, waive or reduce the period of three months specified in paragraph (*a*) of subsection (1) and may under paragraph (*b*) of that subsection give his consent retrospectively."

Amendment of section 23.

5. Section 23 of the principal Ordinance shall be amended by the addition after paragraph (*b*) of the following—

"(*bb*) Where, after an inspection by such competent person as the Chairman of the Regional Board may consult, the Regional Board is advised that the school buildings or any part thereof are a danger to the pupils or staff of the school ; or".

Addition of new sections 23A, 23B and 23C.

6. The principal Ordinance shall be amended by the insertion after section 23 of the following three new sections—

"Power to appoint a supervisor.

23A. (1) In the circumstances specified in subsection (2) the Minister may by order under his hand published in the Gazette appoint a supervisor of any

school, who shall have power at all reasonable times to enter the premises of the school and to give directions for the management thereof.

(2) This section shall apply—

(*a*) where under section 23 the Regional Board has power to order a school to be closed, but the Minister is of opinion that it will best serve the interest of the community that the school should continue but do so under supervision ;

(*b*) where under paragraphs (*f*) or (*g*) of subsection (1) of section 23 the Chairman of the Regional Board has pointed out in writing to the proprietor or served notice on the proprietor of the faults referred to in either of those paragraphs ;

(*c*) where a grant has been made out of public funds to the proprietor of the school for capital expenditure and without reasonable cause the school is not in the opinion of the Minister being conducted in accordance with an undertaking given by the proprietor for the purpose of such capital grant ;

(*d*) where a grant has been made out of public funds to the proprietor of the school for capital expenditure and the school premises and equipment for which such grant was made are not, in the opinion of the Minister, maintained in an adequate state of repair.

(3) A supervisor appointed under this section—

(*a*) shall have power to do and direct to be done, subject to any directions given to him in writing by the Chief Education Officer, Lagos, all such acts and things as may be necessary in his opinion to maintain the school satisfactorily as an educational institution,

(*b*) shall receive no pecuniary advantage from the school and shall not be financially responsible for any liabilities incurred by the school, its proprietor or manager, and

(*c*) shall not be personally liable in any action, civil or criminal, for any act or thing *bona fide* done by him in pursuance of this section.

(4) The manager, proprietor and any member of the staff of a school in respect of which a supervisor has

been appointed shall carry out any reasonable directions given by such supervisor, and any person who fails to comply with this subsection shall be guilty of an offence and liable on summary conviction to a fine of fifty pounds.

Compulsory acquisition of existing school.

23B. (1) Whenever an order under section 23 has been made, or a supervisor has been appointed under section 23A, or if a grant out of public funds has been made to the proprietor of a school for capital expenditure and the Minister is of the opinion that the terms of an undertaking given for the purpose of such capital grant have without reasonable cause not been complied with, the Minister, after such inquiry as he may think fit, may declare by notification in the Gazette that the land and premises upon which a school is being conducted are required for educational purposes by the Government of the Federation.

(2) Upon such a declaration being made the land and premises to which it relates shall be deemed to be land required for a public purpose of the Federation within the meaning of the Public Lands Acquisition Ordinance and the Governor-General may cause action to be taken under that Ordinance for acquiring the same for the Government of the Federation.

Cap. 185.

(3) When any land which has been the subject of a declaration under this section has been acquired the Governor-General—

(*a*) may vest the land or any part thereof in the Lagos Town Council by means of a certificate under the hand and seal of the Chief Federal Land Officer, and the Lagos Town Council shall utilise or cause to be utilised such land for such educational purposes as the Minister shall direct, or

(*b*) may direct and empower the Chief Federal Land Officer to lease such land or any part thereof to a Voluntary Agency upon such terms as may be decided upon by the Minister.

(4) In assessing the compensation, if any, payable under the Public Lands Acquisition Ordinance for the acquisition of any land under this section, there shall be deducted such amount as the Minister shall certify to represent the amount of any grant made out of public funds during the ten years immediately preceding the date of such acquisition to the proprietor of the school

for capital expenditure: Provided that if the Minister shall consider that on account of the period which has elapsed since any such grant was made or for some other good reason it would be inequitable to deduct the whole amount of such grant he may so certify and such lesser amount as he may certify to be an equitable deduction shall then be deducted.

(5) Compensation, if any, payable under the Public Lands Acquisition Ordinance for the acquisition of any land under this section shall be assessed in accordance with the provisions of section 15 of that Ordinance save that the same shall be assessed having reference to the value immediately before the publication of the Gazette notification under subsection (1) of this section, and such compensation shall be paid by the Government of the Federation.

Compulsory acquisition for new school or addition to school.

23c. (1) Whenever it appears to the Minister—

(*a*) that the acquisition of any land by a Voluntary Agency approved under regulations made under this Ordinance is desirable for the purpose of building a school or for extending an existing school, and

(*b*) there is any hindrance to acquisition by such Voluntary Agency of such land, including any failure by such Voluntary Agency to reach agreement as to the amount to be paid in respect of such acquisition, the Minister may, upon the application of the Voluntary Agency and after such inquiry as he may think fit, declare by notification in the Gazette that the land is required for educational purposes by the Government of the Federation.

(2) Upon such a declaration being made the land to which it relates shall be deemed to be land required for a public purpose of the Federation within the meaning of the Public Lands Acquisition Ordinance and the Governor-General may cause action to be taken under that Ordinance for acquiring the same for the Government of the Federation.

(3) When any land which has been the subject of a declaration under this section has been acquired the Governor-General—

(*a*) may vest the land or any part thereof in the Lagos Town Council by means of a certificate under the hand and seal of the Chief Federal Land Officer,

and the Lagos Town Council shall utilise or cause to be utilised such land for such educational purposes as the Minister shall direct, or

(*b*) may direct and empower the Chief Federal Land Officer to lease such land or any part thereof to a Voluntary Agency upon such terms as may be decided upon by the Minister.

(4) Compensation, if any, payable under the Public Lands Acquisition Ordinance for the acquisition of any land under this section shall be assessed in accordance with the provisions of section 15 of that Ordinance save that the same shall be assessed having reference to the value immediately before the publication of the Gazette notification under subsection (1) of this section, and such compensation shall be paid by the Government of the Federation."

Amendments in Schedule.

7. The amendments specified in the second column of the Schedule to this Ordinance, being amendments of a minor or consequential nature, shall be made in the provisions of the principal Ordinance specified in the first column of that Schedule.

SCHEDULE (Section 7)

Minor and Consequential Amendments

1st Column	*2nd Column*
Section 13	In the marginal note the words 'Central and' shall be omitted. In subsection (1) the words 'the Central Board or of' shall be omitted.
Section 14	In the marginal note the words 'Central or' shall be omitted. In subsection (1) the words 'the Central Board or of' shall be omitted. For paragraph (*b*) of subsection (2) the following paragraph shall be substituted:— '(*b*) if without having previously obtained the leave of the Chief Education Officer, Lagos, he be absent from the meetings of the Regional Board or from Nigeria for a continuous period of nine calendar months ; or'. For paragraph (*g*) of subsection (2) the following paragraph shall be substituted:— '(*g*) if by writing under his hand addressed to the Regional Board he resigns his seat on the Regional Board ; or'.

Section 15	In the marginal note the words 'Central and' shall be omitted. The words 'the Central Board or' and 'as the case may be', wherever those words occur in the section, shall be omitted. In subsection (1) for the words 'their functions' and 'by them' there shall be substituted the words 'its functions' and 'by it' respectively.
Section 16	The words 'the Central Board or' shall be omitted. For the words 'their procedure' and 'by them' there shall be substituted the words 'its procedure' and 'by it' respectively.
Section 21	For the words 'Central Board', where they occur in subsections (2), (3) and (4), there shall in each case be substituted the word 'Minister'.
Section 24	For the words 'Central Board', wherever they occur in the section and in the marginal note, there shall in each case be substituted the word 'Minister'. In subsection (1) for the words 'the Board' there shall be substituted the words 'the Minister', and the words 'at its next meeting' shall be omitted. In subsection (2) for the words 'its decision' there shall be substituted the words 'his decision'.

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

Supplement to Official Gazette No. 29, Vol. 43, 26th April, 1956—Part B

L.N. 39 of 1956

LAGOS TOWN PLANNING ORDINANCE (CAP. 103)

Lagos Town Planning (Re-declaration of Planning Area) Order, 1956

Date of Commencement : 26th April, 1956

In exercise of the powers conferred by section 16 of the Lagos Town Planning Ordinance, the Governor-General, after consultation with the Council of Ministers, has made the following Order :—

This Order may be cited as the Lagos Town Planning (Re-declaration of Planning Area) Order in Council, 1956. — Short Title.

2. All that area of the township of Lagos described in section 2 of the Lagos Town Planning (Re-declaration of Planning Area) Order in Council, 1947, but excluding therefrom the areas referred to in the Schedule to this Order, is hereby re-declared to be a town planning area. — Re-declaration. Order in Council 24 of 1947. (Vol. VIII, p. 344).

SCHEDULE

Excepted Areas

All those areas described in

(*a*) The Apapa Town Planning Scheme (Approval) Order in Council, 1948 (No. 18 of 1948).

(*b*) The Central Lagos Planning Scheme (Approval) Order in Council, 1952 (No. 3 of 1952).

(*c*) The Rehousing Scheme No. 1 of 1951 (Approval) Order in Council, 1952 (No. 4 of 1952).

(*d*) The Apapa Town Planning Scheme (Western Area), 1953 (Approval) Order in Council, 1953 (No. 20 of 1953).

Made at Lagos this 13th day of April, 1956.

P. H. G. Stallard,
Acting Deputy Secretary to the Council of Ministers

L0020/S. I

L.N. 40 of 1956

PRODUCE INSPECTION ORDINANCE, 1950

(No. 24 of 1950)

Palm Produce (Inspection for Export) (Amendment) Regulations, 1956

Date of Commencement : 1st May, 1956

In exercise of the powers conferred by section 8 of the Produce Inspection Ordinance, 1950, the Produce Inspection Board has made the following regulations—

1. These regulations may be cited as the Palm Produce (Inspection for Export) (Amendment) Regulations, 1956, and shall come into operation on the 1st day of May, 1956. — Citation and commencement.

2. For regulation 2 of the Palm Produce (Inspection for Export) Regulations, 1951 (hereinafter referred to as the principal regulations) there shall be substituted the following regulation— — Replacement of regulation 2 of Regulations No. 27 of 1951.

"Interpretation.

2. For the purposes of the Ordinance and these regulations--

"adulterate" means when used in relation to any palm produce—

(*i*) mixing or combining any palm produce with any palm produce of first quality so that the resulting mixture or combination is not palm produce of first quality; or

(*ii*) injuriously affecting the quality of any palm produce by mixing or combining with such palm produce any substance matter or thing of any kind whatsoever which is foreign or superfluous, whether such substance, matter or thing is in itself harmful or not; or

(*iii*) mixing or combining any husk, shell, pericarp, rotten, decayed or rancid palm produce with any other palm produce so that the resulting mixture or combination is not palm produce of first quality; or

(*iv*) altering the composition of any palm produce by any means whatsoever so as injuriously to affect the quality of the palm produce or to alter its bulk or weight; or

(*v*) injuriously affecting the quality of any palm oil or altering its composition or constituent parts, by abstracting from such palm oil any of the constituent parts thereof;

"first quality palm produce" includes palm oil of "first quality" and palm kernels of "first quality";

"first quality" palm oil is palm oil of "first quality" as defined under the provisions of the Nigeria Central Marketing Board Ordinance, 1955; No. 1 of 1955.

"first quality" palm kernels are palm kernels of "first quality" as defined under the provisions of the Nigeria Central Marketing Board Ordinance, 1955;

"palm produce" means palm oil or palm kernels;

"rotten and decayed" when used in relation to a palm kernel, means a palm kernel which on being divided as equally as possible into two parts, shows that half or more than half of it is rotten or decayed. For the purposes of this definition part of a palm kernel found in a sample shall be treated as if it were a whole palm kernel; provided that once divided a palm kernel or part thereof, as the case may be, shall not again be sub-divided."

Amendment of regulation 7 of principal regulations.

3. Immediately after the word "also" in the third line of paragraph 2 (*a*) of regulation 7 there shall be inserted the words "all the numbers, and letters (if any) of". Immediately after the word "also" in the third line of paragraph 2 (*b*) of regulation 7 there shall be inserted the words "all the numbers, and letters (if any), of"; and immediately after the words "hammer press" in the same line of the same paragraph there shall be inserted the words "or steel seal press". Immediately after the word "also" in the fifth line of regulation 12 there shall be inserted the words "all the numbers, and letters (if any) of"; and immediately after the words "hammer-press" in the same line of the same regulation there shall be inserted the words "or steel seal press".

Amendment of regulation 10 of principal regulations.

4. For paragraph (3) and paragraph (4) of regulation 10 of the principal regulations there shall be substituted the following paragraphs—

"(3) From any parcel of the prescribed quantity an examiner shall take indiscriminately from all parts of the parcel an average representative sample and shall then—

(*a*) draw a final sample of twenty-five ounces from the average representative sample ;

(*b*) carefully separate all shell, fibre, rotten and decayed kernels and extraneous matter from the palm kernels contained in the final sample carrying out such separation on a clean surface and not on a sack or the ground ;

(*c*) weigh the shell, fibre, rotten and decayed kernels and extraneous matter so separated.

(4) When as a result of his examination, carried out in accordance with this regulation, an examiner is satisfied that the kernels contained in the parcel are "first quality" he shall forthwith pass the kernels contained in the parcel as "first quality".

MADE by the Produce Inspection Board at Lagos this 5th day of April, 1956.

J. R. VERNON,
Chairman

H. D. MENDHAM,
Secretary

EXPLANATORY NOTE

Difficulties have arisen in obtaining convictions under these regulations owing to the fact that adulteration was not defined in sufficiently comprehensive terms. This amendment to regulation 2 is worded to overcome these difficulties.

2. The amendment to regulations 7 and 12 is to ensure that all the symbols of a sealing press are impressed on seals.

3. The amendment to regulation 10 is in order to ensure that the standards for "first quality" as at present defined in regulation 2 and again in regulation 10 is not at variance.

I.0502

L.N. 41 of 1956

PRODUCE INSPECTION ORDINANCE, 1950

(No. 24 OF 1950)

Capsicums (Inspection for Export) (Amendment) Regulations, 1956

Date of Commencement : 1st May, 1956

In exercise of the powers conferred by section 8 of the Produce Inspection Ordinance, 1950, the Produce Inspection Board has made the following regulations—

1. These regulations may be cited as the Capsicums (Inspection for Export) (Amendment) Regulations, 1956, and shall come into operation on the 1st day of May, 1956. Citation and commencement.

2. For regulation 2 of the Capsicums (Inspection for Export) Regulations, 1951, there shall be substituted the following regulation— Replacement of regulation 2 of Regulations No. 32 of 1951.

"Interpretation.

2. For purposes of the Ordinance and these regulations—
"adulterate" means when used in relation to any capsicums—

(*i*) mixing or combining any capsicums with any capsicums of exportable standard so that the resulting mixture or combination are not capsicums of exportable standard ; or

(*ii*) injuriously affecting the quality of any capsicums by mixing or combining with such capsicums any substance, matter or thing of any kind whatsoever which is foreign or superfluous, whether such matter or thing is in itself harmful or not ; or

(*iii*) mixing or combining any husk, shell, pericarp, rotten, decayed or rancid capsicums with any other capsicums so that the resulting mixture or combination is not capsicums of exportable standard ; or

(*iv*) altering the composition of any capsicums by any means whatsoever so as injuriously to affect the quality of the capsicums or to alter their bulk or weight ;

"capsicums", means any capsicum fruit grown in Nigeria and includes Nigerian birdseye chillies and all ordinary Nigerian capsicums ;

"exportable standard" in respect of capsicums means capsicums of such quality that they can be graded for export as provided in regulation 3 of these regulations."

MADE by the Produce Inspection Board at Lagos this 5th day of April, 1956.

J. R. VERNON,
Chairman

H. D. MENDHAM,
Secretary

EXPLANATORY NOTE

Difficulties have arisen in obtaining convictions under these regulations owing to the fact that adulteration was not defined in sufficiently comprehensive terms. This amendment to regulation 2 is worded to overcome these difficulties.

I.0502

L.N. 42 of 1956

PRODUCE INSPECTION ORDINANCE, 1950

(ORDINANCE 24 OF 1950)

Produce Inspection (Amendment) Regulations, 1956

Date of Commencement : 1st May, 1956

In exercise of the powers conferred by section 8 of the Produce Inspection Ordinance, 1950, the Produce Inspection Board has made the following regulations—

Citation and commencement.

1. These regulations may be cited as the Produce Inspection (Amendment) Regulations, 1956, and shall come into operation on the 1st May, 1956.

Amendment of regulation 23 of Regulation 26 of 1951.

2. Regulation 23 of the Produce Inspection Regulations, 1951, is amended by the addition after paragraph (8) of the following new paragraph (8A) :—

"(8A) When a licensed buying agent ceases to operate at a registered produce store he shall within seven days deliver all registers which have been in use in respect of that store to the Produce Officer in charge of the area in which the store was situated for examination and retention by such Produce Officer, but at any reasonable time thereafter the Licensed Buying Agent shall be entitled to examination of any such register in the custody of the Produce Officer."

Amendment of regulation 26 of Regulation 26 of 1951.

3. For paragraph (1) of regulation 26 of the Produce Inspection Regulations 1951 there shall be substituted the following paragraph :—

"(1) No person shall ship or attempt to ship for export any produce in respect of which all prescribed requirements as to inspection, passing and sealing have not been carried out, save as provided in section 14 of the Ordinance."

4. For the amounts 7*s*-0*d*, 5*s*-3*d*, 3*s*-9*d* and 3*s*-6*d* under the heading "For every hour or part thereof" in paragraph (I) of regulation 12 of the principal regulations, there shall be substituted the amounts of 7*s*-11*d*, 5*s*-10*d*, 4*s*-4*d* and 2*s*-10*d* respectively. Amendment of regulation 12 of Regulation 26 of 1951.

MADE by the Produce Inspection Board at Lagos this 5th day of April, 1956.

J. R. VERNON,
Chairman

H. D. MENDHAM,
Secretary

EXPLANATORY NOTE

Registers maintained by law at registered produce stores are in some cases necessary as evidence, and this amendment ensures that upon closure of a registered produce store the register will thereafter be in possession of the Produce Officer concerned. Regulation 3 effects a minor amendment to meet the practical circumstances when seals are affixed, and regulation 4 amends overtime rates for Produce Inspection services. I.0502

L.N. 43 of 1956

PRODUCE INSPECTION ORDINANCE, 1950

(No. 24 OF 1950)

Cocoa (Inspection for Export) (Amendment) Regulations, 1956

Date of Commencement : 1st May, 1956

In exercise of the powers conferred by section 8 of the Produce Inspection Ordinance, 1950, the Produce Inspection Board has made the following regulations—

1. These regulations may be cited as the Cocoa (Inspection for Export) (Amendment) Regulations, 1956, and shall come into operation on the 1st day of May, 1956. Citation and commencement.

2. For regulation 2 of the Cocoa (Inspection for Export) Regulations, 1951, (hereinafter called the principal regulations) there shall be substituted the following regulation— Replacement of regulation 2 of Regulations No. 28 of 1951.

"Interpretation.

2. For the purposes of the Ordinance and these regulations—
"adulterate" means when used in relation to any cocoa—

(*i*) mixing or combining any cocoa with any other cocoa of a grade prescribed in the manner provided in regulation 3, so that the resulting mixture or combination is not cocoa of a grade so prescribed ; or

(*ii*) injuriously affecting the quality of any cocoa by mixing or combining with such cocoa any substance, matter or thing of any kind whatsoever which is foreign or superfluous, whether such substance, matter or thing is in itself harmful or not ; or

(*iii*) mixing or combining any husk, shell, pericarp, or defective cocoa with any cocoa so that the resulting mixture or combination is not cocoa of a grade prescribed in the manner provided in Regulation 3 ; or

(*iv*) altering the composition of any cocoa by any means whatsoever so as injuriously to affect its quality or flavour or to alter its bulk or weight.

"defective cocoa" includes all mouldy, weevily, decayed, germinated and flat cocoa beans."

Amendment of regulation 7 of the principal regulations.

3. Regulation 7 of the principal regulations shall be amended by the addition of the following proviso—

"Provided that a produce officer in his discretion may approve an alternative method of sewing the bags by machine".

Amendment of regulation 9 of the principal regulations.

4. Immediately after the word "also" in the fourth line of regulation 9 of the principal regulations, there shall be inserted the words "all the numbers and letters (if any), of,"

MADE by the Produce Inspection Board at Lagos this 5th day of April, 1956.

J. R. VERNON,
Chairman

H. D. MENDHAM,
Secretary

EXPLANATORY NOTE

Difficulties have arisen in obtaining convictions under these regulations owing to the fact that adulteration was not defined in sufficiently comprehensive terms. This amendment to regulation 2 is worded to overcome these difficulties.

2. The amendment to regulation 7 is to permit a Produce Officer, in his discretion, to authorise sewing of cocoa bags by a machine.

3. The amendment to regulation 9 is to ensure that all the symbols of a sealing press are impressed on seals.

I.0502

L.N. 44 of 1956

PRODUCE INSPECTION ORDINANCE, 1950

(No. 24 OF 1950)

Groundnuts (Inspection for Export) (Amendment) Regulations, 1956

Date of Commencement : 1st May, 1956

In exercise of the powers conferred by section 8 of the Produce Inspection Ordinance, 1950, the Produce Inspection Board has made the following regulations—

Citation and commencement.

1. These regulations may be cited as the Groundnuts (Inspection for Export) (Amendment) Regulations, 1956, and shall come into operation on the 1st day of May, 1956.

Replacement of regulation 2 of Regulations No. 29 of 1951.

2. For regulation 2 of the Groundnuts (Inspection for Export) Regulations, 1951, there shall be substituted the following regulation—

"Interpretation.

2. For purposes of the Ordinance and these regulations—

"adulterate" means when used in relation to any groundnuts—

(*i*) mixing or combining any groundnuts with any groundnuts of exportable standard so that the resulting mixture or combination are not groundnuts of exportable standard ; or

(*ii*) injuriously affecting the quality of any groundnuts by mixing or combining with such groundnuts any substance, matter or thing of any kind whatsoever which is foreign or superfluous, whether such matter or thing is in itself harmful or not ; or

(*iii*) mixing or combining any husk, shell, pericarp, rotten, decayed or rancid groundnuts with any other groundnuts so that the resulting mixture or combination are not groundnuts of exportable standard ; or

(*iv*) altering the composition of any groundnuts by any means whatsoever so as injuriously to affect the quality of the groundnuts or to alter their bulk or weight ;

"Kano Area" means the groundnuts producing area of Bornu, Bauchi, Kano, Katsina, Plateau, Sokoto and Zaria Provinces, which evacuate groundnuts by railway, and the term "Kano area groundnuts" shall be construed accordingly ;

"new crop groundnuts" means groundnuts produced from seed planted on or after the first day of April immediately preceding the buying season in which they are marketed ;

"plinth" means a platform specially constructed to serve as a base on which to erect a stack of bagged groundnuts ;

"riverain area" means the groundnuts producing areas of Adamawa, Bauchi, Benue, Kabba, Niger and Sokoto Provinces which evacuate groundnuts by water borne transport ; and the term "riverain area groundnuts" shall be construed accordingly ;

"stack" means a stack of bagged groundnuts built for storage purposes in the open air, and includes part of a stack."

MADE by the Produce Inspection Board at Lagos this 5th day of April, 1956.

J. R. VERNON,
Chairman

H. D. MENDHAM,
Secretary

EXPLANATORY NOTE

Difficulties have arisen in obtaining convictions under these regulations owing to the fact that adulteration was not defined in sufficiently comprehensive terms. This amendment to regulation 2 is worded to overcome these difficulties.

I.0502

L.N. 45 of 1956

PRODUCE INSPECTION ORDINANCE, 1950

(NO. 24 OF 1950)

Cotton (Inspection for Export) (Amendment) Regulations, 1956

Date of Commencement : 1st May, 1956

In exercise of the powers conferred by section 8 of the Produce Inspection Ordinance, 1950, the Produce Inspection Board has made the following regulations—

1. These regulations may be cited as the Cotton (Inspection for Export) (Amendment) Regulations, 1956, and shall come into operation on the 1st day of May, 1956. Citation and commencement.

2. For regulation 2 of the Cotton (Inspection for Export) Regulations, 1951, there shall be substituted the following regulation— Replacement of regulation 2 of Regulations No. 30 of 1951.

"Interpretation. 2. For purposes of the Ordinance and these regulations—

"adulterate" means when used in relation to any seed cotton—

(*i*) mixing or combining any seed cotton with any seed cotton of exportable standard so that the resulting mixture or combination is not seed cotton of exportable standard ; or

(*ii*) injuriously affecting the quality of any seed cotton by mixing or combining with such seed cotton any substance, matter or thing of any kind whatsoever which is foreign or superfluous, whether such substance, matter or thing is in itself harmful or not ; or

(*iii*) mixing or combining any husk, seed pod, pericarp, weevily or discoloured seed cotton with any other seed cotton so that the resulting mixture or combination is not seed cotton of exportable standard ; or

(*iv*) altering the composition of any seed cotton by any means whatsoever so as injuriously to affect the quality of the seed cotton or to alter its bulk or weight ;

"examiner" includes Cotton Examiners appointed under regulation 5 of these regulations ;

"exportable standards" as applied to seed cotton means seed cotton of a grade or quality not lower than the minimum grade of seed cotton prescribed by the Nigeria Central Marketing Board under the provisions of the Nigeria Central Marketing Board Ordinance, 1955."

No. 1 of 1955.

Amendment of regulation 45 of principal regulations.

3. Immediately after the word "also" in the fifth line of paragraph (2) of regulation 45 there shall be inserted the words "all the numbers and letters (if any), of" and immediately after the word "press" in the sixth line of the same paragraph there shall be inserted the words "or steel seal press."

MADE by the Produce Inspection Board at Lagos this 5th day of April, 1956.

J. R. VERNON,
Chairman

H. D. MENDHAM,
Secretary

EXPLANATORY NOTE

Difficulties have arisen in obtaining convictions under these regulations owing to the fact that adulteration was not defined in sufficiently comprehensive terms. This amendment to regulation 2 is worded to overcome these difficulties.

2. The amendment to regulation 45 is to ensure that all the symbols of a sealing press are impressed on seals.

I.0502

L.N. 46 of 1956

PRODUCE INSPECTION ORDINANCE, 1950

(No. 24 OF 1950)

The Cassava Starch (Inspection for Export) (Revocation) Regulations, 1956

Date of Commencement : 1st May, 1956

In exercise of the powers conferred by section 8 of the Produce Inspection Ordinance, 1950, the Produce Inspection Board has made the following regulations—

Citation and commencement.

1. These regulations may be cited as the Cassava Starch (Inspection for Export) (Revocation) Regulations, 1956, and shall come into operation on the first day of May, 1956.

2. The Cassava Starch (Inspection for Export) Regulations, 1951, shall be revoked. Revocation of Regulations No. 33 of 1951.

MADE by the Produce Inspection Board at Lagos this 5th day of April, 1956.

J R. VERNON,
Chairman

H. D. MENDHAM,
Secretary

EXPLANATORY NOTE

In view of the fact that no Cassava Starch has been exported from Nigeria for a prolonged period and as there seems to be no likelihood of such export recommencing these regulations are revoked. I.0502

L.N. 47 of 1956

LAGOS LOCAL GOVERNMENT LAW, 1953

(W. R. No. 4 OF 1953)

Lagos (Dangerous Buildings) Bye-Laws, 1956

Date of Commencement : 26th April, 1956

In exercise of the powers conferred upon the Lagos Town Council by section 142 of the Lagos Local Government Law, 1953, the following bye-laws are hereby made with the approval of the Regional Authority :

1. These bye-laws may be cited as the Lagos (Dangerous Buildings) Bye-Laws, 1956. Citation.

2. In these bye-laws— Interpretation.

"dangerous building" means a building rendered unfit for human or other habitation or which constitutes a danger to public safety by reason of the building, or anything attached to the building, being in such a state as to cause risk of injury either to the occupiers or owner of such building or to any neighbouring building or to the public.

"Minister" means a Member of the Council of Ministers for the time being charged by directions given under section 98 of the Nigeria (Constitution) Order in Council, 1954, with responsibility for the peace, order and good government of Lagos.

"occupier" means the person in occupation of the building in respect of which the word is used or of any part of such building, but does not include a lodger.

"owner" includes the person for the time being receiving the rent of the building in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would receive the same if such building were let to a tenant.

"town engineer" means the town engineer appointed by the Council under section 68 (1) of the Lagos Local Government Law, 1953.

3. (1) Where it appears to the town engineer that any building within the town is a dangerous building, he shall forthwith take all reasonable precautions for the protection of the public, whether by means of fencing or otherwise, so as to ensure that such building is not a danger to the public. Procedure in relation to dangerous buildings.

(2) The town engineer shall cause a notice to be served on the owner of any dangerous building, if he is known and living within the town, or the occupier, if any, requiring such owner or occupier to take such action in relation to the dangerous building as may be specified in the notice.

(3) Where any owner or occupier on whom a notice is served under this Bye-law fails within fourteen days of the service of the notice to comply with the terms of the notice, or in a case where the owner or occupier of a dangerous building cannot be found, the town engineer may cause such repairs to be carried out in relation to the building as he may consider necessary to render the building safe.

(4) All expenses incurred by the town engineer under paragraph (1) and paragraph (3) of this Bye-law shall be a debt due to the Council from the owner of the building.

Demolition of dangerous building.

4. (1) In a case where the town engineer is satisfied that due to a structural defect or other cause the condition of any dangerous building is such that it cannot be repaired and will continue to be a danger to public safety he shall serve a notice on the owner of the building, if he is known, and if he is not known on the occupier, requiring such owner or occupier, as the case may be, to demolish the building within 14 days of the date of the service of the notice.

(2) Where an owner or occupier fails within 14 days to demolish the building or the owner or occupier of the dangerous building cannot be found, the town engineer shall demolish the dangerous building and the cost of such demolition shall be a debt due to the Council by the owner of the building.

Appeals.

5. (1) Any owner or occupier may appeal to the Minister against any direction contained in a notice served on him under bye-law 3 or bye-law 4.

(2) A notice of appeal under this bye-law shall be filed in the Ministry within seven days of the service of a notice under bye-law 3 or bye-law 4.

MADE by the Lagos Town Council this 6th day of March, 1956.

D. M. O. AKINBIYI,
Town Clerk

APPROVED by the Regional Authority this 13th day of April, 1956.

P. H. G. STALLARD,
Acting Deputy Secretary to the Council of Ministers

39438/Vol. IV

L.N. 48 of 1956

CAMEROONS DEVELOPMENT CORPORATION ORDINANCE (CESSER OF APPLICATION) (NORTHERN REGION) ORDINANCE, 1956

(No. 7 of 1956)

Appointed Day Notice

Date of Commencement : 1st May, 1956

In exercise of the powers conferred by section 1 of the Cameroons Development Corporation Ordinance (Cesser of Application) (Northern Region) Ordinance, 1956, the Governor-General has appointed the 1st day of May, 1956, as the day on which the Cameroons Development Corporation Ordinance (Cesser of Application) (Northern Region) Ordinance, 1956, shall come into operation.

P. H. G. STALLARD,
Acting Secretary to the Governor-General and the Council of Ministers

GG.0078/S. 7

Lagos, the 24th April, 1956.

Assented to in Her Majesty's name this 21st day of April, 1956.

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 12 1956

Federation of Nigeria

IN THE FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.V.O., K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO CONFER ON THIRD PARTIES RIGHTS AGAINST INSURERS OF THIRD-PARTY RISKS IN THE EVENT OF THE INSURED BECOMING INSOLVENT, AND IN CERTAIN OTHER EVENTS. Title.

[*3rd May, 1956.*] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :— Enactment.

1. This Ordinance may be cited as the Third Parties (Rights against Insurers) Ordinance, 1956, and shall apply throughout the Federation. Short title and application.

2. (1) Where under any contract of insurance a person (hereinafter referred to as the insured) is insured against liabilities to third parties which he may incur, then— Rights of third parties against insurers on insolvency.

(*a*) in the event of the insured becoming bankrupt or making a composition or arrangement with his creditors, or

(*b*) in the case of the insured being a company, in the event of a winding-up order being made or a resolution for a voluntary winding-up being passed with respect to the company, or of a receiver or manager of the company's business or undertaking being duly appointed, or of possession being taken by or on behalf of the holders of any debentures secured by a floating charge of any property comprised in or subject to the charge,

if either before or after that event any such liability as aforesaid is incurred by the insured, his rights against the insurer under the contract in respect of the liability shall, notwithstanding anything in any written law or rule of law to the contrary, be transferred to and vest in the third party to whom the liability was so incurred.

(2) Where an order is made under the provisions of any law relating to bankruptcy for the administration of the estate of a deceased debtor according to the law of bankruptcy, then if any debt provable in bankruptcy is owing by the deceased in respect of a liability against which he was insured under a contract of insurance as being a liability to a third party, the deceased debtor's rights against the insurer under the contract in respect of that liability shall notwithstanding anything in the said law be transferred to and vest in the person to whom the debt is owing.

(3) In so far as any contract of insurance made after the commencement of this Ordinance in respect of any liability of the insured to third parties purports, whether directly or indirectly, to avoid the contract or to alter the rights of the parties thereunder upon the happening to the insured of any of the events specified in paragraph (*a*) or paragraph (*b*) of subsection (1) of this section, the contract shall be of no effect.

(4) Upon a transfer under subsection (1) or subsection (2) of this section, the insurer shall subject to the provisions of section 4 be under the same liability to the third party as he would have been under to the insured but—

(*a*) if the liability of the insurer to the insured exceeds the liability of the insured to the third party, nothing in this Ordinance shall affect the rights of the insured against the insurer in respect of the excess ; and

(*b*) if the liability of the insurer to the insured is less than the liability of the insured to the third party, nothing in this Ordinance shall affect the rights of the third party against the insured in respect of the balance.

(5) For the purposes of this Ordinance, the expression "liabilities to third parties", in relation to a person insured under any contract of insurance, shall not include any liability of that person in the capacity of insurer under some other contract of insurance.

(6) This Ordinance shall not apply—

(*a*) where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company ; or

(*b*) to any case to which section 26 of the Workmen's Compensation Ordinance applies ; Cap. 234.

(*c*) to any policies or contracts of insurance to which sections 11, 12, 13, 14 or 15 of the Motor Vehicles (Third Party Insurance) Ordinance apply. Cap. 139.

Duty to give necessary information to third parties.

3. (1) In the event of any person becoming bankrupt or making a composition or arrangement with his creditors, or in the event of an order being made under the provisions of any law relating to bankruptcy in respect of the estate of any person, or in the event of a winding-up order being made or a resolution for a voluntary winding-up being passed with respect to any company or of a receiver or manager of the company's business or undertaking being duly appointed or of possession being taken by or on behalf of the holders of any debentures secured by a floating charge of any property comprised in or subject to the charge, it shall be the duty of the bankrupt, debtor, personal representative of the deceased debtor or company, and, as the case may be, of the trustee in bankruptcy, trustee, liquidator, receiver, or manager, or person in possession of the property to give at the request of any person claiming that the bankrupt, debtor, deceased debtor, or company is under a liability to him such information as may reasonably be required by him for the purpose of ascertaining whether any rights have been transferred to and vested in him by this Ordinance and for the purpose of enforcing such rights, if any ; and any contract of insurance, in so far as it purports, whether directly or indirectly, to avoid the contract or to alter the rights of the parties thereunder upon the giving of any such information in the events aforesaid or otherwise to prohibit or prevent the giving thereof in the said events shall be of no effect.

(2) If the information given to any person in pursuance of subsection (1) of this section discloses reasonable ground for supposing that there have or may have been transferred to him under this Ordinance rights against any particular insurer, that insurer shall be subject to the same duty as is imposed by the said subsection on the persons therein mentioned.

(3) The duty to give information imposed by this section shall include a duty to allow all contracts of insurance, receipts for premiums, and other relevant documents in the possession or power of the person on whom the duty is so imposed to be inspected and copies thereof to be taken.

(4) Any person who, without reasonable excuse, the onus of proving which shall be upon him, fails to comply with any of the requirements of this section or who wilfully or recklessly makes any false or misleading statement in reply to a demand for information, shall be guilty of an offence and shall be liable to a fine of fifty pounds or imprisonment for six months or both such fine and imprisonment.

Settlement between insurers and insured persons.

4. Where the insured has become bankrupt, or where in the case of the insured being a company a winding-up order has been made or a resolution for a voluntary winding-up has been passed with respect to the company, no agreement made between the insurer and the

insured after liability has been incurred to a third party and after the commencement of the bankruptcy or winding-up, as the case may be, nor any waiver, assignment, or other disposition made by, or payment made to the insured after the commencement aforesaid shall be effective to defeat or affect the rights transferred to the third party under this Ordinance, but those rights shall be the same as if no such agreement, waiver, assignment, disposition or payment had been made.

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

Assented to in Her Majesty's name this 21st day of April, 1956. A 39

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 13 1956

Federation of Nigeria

IN THE FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.V.O., K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE FURTHER TO AMEND THE MINERALS ORDINANCE (CHAPTER 134) AND TO REPEAL THE RADIO-ACTIVE MINERALS (ATOMIC ENERGY) ORDINANCE (CHAPTER 190). Title.

[*3rd May, 1956.*] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :— Enactment.

1. This Ordinance may be cited as the Minerals (Amendment) Ordinance, 1956. Short title.

2. Section 2 of the Minerals Ordinance (hereinafter referred to as the principal Ordinance) shall be amended— Amendment of section 2 of the principal Ordinance Cap. 134.

(*a*) by the insertion in the definition of "lode" after the word "classification" in the fourth line thereof, of the words—

"all igneous rocks containing metalliferous or radio-active minerals when worked for such minerals," ;

(*b*) by the deletion of sub-paragraph (*iii*) of paragraph (*d*) of the definition of "mineral" ;

(*c*) by the insertion, after paragraph (*d*) of the definition of "mineral", of the following new paragraph—

"(*dd*) radio-active minerals namely minerals either raw or treated (including residues and tailings) which contain by weight at least 0.05 per cent of uranium or thorium or any combination thereof, including but not limited to—

(*i*) monazite sand and other ores containing thorium, and

(*ii*) carnotite pitchblende and other ores containing uranium ;";

(*d*) by the deletion of the definition of "tributer" and the substitution therefor of the following—

' "tributer" means a person who is employed to win minerals by the holder of a mining right, the grantee of a temporary mining right or temporary mining lease, or the lessee of a mining lease, being a person who may choose his own working place and who receives in return remuneration in accordance with the quality and quantity of the minerals so won paid directly by the person employing him or by his accredited agent ; ' .

Amendment of section 4.

3. Section 4 of the principal Ordinance shall be amended by the insertion after the word "shall" in the second line of the words—

"prospect or".

Replacement of section 5.

4. Section 5 of the principal Ordinance shall be repealed and replaced by the following :—

"Saving as to winning of certain minerals.

5. (1) Nothing in this Ordinance contained shall be deemed to prevent any native of Nigeria from winning, subject to such conditions as may be prescribed, iron ore, salt, soda, potash or galena from lands (other than lands within the area of a mining lease or mining right) from which it has been since before the material date the custom of the members of the community to which he belongs to win the same.

(2) The Governor-General in Council may by Order direct that the provisions of subsection (1) shall apply, within such local limits as may be prescribed by the Order, to any mineral which he is satisfied has since before the material date been customarily won by any native community.

(3) In this section 'the material date' means—

(*a*) in relation to iron ore, salt, soda or potash the 30th day of March, 1916 ;

(*b*) in relation to galena the 3rd day of March, 1927 ;

(*c*) in relation to any mineral in respect of which an Order is made under subsection (2), the date declared in the Order to be the material date."

Amendment of section 8.

5. Section 8 of the principal Ordinance shall be amended—

(*a*) by the deletion of all words from "Any person" in the fourth line of subsection (1) to the end of the subsection and the substitution therefor of the words—

"No person other than the holder of an exclusive prospecting licence (or his agent or agents) prospecting on the area of such licence shall prospect or erect beacons within an area which is closed to prospecting and any person other than the holder of an exclusive prospecting licence (or his agent or agents) prospecting on the area of such licence who shall prospect within an area which is closed to prospecting shall be guilty of an offence."

(*b*) by the insertion after the word "prospect" in the second line of subsection (2) of the following—

"and to erect beacons".

Amendment of section 9.

6. Section 9 of the principal Ordinance shall be amended by the deletion in subsection (1) of the words "which has its head office elsewhere than in Nigeria".

Amendment of section 14.

7. Section 14 of the principal Ordinance shall be amended by the insertion in subsection (1) after paragraph (*j*) of the following new paragraph—

Ordinance 17 of 1953.

"(*k*) land which has within the preceding three months been the subject of a notice under subsection (1) of section 14 of the Antiquities Ordinance, 1953, or which has been declared to be a monument by a notice under subsection (5) of the said section, unless the right, licence or lease was granted or became effective before the date on which the notice aforesaid was given and the holder of the right, licence or lease has given to the Surveyor of Antiquities the notice in writing prescribed by the proviso to subsection (3) of section 14 of the Antiquities Ordinance, 1953, or by subsection (3) of section 19 of the said Ordinance, as the case may be."

Addition of new section 15A.

8. The principal Ordinance shall be amended by the addition after section 15 of the following new section—

"Certificate of analysis required in certain cases.

15A. (1) Whenever mineral is exported solely for the purpose of analysis or experiment or as a scientific specimen the Chief Inspector may require the result of analysis to be forwarded to him and the person exporting such sample shall obtain a certificate of the result of analysis of such sample and shall deliver within six months of the export of such sample a true copy thereof to the Chief Inspector and a further true copy to the Director of Geological Survey.

(2) Any person failing to comply with the provisions of this section shall be guilty of an offence.".

Amendment of section 16.

9. Section 16 of the principal Ordinance shall be amended by the renumbering of subsection (2) as subsection (2) (*a*) and by the addition in such subsection of the following new paragraph—

"(*b*) If the holder of a prospecting right or an exclusive prospecting licence or his agent discovers during the course of prospecting any radio-active mineral or any mineral which may reasonably be expected to be radio-active, he shall forthwith notify such discovery in writing to the Chief Inspector and the Director of Geological Survey."

Amendment of section 17.

10. Section 17 of the principal Ordinance shall be amended by the insertion in subsection (1) after paragraph (*b*) of the words—

"and may in like manner impose any conditions he may consider necessary".

Amendment of section 26.

11. Section 26 of the principal Ordinance shall be amended by the addition at the end thereof of the following new subsection—

"(6) If the lessee of a mining lease, the holder of a mining right or the grantee of a temporary mining lease or mining right granted under the provisions of this Ordinance, or the agent of such lessee holder or grantee, discovers during the course of mining any radio-active mineral or any mineral which may reasonably be expected to be radio-active, he shall forthwith notify such discovery in writing to the Chief Inspector and to the Director of Geological Survey."

Addition of new section 61A.

12. The principal Ordinance shall be amended by the addition after section 61 of the following new section—

"Water rights under earlier laws.

61A. The provisions of sections 54, 56, 58, 59 and 60 shall apply *mutatis mutandis* in respect of water rights granted under the provisions of any repealed Ordinance, enactment or Proclamation."

Replacement of sections 65 to 68.

13. Sections 65 to 68 of the principal Ordinance shall be repealed and replaced by the following—

"Definition of controlled mineral.

65. For the purpose of this Part "controlled mineral" means—

(*a*) the ores of tin, columbium, tantalum, tungsten and zinc;

(*b*) radio-active minerals;

(*c*) uncut diamond;

(*d*) any other mineral which the Governor-General in Council may by notice in the Gazette declare to be a controlled mineral.

Possession of controlled mineral.

66. No person other than a Government servant acting in the execution of his duty shall possess any controlled mineral unless—

(*a*) such mineral has been won from ground held under a mining lease or temporary mining lease of which he is the lessee and which entitled him to mine that mineral, or

(*b*) such mineral has been won from ground held under a mining right or temporary mining right of which he is the holder and which entitled him to mine that mineral or obtained in the course of prospecting under a prospecting right or exclusive prospecting licence of which he is the holder and which entitled him to prospect for that mineral, or

(*c*) he holds a licence issued under section 68 in respect of that mineral, or

(*d*) he is in respect of that mineral within the meaning of the regulations a duly authorised agent or employee of a person permitted by paragraphs (*a*), (*b*) and (*c*) of this section to possess that mineral.

Purchase of controlled minerals.

67. No person shall purchase any controlled mineral unless he holds a licence to purchase it issued under section 68.

Licences.

Form K.

68. (1) The Chief Inspector may on payment of the prescribed fee issue a licence in form K in the First Schedule authorising the person named therein to possess any controlled mineral or to purchase any controlled mineral or to do both.

(2) The Chief Inspector may by endorsement on the licence impose such conditions as he thinks fit.

(3) Subject to the provisions of subsection (5), every such licence shall continue in force for one year from the date on which it is issued.

(4) A licence issued under this section shall not be transferred without the consent of the Chief Inspector.

(5) The Chief Inspector may cancel any licence issued under this section if the holder thereof is convicted of an offence under this Ordinance or the regulations or commits a breach of any of the conditions of the licence."

Insertion of new section 73A.

14. The principal Ordinance shall be amended by the insertion after section 73 of the following new section—

"Compensation where community has been accustomed to win certain minerals.

73A. Where it has since before the material date as defined in section 5 been the custom of the members of any native community to win any of the minerals to which section 5 applies from any lands over which a mining right or mining lease is granted the holder or lessee shall during the continuance of the right or lease pay to the owners an annual sum equivalent to the average annual value to the native community of the mineral won by the community from the lands."

Amendment of section 75.

15. Section 75 of the principal Ordinance shall be amended—

(*a*) by the deletion in the second line of subsection (1) of the words ", except in a congested area,";

(*b*) by the repeal of subsection (2).

Amendment of section 81.

16. Section 81 of the principal Ordinance shall be amended by the repeal of paragraph (*c*) and the substitution therefor of the following—

"(*c*) by order in writing direct that prospecting or mining operations shall be suspended in any area, whether the subject of a mining lease, mining right or exclusive prospecting licence or not, until such arrangements as are in his opinion necessary to prevent danger to life or property have been made ; and".

Amendment of section 88.

17. Section 88 of the principal Ordinance shall be amended—

(*a*) by the deletion in the first line of the figure "(1)" ;

(*b*) by the deletion in the second line of the word "first" ;

(*c*) by the repeal of paragraph (*a*) ; and

(*d*) by the repeal of subsection (2).

Repeal of sections 89 to 94.

18. Sections 89, 90, 91, 92, 93 and 94 of the principal Ordinance shall be repealed.

Amendment of section 100.

19. Section 100 of the principal Ordinance shall be amended—

(*a*) by the renumbering of the section as subsection (1) of section 100 ; and

(*b*) by the addition of the following new subsection—

"(2) Any person who gives false information as aforesaid shall be deemed to have given it recklessly unless he proves that he took reasonable precautions to ensure that it was correct."

Replacement of section 102.

20. Section 102 of the principal Ordinance shall be amended—

(*a*) by the repeal of subsection (1) and the substitution therefor of the following—

"(1) Any person who contravenes any of the provisions of sections 3, 4, 16 (2), 26 (6), 45, 48 (1), 66, 67, 69, 70 or 100 shall on conviction be liable to a fine of one hundred pounds or to imprisonment for twelve months or to both such fine and imprisonment, and in the case of a contravention of sections 3, 4, 66, 67, 69 or 70 shall forfeit all minerals obtained by him or, if such minerals cannot be forfeited, shall pay such sum as the court shall assess as the value of such minerals." ;

(*b*) by the repeal of subsection (3) and the substitution therefor of the following—

"(3) Any person who contravenes any of the provisions of sections 8, 10, 14, 15A, 18, 46, 47, 82, 83, 84 or 99 shall on conviction be liable to a fine of fifty pounds or to imprisonment for six months or to both such fine and imprisonment.".

Insertion of new section 110A.

21. The principal Ordinance shall be amended by the insertion after section 110 of the following new section—

"Provisions as to revocation of title after a conviction.

110A. Where a prospecting right, exclusive prospecting licence, mining right, mining lease or water licence has become liable to be revoked under the provisions of section 106 or of paragraph (*a*) of section 107 by reason of the

conviction of the holder or lessee, or of any attorney, partner, agent or employee of the holder or lessee, the Governor-General—

(*a*) shall not revoke the right, licence or lease until the time limit for giving notice of any appeal against the conviction has elapsed, or until any appeal brought against the conviction has been dismissed ;

(*b*) may, if notice is given of an appeal against the conviction, direct that no prospecting or mining operations except such operations as are necessary to prevent danger to men or animals or injury to property shall be carried on by virtue of the right, licence or lease until the appeal has been determined ;

(*c*) may revoke the right, licence or lease at any time within six months following the date of the conviction or of the determination or withdrawal of any appeal against the conviction, whichever is the latest, but not thereafter."

Replacement of section 119.

22. Section 119 of the principal Ordinance shall be repealed and replaced by the following—

"Prohibition of employment of tributers.

119. It shall be lawful for the Chief Inspector, whenever in his opinion it may be necessary in order to secure safe or economic mining on the area covered by any mining lease, mining right or temporary title, to prohibit the lessee, holder or grantee of such lease, right or title from employing tributers to mine such area, and the employment of tributers to mine underground is at all time prohibited save with the prior permission in writing of the Chief Inspector."

Miscellaneous amendments. Schedule.

23. The provisions of the principal Ordinance set out in the first column of the Schedule shall be amended in the manner set out in the second column of the said Schedule.

Repeal of Chapter 190.

24. The Radio-Active Minerals (Atomic Energy) Ordinance shall be repealed.

SCHEDULE (Sec. 23)

Section	*Amendment*
15 proviso	*for* "no royalty shall be payable on any mineral certified by the Chief Inspector as" *substitute* "the Chief Inspector may reduce or waive royalty on any mineral which he is satisfied is" ;
69, 70 and 71.	*before* "minerals" wherever the word occurs *insert* "controlled" ;
75 (4)	*for* "owner or occupier" in both places where those words occur *substitute* "person entitled thereto" ;
77	*for* "owner or occupier of the land included with such licence right or lease" *substitute* "person entitled thereto" ;

SCHEDULE—*continued*

Section	*Amendment*
104	*after* "Ordinance" where it first occurs *insert* "or the regulations" ;
106	*after* "Ordinance" where it first occurs *insert* "or the regulations" ;
	after "Ordinance" where it last occurs *insert* "or commits a breach of any condition of his prospecting right" ;
107 (*a*)	*after* "Ordinance" where it first occurs *insert* "or the regulations" ;
107 (*b*)	*after* "Ordinance" wherever it occurs *insert* "or the regulations" ;
	after "lease" where it first occurs *insert* "or of any order or notice issued or given under the provisions of this Ordinance or the regulations" ;
120 (2)	*after* paragraph (*vii*) *insert* "(*vii*) (*a*) the registration of tributers".
First Schedule Form K	in the Heading for "purchase" *substitute* "possess (or purchase)", and in the third line of the form for "purchase" *substitute* "possess (*or* purchase)".

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

Assented to in Her Majesty's name this 21st day of April, 1956. A 47

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 14 **1956**

Federation of Nigeria

IN THE FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.V.O., K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO AMEND THE WORKMEN'S COMPENSATION ORDINANCE (CHAPTER 234).

[*3rd May, 1956.*]

Date of commencement.

Enactment.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows—

Short title.

1. This Ordinance may be cited as the Workmen's Compensation (Amendment) Ordinance, 1956.

Amendment of section 2 of the principal Ordinance Cap. 234.

2. Section 2 of the Workmen's Compensation Ordinance (hereinafter referred to as the principal Ordinance) shall be amended—

(*a*) by the insertion in the fifth line of subsection (1) after the words "contract of service", of the following—

"(which expression shall be deemed to include service as a tributer)"; and

(*b*) by the deletion in the same subsection of paragraph (*d*).

Amendment of section 3.

3. Section 3 of the principal Ordinance shall be amended by the repeal in subsection (1) of the definition of "tributer" and the substitution therefor of the following—

" 'tributer' bears the meaning assigned thereto by section 2 of the Minerals Ordinance (Cap. 134),".

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

Assented to in Her Majesty's name this 21st day of April, 1956. A 49

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 15 1956

Federation of Nigeria

IN THE FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.V.O., K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE FURTHER TO AMEND THE MERCHANDISE MARKS ORDINANCE. Title.

[*By Notice, see Section 1*] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows:— Enactment.

1. This Ordinance may be cited as the Merchandise Marks (Amendment) Ordinance, 1956, and shall come into operation on a day to be appointed by the Governor-General by notice in the Gazette. Short title and commencement.

Amendment of section 2 of Cap. 131.

2. Section 2 of the Merchandise Marks Ordinance (hereinafter referred to as the principal Ordinance) shall be amended as follows—

(*a*) in the definition of "false trade description" there shall be inserted the words "or misleading" after the word "false" where it occurs in the second and fifth lines thereof ;

(*b*) immediately after paragraph (*a*) in the definition of "trade description" there shall be inserted the following new paragraphs—

"(*aa*) as to the standard of quality of any goods, according to a classification commonly used or recognised in the trade ; or

(*ab*) as to the fitness for purpose, strength, performance or behaviour of any goods ; or" ;

(*c*) by the insertion of the following subsections after subsection (3)—

"(4) Without prejudice to the generality of the definitions of "false trade description" and "trade description" as defined in this section, a trade description (to whichever of the matters mentioned in the definition of "trade description" it relates) shall be deemed for the purposes of this Ordinance to be a false trade description if it is calculated to be misunderstood as, or mistaken for, an indication as to the same or some other such matter which would be false or misleading in a material respect as regards the goods to which the description is applied and anything calculated to be misunderstood as, or mistaken for, an indication of any of those matters shall be deemed for those purposes to be a trade description.

(5) Notwithstanding anything in the definition of "false trade description" no trade mark within the meaning of the Trade Marks Ordinance, or part of such trade mark, shall by virtue of subsection (4), or paragraph (*aa*) or paragraph (*ab*) in the definition of "trade description", be treated as a false trade description in relation to any goods to which the trade mark is applied, if the following conditions are satisfied, that is to say—

Cap. 217.

Cap. 217.

(*a*) on the date the Merchandise Marks (Amendment) Ordinance, 1956, came into operation the trade mark either is registered under the Trade Marks Ordinance, or is in use to indicate a connection in the course of trade between those goods and the proprietor of the trade mark ; and

(*b*) the trade mark as applied is used to indicate a connection in the course of trade between the goods and the person who is the proprietor of the trade mark ; and

(*c*) the person who is the proprietor of the trade mark is the same person as, or a successor in title of, the proprietor on the date the Merchandise Marks (Amendment) Ordinance, 1956, came into operation.

(6) Nothing contained in subsection (4), or in paragraph (*aa*) or paragraph (*ab*) in the definition of "trade description", nor the use of the word "misleading" in the definition of "false trade description" shall extend the classes of goods which under section 14 are prohibited to be imported into Nigeria as having a false trade description applied to them.".

Amendment of section 3 of Cap. 131.

3. For subsection (2) of section 3 of the principal Ordinance there shall be substituted the following subsection—

"Selling goods to which false trade marks or descriptions applied.

(2) Every person who sells, or exposes for, or has in his possession for, sale, or any purpose of trade or manufacture, any goods or things to which any forged trade mark or false trade description is applied, or to which any trade mark or mark so nearly resembling a trade mark as to be calculated to deceive is falsely applied, as the case may be, shall, unless he proves either—

(*a*) that, having taken all reasonable precautions against committing an offence against this Ordinance, he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the trade mark, mark or trade description, and that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things ; or

(*b*) that otherwise he had acted innocently ;

be guilty of an offence against this Ordinance."

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

Assented to in Her Majesty's name this 21st day of April, 1956. A 53

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 16 1956

Federation of Nigeria

IN THE FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.V.O., K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO AUTHORISE THE APPLICATION OF CERTAIN MONIES DERIVED FROM A PROVIDENT FUND TOWARDS THE RELIEF OF CERTAIN RETIRED AND OTHER RAILWAY SERVANTS AND THEIR FAMILIES AND THE EDUCATION OF CHILDREN OF RAILWAY SERVANTS, AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID. Title.

[*By Notice, see Section 1*] Date of commencement.

WHEREAS there exists within the Non-Pensionable Railway Servants' Provident Fund established by the Railway Servants' Provident Fund Regulations made under the Provident Funds Ordinance a reserve which has accumulated over a period of time from the undistributed interest on the investments held on behalf of the said Provident Fund and from the capital appreciation of such investments: Preamble. Cap. 181.

AND WHEREAS the purpose of the creation and maintenance of the said reserve was that there should be maintained over as long a period of years as possible the due payment of the approved rate of interest of four pounds *per centum per annum* on compulsory deposits and on bonuses on such compulsory deposits in accordance with the provisions of the said Regulations:

AND WHEREAS since the enactment of the Government and Railway Servants (Withdrawal from Provident Funds) Ordinance and the Nigerian Government Railway Pensionable Offices (Return of Contributions—Amendment) Ordinance, 1945, the number of depositors and the corresponding value of the deposits remaining in the said Provident Fund have been greatly reduced and accordingly the calls on the said reserve have become merely nominal:

Cap. 83.

No. 28 of 1945.

AND WHEREAS it is expedient that the interest which shall hereafter arise from the investments representing the reserve, together with a Reserve Fund to be established from the said reserve, should be applied in the manner hereafter appearing:

Enactment.

NOW THEREFORE BE IT ENACTED by the Legislature of the Federation of Nigeria as follows:—

Short title and commencement.

1. This Ordinance may be cited as the Non-Pensionable Railway Servants' Provident Fund Reserve (Application) Ordinance, 1956, and shall come into operation on a day to be appointed by the Governor-General by notice in the Gazette.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

"income of the Reserve Fund" means the income arising from the Reserve Fund at any time after the commencement of this Ordinance from the reserve mentioned in the definition of "Reserve Fund" in this section contained;

"Nigerian Railway Corporation" means the corporation established under the Nigerian Railway Corporation Ordinance, 1955;

Ordinance 20 of 1955.

"Reserve Fund" means the balance of the capital monies of the reserve (and the investments for the time being representing the same) which have accumulated from the undistributed interest on the investments held on behalf of the Non-Pensionable Railway Servants' Provident Fund established under the Provident Funds Ordinance and from the capital appreciation of such last-mentioned investments, after deduction of such sum as may be required by regulations made under section 9 to be set aside for the purpose specified in paragraph (*d*) of that section;

Cap. 181.

"trustees" means the trustees of the Reserve Fund appointed by or under this Ordinance.

Trustees of the Reserve Fund.

3. (1) The Reserve Fund shall be administered by the trustees thereof.

(2) The trustees of the Reserve Fund shall be—

(*a*) the Public Trustee, who shall be custodian trustee of the Reserve Fund;

(*b*) not more than twelve or less than six trustees appointed by the Governor-General in Council, who shall be managing trustees and shall be persons recommended to the Governor-General by such trade unions or other associations representing the interests of present or former railway servants as may be prescribed.

(3) The managing trustees may act by a majority of those present at any meeting of the managing trustees at which a quorum is present.

(4) The procedure of the trustees shall, subject to the provisions of this Ordinance, be such as the trustees may determine, and the quorum for any meeting shall be five.

(5) A direction of the managing trustees shall continue in force until revoked by a subsequent direction of the managing trustees, notwithstanding any changes in the persons who are managing trustees and notwithstanding that, for any reason, there are no managing trustees or fewer than six managing trustees.

(6) The provisions set out in the Schedule to this Ordinance (being certain provisions of subsection (2) of section 8 of the Public Trustee Ordinance, as modified for the purposes of this Ordinance) shall have effect with respect to the functions of the custodian trustee and the managing trustees respectively. Schedule. Cap. 187.

Purposes to which Reserve Fund and income may be applied.

4. (1) The trustees may apply the income of the Reserve Fund, and so much of the Reserve Fund as the Governor-General in Council may from time to time direct, to any or all of the following purposes—

(*a*) to provide relief by way of periodical or other compassionate allowances in deserving cases amongst the following persons and their families, that is to say, persons who, whether before or after the commencement of this Ordinance, have retired from the service of the Nigerian Government Railway or the Nigerian Railway Corporation, and—

(*i*) at the date of their retirement were depositors in the 1941 Provident Fund; or

(*ii*) at the date of their retirement were depositors in the 1944 Provident Fund; or

(*iii*) whose deposits in the 1941 Provident Fund were paid out to them, before their retirement, under the provisions of paragraph (*b*) of section 8 of the Nigerian Government Railway Pensionable Offices Ordinance; Cap. 158.

(*b*) the education of the orphan or other children of servants of the Nigerian Government Railway or the Nigerian Railway Corporation;

(*c*) to provide by way of periodical or other compassionate allowances for the relief of hardship among servants of the Nigerian Railway Corporation or their families where such hardship is caused by the sickness, injury or death of the servant of the Corporation.

Provided that a servant of the Nigerian Government Railway or the Nigerian Railway Corporation or his family shall not be debarred from continuing to receive assistance under paragraph (*b*) or (*c*) of this

subsection by reason of his leaving the service of the Government Railway or the Corporation unless he shall have been dismissed for misconduct.

(2) For the purposes of this section the family of a person shall be deemed to comprise his mother, father, children and wife and, in the case of a person who is a member of a community which practises polygamy, any wife or wives to whom he is married according to the custom of that community, but no other person.

(3) In this section—

"the 1941 Provident Fund" means the Non-Pensionable Railway Servants' Provident Fund established by the Railway Servants' Provident Fund Ordinance, 1941 ;

Ordinance 15 of 1941.

"the 1944 Provident Fund" means the Non-Pensionable Railway Servants' Provident Fund established by the Railway Servants' Provident Fund Regulations made under the Provident Funds Ordinance.

Cap. 181.

Appointment of person to attend meetings of trustees.

5. (1) The Governor-General may appoint a person who is an officer in the public service of the Federation or a member, officer or servant of the Nigerian Railway Corporation to attend meetings of the managing trustees.

(2) It shall be the duty of the managing trustees to notify, in such manner as may be prescribed, the person appointed under subsection (1) of every meeting to be held by the managing trustees.

(3) It shall be the duty of the person appointed under subsection (1)—

(*a*) to attend meetings of the managing trustees ;

(*b*) if so requested by the managing trustees, to offer them advice on any matter relating to the discharge of their functions ;

(*c*) to report to the Governor-General upon any matter in respect of which the managing trustees are not, in his opinion, discharging their functions in a satisfactory manner.

Duties of the trustees.

6. (1) It shall be the duty of the trustees—

(*a*) (*i*) to meet at intervals of not more than four months at times and places to be announced beforehand ;

(*ii*) to receive applications for relief or educational assistance, and to consider each such application on its merits, making such inquiries thereinto as they think fit ;

(*iii*) to assess the amounts which, having regard to the financial circumstances of the persons to or in respect of whom the payments are to be made and to the resources available to and the commitments undertaken by the trustees, they consider proper to be paid in each particular case, and to cause payments to be made accordingly ;

(*b*) to record minutes of their meetings and to keep such other records as may be prescribed ;

(*c*) to keep full and accurate accounts of receipts and payments.

(2) The minutes, records and accounts kept by the trustees shall be subject to inspection and audit by the Audit Department of the Government of the Federation and to inspection by the Governor-General in Council or any person authorised in that behalf by the Governor-General in Council.

Custodian trustee's fees. Cap. 187.

7. The custodian trustee may charge such fees as may be prescribed or, until fees are prescribed for that purpose, such fees as he is authorised to charge under the Public Trustee Ordinance.

Expenses of management.

8. The trustees may employ such officers and servants, if any, as they think necessary in connection with the management of the Reserve Fund, and the expenses of the management of the Reserve Fund, including the fees of the custodian trustee and the remuneration of any such officers and servants as aforesaid, shall be defrayed out of the income of the Reserve Fund :

Provided that the total expenditure which the trustees may incur in any year or part thereof shall not exceed such limit as may be prescribed in relation to that year or part thereof.

Regulations.

9. The Governor-General in Council may make regulations for prescribing anything which is required or authorised by this Ordinance to be prescribed and generally for putting into effect the purposes and provisions of this Ordinance, and without prejudice to the generality of the foregoing power may make regulations with respect to any of the following matters—

(*a*) the duties of the trustees other than those prescribed by this Ordinance ;

(*b*) the proportion of the income of the Reserve Fund which shall be applied towards relief by way of compassionate allowances under paragraph (*a*) of subsection (1) of section 4 and the proportion which shall be applied for the education of children under paragraph (*b*) of that subsection ;

(*c*) the manner in which accounts, minutes, case histories and other records shall be kept by the trustees ;

(*d*) the sum to be set aside from the reserve mentioned in the definition of the "Reserve Fund" in section 2 for the purpose of maintaining the payment of interest under the provisions of the Railway Servants' Provident Fund Regulations on the deposits and bonuses of those depositors in the fund to which those regulations relate who remain at the commencement of this Ordinance.

Vol. IX p. 377.

SCHEDULE

CERTAIN PROVISIONS OF SUBSECTION (2) OF SECTION 8 OF THE PUBLIC TRUSTEE ORDINANCE, AS MODIFIED FOR THE PURPOSES OF THIS ORDINANCE

Section 3 (6).

1. All sums payable to or out of the Reserve Fund or the income of the Reserve Fund shall be payable to or by the custodian trustee, and the assets of the Reserve Fund shall be vested in him as if he were sole trustee.

2. The management of the Reserve Fund and the exercise of any power or discretion exercisable in relation thereto shall be vested in the managing trustees.

3. As between the custodian trustee and the managing trustees, the custodian trustee shall have the custody of all securities and documents of title relating to the property of the Reserve Fund, but the managing trustees shall have free access thereto and be entitled to take copies thereof or extracts therefrom.

4. The custodian trustee shall concur in and perform all acts necessary to enable the trustees to exercise their powers of management or any other power or discretion vested in them, unless the matter in which he is requested to concur is a breach of trust or involves a personal liability upon him in respect of calls or otherwise, but unless he so concurs the custodian trustee shall not be liable for any act or default on the part of the managing trustees or any of them.

5. The custodian trustee, if he acts in good faith, shall not be liable for accepting as correct or acting upon the faith of any statement of the managing trustees as to any matter of fact, nor for acting upon any legal advice obtained by the managing trustees independently of the custodian trustee, nor for acting in accordance with any directions given to him in writing and purporting to be signed by or on behalf of the managing trustees.

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

INDUSTRIAL LOANS (LAGOS AND FEDERATION) ORDINANCE, 1956

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Establishment of Federal Loans Board.
4. Membership and proceedings of Board.
5. Appointment of secretary.
6. Appointment of and terms of service of other staff.
7. Funds and resources.
8. Transfer of relevant assets of Colony Development Board.
9. Power of Board to make loans.
10. Limitation on yearly expenditure.
11. Applications to be investigated by Director of Commerce and Industries.
12. Interest and security.
13. Charge on property and priority of loans.
14. Examination as to application of loan.
15. Order of Board upon such examination.
16. Misapplication of loan.
17. Offences by applicants.
18. Corruption in connection with loans.
19. Power to invest.
20. Power to acquire, hold and dispose of property.
21. Power to contract.
22. Service of notices.
23. Exemption from stamp duties and fees.
24. Fees of court.
25. Expenditure on incidental matters.
26. Accounts and audit.
27. Bad debts.
28. Annual report.
29. Powers of Minister.
30. Control of Board funds on dissolution.
31. Payments may be directed into general revenue.

SCHEDULE

Constitution and Proceedings of the Board.

Assented to in Her Majesty's name this 21st day of April, 1956. **A 61**

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 17 **1956**

Federation of Nigeria

IN THE FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.V.O., K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT AND FUNCTIONS OF A FEDERAL LOANS BOARD, TO PROMOTE INDUSTRIAL DEVELOPMENT IN AND AROUND LAGOS, AND IN RESPECT OF PROJECTS OF A MAJOR NATURE TO PROMOTE INDUSTRIAL DEVELOPMENT THROUGHOUT THE FEDERATION, AND FOR PURPOSES CONNECTED THEREWITH.

[*3rd May, 1956.*] Commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :— Enactment.

1. This Ordinance may be cited as the Industrial Loans (Lagos and Federation) Ordinance, 1956. Short title.

2. In this Ordinance unless the context otherwise requires— Interpretation.

"Minister" means the Minister charged under section 98 of the Nigeria (Constitution) Order in Council, 1954, with responsibility for industrial development. L.N. 102 of 1954.

Establishment of Federal Loans Board.

3. (1) So soon as may be after the commencement of this Ordinance there shall be established a board to be called the Federal Loans Board (hereinafter referred to as the Board).

(2) The Board shall be a body corporate and shall have perpetual succession and a common seal, and may sue and be sued in its own name.

Membership and proceedings of Board.

4. (1) The members of the Board shall be appointed by the Minister and shall consist of a Chairman and not more than ten other members of whom—

(*a*) two members shall be officers in the public service of the Federation ;

(*b*) one shall be appointed with the consent of the Lagos Executive Development Board and shall be an officer of that Board engaged under section 6 of the Lagos Town Planning Ordinance ;

Cap. 103.

(*c*) one shall be a representative of the Lagos Chamber of Commerce selected by the Minister from a panel submitted by that Chamber ;

(*d*) one shall be a representative of the Lagos Town Council selected by the Minister from a panel submitted by that Council ;

(*e*) the remainder shall be persons who are not officers in the public service of the Federation.

(2) No person who is an officer in the public service of the Federation or of a Region shall be appointed to the Board without the consent of the Governor-General or of the Governor of that Region respectively.

(3) The Board shall pay to its members such remuneration, fees and allowances for expenses as the Minister may authorise: Provided that no such remuneration, fees or allowances other than such allowances as may be expressly authorised by the Governor-General in Council shall be paid under this subsection to any person who holds an office of profit under the Crown.

Schedule.

(4) The provisions contained in the Schedule shall have effect with respect to the constitution and proceedings of the Board and otherwise in relation thereto.

Appointment of secretary.

5. The Minister shall appoint a secretary to the Board: Provided that no officer in the public service of the Federation or of a Region shall be appointed to be secretary except with the consent of the Governor-General or of the Governor of that Region respectively.

Appointment of and terms of service of other staff.

6. The Board may, with the approval of the Minister—

(*a*) from time to time, upon such salaries, terms and conditions as it may think fit, appoint such officers and employees as may be necessary for the proper and efficient conduct of its operations ;

(*b*) by rules make provision for pensions, gratuities or retiring allowances to any officer or employee, and may require officers and employees to contribute to any pensions fund, provident fund or contributory scheme.

Funds and resources.

7. The funds and resources of the Board shall consist of—

(*a*) such moneys as may be appropriated from time to time to the Board by any vote or resolution of the House of Representatives ;

(*b*) all moneys and other assets vested in the Board pursuant to the provisions of section 8 ;

(*c*) all investments or other property acquired by or vested in the Board, and all moneys earned or arising therefrom ;

(*d*) all moneys from time to time received by or falling due to the Board in respect of the repayment of any loan made by the Board or by the Colony Development Board referred to in section 8, or the interest payable in respect of any such loan ;

(*e*) all other moneys or other property which may in any manner become payable to or vested in the Board in respect of any matter incidental to its powers and duties.

Transfer of relevant assets of Colony Development Board.

8. (1) In this section—

"appointed day" means a date to be appointed for the purpose of this section by the Governor-General by notification in the Gazette ;

Ordinance 14 of 1949.

"Colony Development Board" means the Colony Development Board established by section 3 of the Regional Development Boards Ordinance, 1949 ;

"transfer schedule" has the meaning assigned to it by subsection (2).

(2) It shall be lawful for the Governor-General in Council, after consultation with the Government of the Western Region, to cause to be prepared a schedule of the assets of the Colony Development Board which in his opinion relate, or which in his opinion can more conveniently be related, to the area of the Federal Territory of Lagos, as distinct from the area of the Colony excluding such Federal Territory, and to cause the schedule to be authenticated under the hand of the Secretary to the Council of Ministers and deposited with the secretary of the Board. Such schedule shall be known as the transfer schedule, and shall be made available by the secretary of the Board for inspection upon the request of any person considered by him to have any right in or any claim against or in respect of any asset included in such schedule.

(3) With effect from the appointed day all the assets included in the transfer schedule shall vest in the Board by virtue of this section and without further assurance, and the Board shall in respect of such assets have all the rights and be subject to all the liabilities which the Colony Development Board had or to which the Colony Development Board was subject immediately before the appointed day.

(4) Every agreement relating to assets included in the transfer schedule to which the Colony Development Board was a party shall have effect as from the appointed day as if the Board had been a party to the agreement and as if for any reference to the Colony Development Board there were substituted a reference to the Board in respect of anything falling to be done on or after the appointed day.

(5) Where by operation of any of the foregoing provisions of this section any right or liability becomes a right or liability of the Board, the Board and all other persons shall as from the appointed day have the same rights, powers and remedies (and in particular the same rights and powers as to the taking or resisting of legal proceedings) for ascertaining, perfecting or enforcing that right or liability as they would have had if it had at all times been a right or liability of the Board, and any legal proceedings pending on the appointed day by or against the Colony Development Board shall be continued by or against the Board.

Power of Board to make loans.

9. (1) The Board may make loans to any persons for projects designed to further the industrial development of the Federal territory of Lagos or its environs or the industrial development of the Federation of Nigeria : Provided that—

(*a*) a loan in excess of three thousand pounds shall require the approval of the Minister ;

(*b*) a loan of less than thirty thousand pounds shall be made only for a project of which the principal place of operation is intended to be in the Federal territory of Lagos, or within ten miles of its boundaries ;

(*c*) a loan of thirty thousand pounds or more shall require the approval of the Governor-General in Council ; and

(*d*) no loan in excess of fifty thousand pounds shall be made.

(2) The Board, with the approval of the Minister (which approval may be given generally or in relation to a particular loan), either in lieu of a loan or as part of a loan may make purchases of plant, equipment or materials or acquire land or erect buildings or carry out any other works on behalf of the applicant for a loan, and in respect of the cost thereof subsection (1) of this section and the remaining provisions of this Ordinance shall apply as fully as though such cost were a loan, or (as the case may be) part of a loan, to the applicant.

Limitation on yearly expenditure on smaller loans.

10. Loans made by the Board of amounts not exceeding three thousand pounds shall not, except with the approval of the Minister, exceed a total of twenty thousand pounds in any one financial year.

Applications to be investigated by Director of Commerce and Industries.

11. Before considering any application for a loan the Board shall refer the application to the Director of Commerce and Industries, who shall thereupon cause the application to be fully investigated, and shall furnish the Board with full particulars of the result of the investigation.

Interest and security.

12. (1) When making a loan the Board may charge such rate of interest as it may deem fit in any particular case, and may require and accept such security for the loan as it may think fit, or, with the approval of the Minister, may make the loan without requiring any security.

(2) In relation to any loan made by it the Board shall have power to accept payment of the whole or any part of the principal and interest of the loan before the time when such payment is due, upon such terms and conditions as the Board may deem fit, and shall have power, with the approval in each case of the Minister—

(*a*) to postpone upon such terms and conditions as the Board may deem fit the payment of any sum due for principal or interest for any time not exceeding five years ;

(*b*) to extend from time to time the period for the repayment of any loan, or compound or release any loan or any part thereof upon such terms and conditions as the Board may deem fit ;

(*c*) to reduce the rate of interest payable in respect of any loan.

(3) Where any property mortgaged as security for a loan is sold for the purpose of the enforcement of the security, the Board may buy such property and may either manage and hold such property or sell or otherwise dispose of it as the Board may think fit.

Charge on property and priority of loans.

13. Where a loan is made by the Board on the security of a mortgage of any property, whether with or without any other security, the property shall from and after the date of the mortgage be charged with the payment of such loan and interest as in the mortgage mentioned, in priority, save so far as is otherwise specified in the mortgage, over every other debt, mortgage or charge whatsoever affecting the property, except any loan due to any creditor not assenting to such priority which has been made in good faith before the loan made by the Board and which has been secured by a duly registered mortgage of the property executed to a person who is entitled as a *bona fide* creditor to the repayment thereof with interest : Provided that if there is more than one such creditor and not less than four-fifths in value of such creditors consent in writing that the said charge shall have priority over the loans and mortgages of all such creditors, than the loans and mortgages of all such creditors, as well those who have not agreed as those who have agreed, shall be postponed to the loan made by the Board and to the security for the same.

Examination as to application of loan.

14. (1) When the Board has made a loan of money, the Board may from time to time make or cause to be made such examination as may be necessary to ensure that the loan is being or has been applied to the purposes for which it was made.

(2) The Board may appoint any of its officers, or any other person authorised in writing by the Board, to make such examination, and the person who received the loan shall produce to such officer or person all the relevant books, documents and other matters and things necessary for the purposes of the examination.

Order of Board upon such examination.

15. Where, upon any examination made under the provisions of section 14, it appears to the Board that any sum being the whole or any part of the loan made by the Board, has not been applied for the purposes

for which the loan was made, the Board may order that such sum be repaid to the Board within the time mentioned in the order, and any sum so ordered to be repaid to the Board shall thereupon become a debt due to the Board.

Misapplication of loan.

16. If in the opinion of the Board a loan made under the provisions of this Ordinance has been misapplied, the Board may, in addition to or in lieu of any other proceedings, where such loan has been secured by mortgage or otherwise, by notice in writing addressed to the borrower recall the said loan or any part thereof, and may require the loan or that part to be repaid on the date specified in the notice, and any security given for the purpose of the loan may be realised accordingly.

Offences by applicants.

17. If any applicant for a loan under this Ordinance—

(*a*) knowingly makes to the Board any statement which is false in a material particular ; or

(*b*) with intent to defraud fails to disclose to the Board any material information within his knowledge ;

he shall be guilty of an offence and shall be liable to imprisonment for one year or to a fine of one hundred pounds, or to both such imprisonment and such fine.

Corruption in connection with loans.

18. (1) If any member or servant of the Board corruptly accepts or agrees to accept or obtains from any person any property or benefit of any kind for himself or for any other person in respect of or in connection with a loan or an application therefor under this Ordinance, he shall be guilty of an offence and shall be liable on conviction to imprisonment for two years or to a fine of five hundred pounds, or to both such imprisonment and such fine.

(2) If any person corruptly gives or promises or offers to give any property or benefit of any kind to a member or servant of the Board in respect of or in connection with any loan under this Ordinance or any application therefor he shall be guilty of an offence and liable on conviction to imprisonment for two years or to a fine of five hundred pounds, or to both such imprisonment and such fine.

Power to invest.

19. The Board may from time to time invest moneys standing to its credit—

(*a*) in securities approved either generally or specifically by the Minister ; or

(*b*) in any scheme or project approved by the Minister as suitable for the investment of the Board's moneys,

and may from time to time vary such investments.

Power to acquire, hold and dispose of property.

20. The Board may with the approval of the Minister purchase, lease, hold, manage and dispose of any property or any right or interest in property whatsoever, whether real or personal and whether by way of investment or otherwise.

Power to contract.

21. (1) The Board may enter into such contracts as may be necessary or expedient for the carrying out of its functions under this Ordinance.

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

(3) Any document purporting to be a document duly executed or issued under the seal of the Board or on behalf of the Board shall, unless the contrary is proved, be deemed to be a document so executed or issued, as the case may be.

Service of notices.

22. Service upon the Board of any notice, order or other document may be effected by delivering the same to, or by sending it by registered post addressed to, the secretary of the Board.

Exemption from stamp duties and fees. Cap. 108.

23. Stamp duties, and registration fees under the provisions of the Land Registration Ordinance, shall not be payable in the Federal Territory of Lagos in respect of a mortgage or other document securing a loan made by the Board or a document discharging any such mortgage or security.

Fees of court.

24. In any proceedings in a court for the recovery of a debt due to the Board the same fees of court (if any) shall be payable by the Board as if the debt were due to the Government of the Federation.

Expenditure on incidental matters.

25. The Board, with the approval of the Minister (which approval may be given generally or in relation to any particular matter) may from its funds and resources make payment for any expense, cost or expenditure properly incurred or accepted by the Board in pursuance of its purposes under the provisions of this Ordinance.

Accounts and audit.

26. (1) The Board shall keep accounts of its transactions to the satisfaction of the Minister and the accounts for each financial year shall be audited by a qualified accountant approved by the Minister.

(2) The financial year of the Board shall be such as the Board may decide. In the absence of a decision of the Board to the contrary it shall be the period of twelve months terminating on the 31st day of March in each year, and the period from the commencement of this Ordinance to the 31st day of March, 1957, shall be deemed to be the first financial year.

Bad debts.

27. The Board may, with the approval of the Governor-General in Council, write off bad debts.

Annual report.

28. (1) The Board shall within six months after the end of each financial year submit to the Minister a report in respect of the previous financial year containing—

(*a*) an account of its transactions throughout such year with such particulars thereof as the Minister may direct ; and

(*b*) a statement of the accounts of the Board duly audited in accordance with the provisions of section 26.

(2) A copy of the report, together with a copy of the report of the auditor, shall be printed and laid before the House of Representatives.

Powers of Minister.

29. (1) The Minister may, after consultation with the Board, give it directions of a general character as to the exercise and performance of its functions under this Ordinance.

(2) The Board shall furnish the Minister with such information and returns relating to the activities or proposed activities of the Board as the Minister may from time to time require.

Control of Board funds on dissolution.

30. Where the Board ceases for any reason to exercise its functions under this Ordinance, whether by reason of the repeal of this Ordinance or otherwise, the funds of the Board shall be disposed of in such manner as the House of Representatives may by resolution direct.

Payments may be directed into general revenue.

31. From time to time the Governor-General in Council may direct that the Board shall pay all or any part of its revenue or funds into the general revenue or other funds of the Federation, and thereupon the Board shall forthwith pay such sum into the general revenue or other funds of the Federation, as the case may be, and the Board shall lose all right, title and interest in such sum, which shall thereupon form part of the general revenue or other funds of the Federation.

SCHEDULE

Constitution and Proceedings of the Board

Term of office of Chairman and members.

1. (1) The Chairman of the Board shall, subject to the other provisions of the Schedule, hold office for five years from the date of his appointment.

(2) The members of the Board, other than the Chairman, shall, subject to the other provisions of this Schedule, hold office for such period not exceeding three years as may be determined by the Minister at the time of their respective appointments.

(3) The Chairman and other members shall be eligible for re-appointment at the conclusion of their respective terms of office.

Resignation.

2. A member of the Board, other than a person who is a public officer, may at any time resign by sending his resignation in writing to the Minister.

Vacation of office.

3. (1) The Governor-General in Council may at any time terminate the appointment of a member of the Board.

(2) If the Minister is satisfied that a member of the Board, other than a person who is a public officer—

(*a*) has been absent from two consecutive meetings of the Board without the permission of the Chairman, or

(*b*) has made an arrangement with his creditors ; or

(*c*) is incapacitated by physical or mental illness ; or

(*d*) is otherwise unable or unfit to discharge the functions of a member,

the Minister may declare the office of such member to be vacant and shall notify the declaration in such manner as the Minister thinks fit, and upon such notification being made the office shall become vacant.

4. The validity of any act or proceedings of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any member or by reason that some person who was not entitled to do so took part therein. Validity of proceedings.

5. Where the Chairman or other member of the Board is temporarily incapacitated by illness or temporarily absent from Nigeria, the Minister may appoint any person to hold temporarily the office held by such incapacitated or absent member during the period of such incapacity or absence, and all the powers and duties of the Chairman or member, as the case may be, under the Ordinance shall devolve upon the person so temporarily appointed. Temporary membership.

6. Where upon any special occasion the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt such person to be a member for such meeting or meetings as may be required, and such person whilst so co-opted shall have all the rights and privileges of a member save that he shall not be entitled to vote on any question. Co-opting members.

7. (1) The Board may examine any person willing to be examined on any matters connected with the execution of this Ordinance, and may for that purpose or otherwise for the purpose of the execution of the Ordinance administer an oath and take evidence by affidavit or declaration. Power to examine on oath.

(2) Any person who, when examined by the Board under the provisions of the Ordinance, wilfully gives false evidence, or who, for the purpose of obtaining a loan from the Board wilfully gives information to the Board which is false in a material particular, shall be guilty of an offence, and may be tried and punished in the same manner as if he had given false evidence in a judicial proceeding.

8. The Chairman or other member presiding and four other members shall form a quorum at any meeting of the Board. Quorum.

9. Subject as aforesaid, the Board may make standing orders— Standing orders.

(*a*) for the proceedings of the Board, the manner of transaction of its business and the method of voting and for the appointment of and transaction of business by committees of the Board ;

(*b*) for the appointment of a person to preside at any meeting whereat neither the Chairman nor a person duly appointed as temporary Chairman is present ;

(*c*) for the custody and use of the common seal and, subject to the provisions of section 21, the manner in which documents, cheques and instruments of any description shall be signed on behalf of the Board.

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

Assented to in Her Majesty's name this 21st day of April, 1956. A 71

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 18 1956

Federation of Nigeria

IN THE FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.V.O., K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE FURTHER TO AMEND THE IMMIGRATION ORDINANCE. Title.

[*By Notice, see Section 1*] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :— Enactment.

1. This Ordinance may be cited as the Immigration (Amendment) Ordinance, 1956, and shall come into force on a date to be fixed by the Governor-General by notice in the Gazette. Short title and commencement.

2. (1) Section 2 of the Immigration Ordinance (hereinafter referred to as the principal Ordinance) is hereby amended— Amendment of section 2 of Cap. 89.

(*a*) by the insertion after the words "section 11" in the definition of "prohibited immigrant" in subsection (1) of the words "and includes a person whose entry into Nigeria has been prohibited under the provisions of section 12";

(*b*) by the repeal of subsection (2) and the deletion of the figure and brackets "(1)" at the beginning of the section.

(2) For the avoidance of doubts it is hereby declared that, from the commencement of this Ordinance, the principal Ordinance shall apply to the immigration of any person who, immediately before the commencement of this Ordinance, was a person deemed under the provisions of subsection (2) of section 2 of the principal Ordinance to be a native of Nigeria, unless he is a person in respect of whom the principal Ordinance, by virtue of any other provision thereof, is declared not to apply.

Replacement of section 4 (3) of the principal Ordinance.

3. For subsection (3) of section 4 of the principal Ordinance the following subsection shall be substituted—

"(3) Any native foreigner who satisfies the immigration officer that he is not a prohibited immigrant otherwise than by reason of his not having in his possession a valid passport may enter Nigeria without such passport:

Provided that the Governor-General may direct that any native foreigner or class of native foreigner shall not be permitted to enter Nigeria under the provisions of this subsection".

Insertion of new section 8A in the principal Ordinance.

4. Immediately after section 8 of the principal Ordinance the following section shall be inserted—

"Detention of immigrant.

8A. (1) Notwithstanding anything to the contrary in this Part contained, any passenger who has been informed by the immigration officer, under the provisions of section 7 or section 8, that he is considered to be within the category of a prohibited immigrant may be required to leave Nigeria by the first available means and until he leaves Nigeria may be detained in such manner as the Principal Immigration Officer may direct; and while so detained such passenger shall be deemed to be in lawful custody.

(2) The Principal Immigration Officer may in writing authorise any assistant immigration officer to exercise the power to give directions conferred upon the Principal Immigration Officer by this section".

Replacement of section 10 of the principal Ordinance.

5. For section 10 of the principal Ordinance the following section shall be substituted—

"Offences and penalties in respect of sections 7-9.

10. If any passenger or person entering Nigeria who is referred to in section 7, 8 or 9 fails to comply with any of the requirements of those sections, or withholds from an immigration officer any information which would bring such person within the category of a prohibited immigrant, he shall be guilty of an offence and liable on conviction to a fine of fifty pounds or imprisonment for six months, or to both such fine and such imprisonment."

Amendment of section 11 of the principal Ordinance.

6. Section 11 of the principal Ordinance is hereby amended—

(*a*) by the repeal of the proviso to subsection (1) and the substitution therefor of the following proviso—

"Provided that such prohibition shall not apply to any person to whom a visiting pass or transit pass is issued under the provisions of this Ordinance and who enters Nigeria in accordance with the terms and conditions of such pass." ;

(*b*) by the repeal of paragraph (*e*) of subsection (2) and the substitution therefor of the following paragraph—

"(*e*) any person against whom an order of deportation from Nigeria is in force ;".

Replacement of section 13 of the principal Ordinance.

7. For section 13 of the principal Ordinance the following section shall be substituted—

"Power to prevent entry of and to arrest and expel prohibited immigrants.

13. (1) Subject to the provisions of this Ordinance, any police officer or immigration officer may prevent any prohibited immigrant from entering Nigeria by land, air, sea or inland waters, and may without warrant arrest any person suspected of having entered Nigeria, while being a prohibited immigrant, otherwise than in accordance with the provisions of this Ordinance.

(2) (*a*) Any person arrested under the provisions of subsection (1) of this section shall be brought without delay before a magistrate :

Provided that—

(*i*) where the vessel from which such person disembarked is a sea-going vessel and is on the point of departure he may, instead of being brought before a magistrate, be handed over to the custody of the master of such vessel unless he sooner demands to be taken before a magistrate ;

(*ii*) where he has entered Nigeria overland or by inland waters, he may, instead of being brought before a magistrate, be conducted to and placed across the frontier unless he sooner demands to be taken before a magistrate.

(*b*) Any person placed in the custody of the master of a vessel or conducted to and placed across the frontier under the provisions of either paragraph of the proviso to paragraph (*a*) of this subsection shall, while in such custody or while being so conducted, be deemed to be in lawful custody and, in the case of a person placed in such custody, until the vessel finally leaves Nigeria."

Replacement of section 14 of the principal Ordinance.

8. For section 14 of the principal Ordinance the following sections shall be substituted—

"Penalty for unlawful entry by prohibited immigrant.

14. (1) Any person who, being a prohibited immigrant at the time of his entry into Nigeria, enters Nigeria except in accordance with the provisions of this Ordinance shall be guilty of an offence and, on summary conviction, shall be liable to imprisonment for a term of six months and may be dealt with in all respects as if he was a person whom a court under the provisions of subsection (1) of section 14A had recommended to the Governor-General for deportation.

(2) No person who is a prohibited immigrant shall be exempt from any of the provisions of this Ordinance, nor shall it be lawful for him to be or remain in Nigeria, by reason only of the fact that he was not notified that he was not permitted to enter Nigeria, or that he was allowed to enter Nigeria through an oversight or want of knowledge that he was a prohibited immigrant.

(3) If at any time within two years after a person has entered Nigeria it is proved that he is a person belonging to any of the classes of persons whose entry is prohibited under this Ordinance, he shall be deemed to have been a prohibited immigrant at the time of his entry into Nigeria.

"Deportation orders.

14A. (1) Subject to the provisions of subsection (1) of section 14 and section 22, where a person, not being a native of Nigeria, has been convicted of any offence against this Ordinance, the court may recommend to the Governor-General that such person be deported from Nigeria :

Provided that, where a person is charged with an offence against this Ordinance and the court thinks that the charge is proved, the court, if it thinks the circumstances so warrant, may without proceeding to conviction either remand such person in custody for a period not exceeding one month or release him on bail and refer the facts of the case to the Governor-General.

(2) The Governor-General, after considering any recommendation or reference of facts as aforesaid may, if he thinks fit, make a deportation order requiring the person in relation to whom the recommendation or reference was made to leave and remain out of Nigeria.

(3) When a deportation order has been made in relation to any person, such person may be detained in such manner as circumstances may require until he can conveniently be placed on board a vessel, aircraft or motor or other vehicle about to leave Nigeria or he can otherwise be conveniently deported, and shall be deemed to be in lawful custody while so detained until the vessel, aircraft or motor or other vehicle finally leaves Nigeria or he is outside the frontiers of Nigeria, as the case may be.

(4) When arrangements have been made for the deportation of a person undergoing a sentence of imprisonment imposed under this Ordinance, such person may be taken and placed on board the vessel, aircraft or motor or other vehicle on which he is to be deported notwithstanding that the full term of imprisonment has not been served, and shall be deemed to be in lawful custody while so placed and until the vessel, aircraft or motor or other vehicle finally leaves Nigeria."

Amendment of section 18 (2) of the principal Ordinance.

9. In section 18 of the principal Ordinance there shall be inserted immediately after the words "this Ordinance", where they occur in paragraph (*a*) of subsection (2), the words "and who are in possession of a valid visiting pass or transit pass".

Amendment of section 19 of the principal Ordinance.

10. In section 19 of the principal Ordinance for the words "and in any case such person may be treated as a prohibited immigrant", where they occur at the end of the section, there shall be substituted the words "and such person shall be guilty of an offence and liable on conviction to a fine of fifty pounds or to imprisonment for six months, or to both such fine and such imprisonment."

Amendment of section 20 of the principal Ordinance.

11. Section 20 of the principal Ordinance is hereby amended—

(*a*) by the deletion of the words "to be treated as a prohibited immigrant", where they occur in paragraphs (1) and (2), and the substitution therefor in each case of the words "to be deported" ;

(*b*) by the deletion of the words "and the employee shall thereupon with all convenient speed be deported from Nigeria", which occur in sub-paragraph (*c*) of paragraph (2), and the substitution therefor of the words "and thereupon the employee may be dealt with in all respects as if he was a person whom a court under the provisions of subsection (1) of section 14A had recommended to the Governor-General for deportation".

Amendment of section 21 (3) of the principal Ordinance.

12. In section 21 of the principal Ordinance for the words "subsection (2)", which occur in paragraph (*a*) (*iv*) of subsection (3), there shall be substituted the words "subsection (3)".

Amendment of section 22 of the principal Ordinance.

13. In section 22 of the principal Ordinance for the words "section 26" there shall be substituted the words "section 14A".

Amendment of section 24 (3) of the principal Ordinance.

14. In section 24 of the principal Ordinance between the words "provisions of" and the words "this section", where they occur in subsection (3), there shall be inserted the words "subsection (1) of".

Insertion of new section 25A in the principal Ordinance.

15. Immediately after section 25 of the principal Ordinance there shall be inserted the following new section—

"Additional powers of immigration officer.

25A. An immigration officer may

(*a*) require the master of any vessel carrying passengers to whom permission to land in Nigeria has been refused to take such steps as, in the opinion of the immigration officer, are necessary for the safe custody of such passengers ; and

(*b*) grant to or withhold permission from any member of the crew of any vessel to disembark with a view to landing."

Repeal of section 26 of the principal Ordinance.

16. Section 26 of the principal Ordinance is hereby repealed.

Amendment of section 29 of the principal Ordinance.

17. In section 29 of the principal Ordinance the following paragraph shall be inserted immediately after paragraph (*c*)—

"(*cc*) requiring persons when entering or leaving Nigeria, or intending or about to leave Nigeria, to produce a passport or other document of identity for examination by an immigration officer ;".

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

Assented to in Her Majesty's name this 21st day of April, 1956. A 77

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 19

1956

Federation of Nigeria

IN THE FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.V.O., K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO AMEND THE NIGERIAN RAILWAY CORPORATION ORDINANCE, 1955. Title.

[*3rd May, 1956.*] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows:— Enactment.

1. This Ordinance may be cited as the Nigerian Railway Corporation (Amendment) Ordinance, 1956. Short title.

2. Section 48 of the Nigerian Railway Corporation Ordinance, 1955 (hereinafter referred to as the principal Ordinance) shall be amended by the insertion in paragraph (*e*) of subsection (1), between the word "Corporation" and the words "in respect of", of the words "or the Government of the Federation". Amendment of section 48 of the principal Ordinance. No. 20 of 1955.

Addition of new section 55A.

3. Immediately after section 55 of the principal Ordinance the following section shall be inserted—

"Extension of Inspector's powers to other railways.

55A. (1) This section shall apply to any railway operated by a person other than the Corporation and used or intended to be used for the public carriage of passengers.

(2) If the Minister by order so directs, all the powers and duties conferred and imposed upon the Inspector of Railways under the foregoing provisions of this Part, or such of those powers and duties as may be specified in the order, may be exercised and performed in relation to any railway to which this section applies and which is specified in the order.

(3) When an order under this section has been made, the foregoing provisions of this Part shall have effect in relation to the railway specified in the order as if—

(*a*) references therein to the Corporation were references to the person operating that railway ; and

(*b*) references in section 52 to railway servants were references to such class of persons as may be specified in the order."

Amendment of the Schedule.

4. The Schedule to the principal Ordinance shall be amended by substituting for sub-paragraph (1) of paragraph 9 the following sub-paragraph—

"(1) If a member of the Corporation is directly or indirectly interested in any contract, proposed contract or other matter and is present at a meeting of the Corporation at which the contract, proposed contract or other matter is the subject of consideration, he shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on, any question with respect to the contract or other matter."

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

Assented to in Her Majesty's name this 21st day of April, 1956. **A 79**

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 20 **1956**

Federation of Nigeria

IN THE FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.V.O., K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO PROVIDE FOR THE ASSESSMENT OF THE VALUE OF TENEMENTS OF PUBLIC UTILITY CORPORATIONS FOR RATING PURPOSES, TO PROVIDE WHAT RATES ARE TO BE LEVIED IN RESPECT THEREOF, AND FOR PURPOSES ANCILLARY THERETO.

[*3rd May, 1956.*] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows:— Enactment.

1. (1) This Ordinance may be cited as the Assessment and Rating (Public Utility Corporations) Ordinance, 1956 and shall be read as one with the Assessment Ordinance (hereinafter referred to as the principal Ordinance). Short title, construction and application. Cap. 16.

(2) This Ordinance shall have effect in relation to the Federal Territory of Lagos.

Interpretation.

2. In this Ordinance, except where the context otherwise requires—

"dwelling-house" means a hereditament used wholly or mainly for the purposes of a private dwelling or private dwellings, with or without any garage, outhouse, garden, compound, yard, court, forecourt or other appurtenances ;

"public utility corporation" means the Electricity Corporation of Nigeria established in pursuance of the Electricity Corporation of Nigeria Ordinance, 1950, the Nigerian Ports Authority established in pursuance of the Ports Ordinance, 1954, the Nigerian Railway Corporation established in pursuance of the Nigerian Railway Corporation Ordinance, 1955, and any other body that the Governor-General may by notification in the Gazette declare to be a public utility corporation for the purposes of this Ordinance.

Ordinance 15 of 1950. Ordinance 27 of 1954. Ordinance 20 of 1955.

Basis of assessment.

3. With effect from the 1st day of April, 1956, assessment in pursuance of the principal Ordinance in respect of tenements occupied by a public utility corporation, other than tenements used as dwelling-houses, shall be of the depreciated capital value of such tenements assessed as provided for in section 4 of this Ordinance.

Method of assessment of such basis.

4. (1) In assessing depreciated capital value no account shall be taken of the value of—

(*a*) any machinery in or upon the tenements ;

(*b*) any wharf or pier, or pontoon used as a wharf or pier ;

(*c*) any railway track: Provided that in assessing the value of any building in which a portion of such track is situate the area of land on which such track is situate shall be included in the assessment of the value of such building ;

(*d*) any fencing, earthworks, bridges, signal boxes and other signal apparatus, or water towers and equipment of a like nature relating to any railway track ;

(*e*) any railway station platform, together with any roof or canopy thereto, but subject to paragraph (*d*) of this subsection, not including any building erected upon such platform.

(2) The depreciated capital value of a tenement shall be the amount which it is assessed the replacement of the tenement would cost at the prices ruling at the time of assessment depreciated according to the age, obsolescence and structural condition of the buildings upon the tenement at that time.

Amount of rates to be levied.

5. In respect of any period commencing on and after the 1st day of April, 1956, the rates payable under the Lagos Local

Government Law, 1953, shall be the amount represented by five *per centum* of the depreciated capital value multiplied by the rate per pound levied under section 135 and section 136 of that Law. W.R. Law 4 of 1953.

6. In the application of subsection (2) of section 9 of the principal Ordinance to tenements occupied by a public utility corporation, other than tenements used as dwelling-houses, it shall not be requisite for the Governor-General to issue directions as to the method of assessment of such tenements, and references in the principal Ordinance to capital value shall in respect of such tenements mean depreciated capital value assessed in accordance with the provisions of this Ordinance. Application of principal Ordinance.

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

Assented to in Her Majesty's name this 21st day of April, 1956. **A 83**

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 21 **1956**

Federation of Nigeria

IN THE FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.V.O., K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO APPROPRIATE THE SUM OF THIRTY-TWO MILLION, TWO HUNDRED AND SIXTEEN THOUSAND, NINE HUNDRED AND THIRTY POUNDS TO THE SERVICE OF THE YEAR ENDING ON THE THIRTY-FIRST DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND FIFTY-SEVEN.

[*3rd May, 1956.*]

Date of commencement.

Enactment.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows—

Short title.

1. This Ordinance may be cited as the Appropriation (1956-57) Ordinance, 1956.

Expenditure of £32,216,930 authorised out of the revenue and other funds of the Federation of Nigeria. Schedule.

2. The Accountant-General of the Federation may, on the warrant of the Governor-General, pay out of the revenue of the Federation of Nigeria during the year ending on the 31st day of March, 1957, and other funds of the Federation, any sums not exceeding in the whole the sum of thirty-two million, two hundred and sixteen thousand, nine hundred and thirty pounds, being the total of the amounts set forth opposite Heads 21 to 83 in the Schedule.

Appropriation of £32,216,930. Schedule.

3. The said sum of thirty-two million, two hundred and sixteen thousand, nine hundred and thirty pounds shall be appropriated to the purposes and in the manner expressed in the Schedule.

Balance unissued to lapse.

4. The moneys granted by this Ordinance are intended for the services in respect of which moneys will become payable within the year ending on the 31st day of March, 1957 and any balance thereof unissued at the end of the month of March of that year shall lapse and not be available for making payments in any subsequent month.

SCHEDULE

	£
21. The Governor-General	26,690
22. Chief Secretary's Office	136,420
23. External Affairs	190,480
24. Broadcasting	391,560
25. Defence	1,561,730
26. Police	2,734,380
27. Prisons	706,270
28. Ministry of Communications and Aviation	25,250
29. Posts and Telegraphs	2,654,170
30. Aviation	219,580
31. Meteorology	149,280
32. Financial Secretary's Office	45,800
33. Customs and Excise	436,750
34. Inland Revenue	130,610
35. Printing and Stationery	240,970
36. Statistics	85,310
37. Treasury	127,300
38. Valuation Unit	11,700
39. Ministry of Labour and Welfare	19,300
40. Labour	207,420
41. Co-operatives	7,290
42. Social Welfare	55,000
43. Ministry of Land, Mines and Power	24,400
44. Land	136,380
45. Survey	157,700
46. Geological Survey	118,660
47. Mines	115,370
48. Electricity	343,000
49. Legal	32,330
50. Administrator-General	37,050
Carried forward	£11,128,150

SCHEDULE—*continued*	£
Brought forward	11,128,150
51. Ministry of Social Services	38,070
52. Education	531,110
53. Medical	1,201,860
54. Chemistry	15,590
55. Ministry of Research and Information	25,610
56. Agriculture (Research)	137,190
57. Fisheries	20,640
58. Forestry (Research)	55,420
59. Veterinary	149,630
60. Information	152,170
61. Ministry of Trade and Industry	34,740
62. Commerce and Industries	178,540
63. Marketing and Exports	335,350
64. Ministry of Transport	25,500
65. Ministry of Transport (Marine Services)	685,860
66. Coastal Agency	102,540
67. Ministry of Works	19,300
68. Public Works	1,128,820
69. Public Works Recurrent	2,756,620
70. Antiquities	26,360
71. Records Office	18,620
72. Council of Ministers	66,450
73. House of Representatives	230,850
74. Administration (Lagos)	14,020
75. Audit	53,950
76. Other Services	359,220
77. Public Service Commission	29,390
78. Judicial	99,530
79. Miscellaneous	1,839,900
80. Pensions and Gratuities	696,600
81. Public Debt Charges	942,540
82. Subventions	1,686,790
83. Contributions to the Development Fund	7,430,000
Total	£32,216,930

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

Supplement to Official Gazette No. 31, Vol. 43, 3rd May, 1956—Part B

L.N. 49 of 1956

PORTS ORDINANCE, 1954 (No. 27 OF 1954)

Nigerian Ports Authority (Election) Regulations, 1956

Date of Commencement : 3rd May, 1956

In exercise of the powers conferred by paragraph 12 of the Seventh Schedule to the Ports Ordinance, 1954, the Minister has made the following regulations :—

Citation.

1. These regulations may be cited as the Nigerian Ports Authority (Election) Regulations, 1956.

Interpretation.

2. In these regulations :—

"the day of election" means the 21st day of September, 1956 and the 22nd day of September in every third year thereafter :

Provided that should the day of election fall on a Saturday, Sunday or public holiday, in that event the day of election shall be the Friday immediately preceding the Saturday or Sunday or the working day, not being a Saturday, immediately preceding the public holiday, as the case may be.

"port" means each of the places specified in the First Schedule to the Ordinance (other than the ports of Akassa, Bonny, Forcados and Koko Town), and a place declared to be a port in pursuance of section 6 of the Ordinance within the limits declared for the port in pursuance of the provisions of paragraph (*b*) of subsection (1) of the said section 6.

Preparation of provisional registers of electors.

3. The Secretary of the Authority shall, in the case of the first election, prior to the 31st March 1956, and in the case of succeeding elections, during the preceding financial year, form separate provisional registers to be known as the "Ships Dues Register" and the "Harbour Dues Register" (hereinafter referred to as the provisional registers) in which he shall enter, in addition to the names of those persons qualified to be entered on the register pursuant to paragraph 4 of the Seventh Schedule of the Ordinance the address of each such person, his qualification and the number of votes to which he is entitled.

Publication of provisional registers.

4. On or before the first day of June preceding the day of election the provisional registers for the election prepared by the Secretary in accordance with regulation 3 shall be published by the deposit of a copy thereof, together with a copy of these regulations, at the head office of the Authority and at the principal office of the Authority in each port ; and by the notification of such deposit having been made by an advertisement inserted in local newspapers, published or circulating in the area of each port, at least once in the first and once in the second week of the month of June.

Inspection of provisional registers.

5. (1) The copies of the provisional registers deposited at each of the offices mentioned in regulation 4 of these regulations shall be open to inspection at all reasonable hours without payment of a fee.

(2) The Authority may make a reasonable charge for any copy of the provisional registers (other than those deposited under paragraph (1)) supplied by them.

Objections to provisional registers.

6. (1) Any person qualified to be on either the Ships Dues Register or the Harbour Dues Register may, by notice in writing stating the nature of his objection delivered to the Secretary of the Authority not later than the 28th day of June preceding the day of election, object to the provisional

register concerned on the ground that his name, qualification or votes are omitted therefrom or incorrectly stated therein, or that the name of an unqualified person is included therein, or that the name, qualification or votes of a qualified person are incorrectly stated therein.

(2) When any person makes objection to any name, qualification or votes entered on one of the registers, other than his own name qualification or votes, he shall, at the same time as he delivers notice of such objection to the Authority, deliver to the person to whom the entry objected to relates a copy of the notice of objection which he has delivered to the Authority, and without the delivery of such copy of the notice no such objection shall be valid.

Determination of objections by the Authority.

7. The Authority, or such Committee thereof as they may appoint, shall take all such objections into consideration hear and determine all such objections, and shall give notice of their decision thereon to the parties not later than the 14th day of July preceding the day of election and when neither party dissents to their decision they shall, if necessary, amend the provisional registers in accordance therewith.

Dissent from determination by the Authority.

8. Any objector to the provisional registers or to either of them may dissent from the decision of the Authority, or the Committee thereof, by delivering a written notice of such dissent upon the Secretary to the Authority and a copy of such notice upon the other party (if any) to the said objection within seven days of the receipt of notice of the decision of the Authority, or the Committee thereof, and any person not so dissenting shall be deemed to have assented.

Determination by a Barrister.

9. (1) Objections in respect of which notice of dissent has been given in the prescribed manner shall be heard and determined by a barrister of not less than seven years standing appointed by the Minister.

(2) The barrister shall hold a court for the purpose of determining objections at such time or times between the 28th day of July and the 21st day of August preceding the day of election and shall affirm or rectify the provisional registers or the one in respect of which notice of dissent has been given, as the case may be, in accordance with his determination, and his decision shall be final and conclusive.

(3) The Authority shall pay to the barrister, in addition to any expenses incurred by him in the execution of his duties, such remuneration for each day on which he is engaged in the performance of his duties as the Minister may determine.

Sale of Final Registers.

10. The provisional registers so revised and amended, or as settled by the said barrister, shall be printed or duplicated and copies thereof shall be placed on sale at a reasonable price by the Authority and shall be the registers for the purpose of the election.

Custody of Registers.

11. The Ships Dues Register and the Harbour Dues Register shall be kept at the head office of the Authority and shall be in charge of the Secretary.

Procedure at Elections.

12. With respect to the election of elected members the following provisions shall have effect :—

(1) The Secretary of the Authority, or such other officer as the Authority may appoint, shall be the returning officer and his decision in reference to any question arising shall be final ;

(2) Forty-two days at least prior to the day of election the returning officer shall give public notice requiring the names of candidates to be sent to him in writing. Such notice shall be printed and posted on a board to be

affixed on the outer wall of the head office of the Authority and of the principal office of the Authority at each *port* and, in addition thereto, such notice shall be inserted in local newspapers published or circulating in the area of each *port* twice at least before the time for nomination of candidates shall expire ;

(3) Twenty-eight days at least prior to the day of election the name of each candidate shall be delivered to the returning officer in the Form 'A' set forth in the Schedule or to the like effect and such form shall be signed by two electors being payers of ships dues, in the case of the election of a member to represent payers of ships dues, or by two electors being payers of harbour dues, in the case of the election of a member to represent payers of harbour dues, and by the candidate in approval of his nomination :

Provided that no candidate shall nominate himself.

(4) On the day immediately succeeding the last day for receiving nominations the returning officer shall send to every candidate a list of all candidates duly nominated ; and not later than four o'clock in the afternoon of the fifth day thereafter any candidate who has an interest in any other company association or body of persons corporate or unincorporate, a partner director manager or secretary of which has been nominated or who is employed by a body having such an interest shall in writing declare the interest to the returning officer ;

(5) Any candidate may withdraw from his candidature by notice signed by him and delivered to the returning officer by four o'clock in the afternoon of the seventh day immediately succeeding the last day for receiving nominations ;

(6) If, at four o'clock in the afternoon of the seventh day immediately succeeding the last day for receiving nominations, the number of duly qualified candidates for election by payers of ships dues or harbour dues respectively is not more than the respective number of vacancies to be filled, there shall be no poll and the returning officer shall, on the day of election, declare the candidate or candidates as the case may be duly elected, but if the number of duly qualified candidates for election to represent the payers of ships dues or the payers of harbour dues, is more than the number of the respective vacancies to be filled, a poll shall be taken as necessary in the manner hereinafter provided ;

(7) Fourteen days at least prior to the day of election the returning officer shall, in the event of a poll being necessary to elect the representatives of payers of ships dues or the representatives of payers of harbour dues, or both, as the case may be, send by post to each elector at the address given in the Ships Dues Register or the Harbour Dues Register, as the case may be, a copy of these regulations and a voting paper in the Form 'B' set forth in the Schedule to these regulations containing the names of the candidates, and the votes of such electors shall be recorded in accordance with the directions in the said Form ;

(8) Every elector may place an 'X' against each of the names of the total number of candidates to be elected to represent such elector or any less number of candidates for whom he wishes to vote and for the purpose of counting the votes each 'X' shall be deemed to indicate the number of votes indicated on the voting paper as the number to which the elector is entitled ;

(9) The votes of a partnership or of a person trading in a partnership name or in any other name other than his own name shall be given in the partnership or trade name ;

(10) It shall not be competent to use any voting paper or to reckon the same for the purposes of any poll unless it has been delivered by post or otherwise to the returning officer in a sealed envelope addressed to him, so that the same shall be received by him at the head office of the Authority not later than four o'clock in the afternoon of the day before the day of election ;

(11) At ten o'clock in the forenoon on the day of election and not before the voting papers shall be opened and the votes shall be counted by the returning officer and the candidate or candidates who, subject to the provision of paragraph 10 of the Seventh Schedule to the Ordinance and subject as hereinafter mentioned, shall be found to have the greatest number of valid votes shall be declared by the returning officer to be duly elected :

Provided that where, but for the operation of this proviso more than one candidate employed by or having an interest in the same company or association or body of persons corporate or unincorporate, or any group thereof, would be declared elected, then only that one of such candidates who from among them receives the greatest number of votes shall be declared to be duly elected, and irrespective of the number of votes received, the remainder of such candidates shall be disqualified solely by virtue of such employment or interest as aforesaid ;

(12) Any candidate, or an agent appointed by him in writing, may be present at the opening of the voting papers and counting of the votes ;

(13) The returning officer shall make a return under his hand to the Authority of the persons elected and every person so returned shall be deemed duly elected and, in case of an equality of votes, the returning officer shall determine by lot between the candidates so equal.

Commencement of office of elected members.

13. An elected member of the Authority shall hold office from the twenty-third day of September in the year of election and a member appointed by the Minister pursuant to paragraph 10 or to paragraph 11 of the Seventh Schedule to the Ordinance shall hold office from the date of his appointment.

Service of notices.

14. Any notice or notices required by these regulations to be given, lodged or served, may be given, lodged or served or delivered personally or by post in a letter addressed to the party on whom the said notice is required to be given, lodged or served or delivered at his last known residence or place of business.

Expenses of election.

15. The expenses properly incurred by the returning officer in carrying out the provisions of these Regulations shall be paid by the Authority.

SCHEDULE

FORM A — Reg. 12 (3)

NIGERIAN PORTS AUTHORITY

ELECTION BY PAYERS OF SHIPS DUES/HARBOUR DUES(1)

Nomination of

We(2) and(2)

hereby nominate(3)

for election as

ships dues member/harbour dues member(1)

Given under our hands this day of 19 .

Elector

Elector

And I the said hereby sanction and approve of the said nomination.

Candidate

DIRECTIONS FOR SIGNING

This nomination shall be signed by two electors being payers of and the candidate and delivered to the returning officer twenty-eight days at least prior to the day of 19 being the date of election.

Each candidate must be nominated by a separate nomination paper.

The nomination paper shall be signed in case of a partnership by one of the partners in the partnership name and in the case of a body corporate by the secretary or clerk of the body.

NOTES

(1) Strike out whichever is inapplicable.

(2) Insert the full name and address being the partnership name in the case of a partnership and the name of the body corporate in the case of a body corporate.

(3) Insert full name and address of candidate.

Reg. 12 (7)

FORM B

NIGERIAN PORTS AUTHORITY

ELECTION OF MEMBERS TO REPRESENT PAYERS OF SHIPS DUES OR HARBOUR DUES ON THE DAY OF 19

VOTING PAPER

Number of voting paper	*Name and address of voter*	*Number of votes to which voter entitled*

Names and addresses of candidates	*Column for voter's 'X'*

I/We vote for the person(s) in the list against whose name(s) I/we have placed an 'X'.

(signed)

Signature of witness .....

Address of witness .....

.....

.....

Directions For Voting

The voter shall place an 'X' against the name(s) of the candidate(s) for whom he votes in the column for that purpose (but shall not vote for more candidates than the total number of candidates to be elected to represent such voter) and shall sign the voting paper in the presence of a witness who must affix his signature and address in verification of the signature of the voter.

The voter can only vote once at each election of members to represent the payers of ships dues or payers of harbour dues.

The 'X' placed against the name of a candidate voted for will entitle him to the number of votes specified in the above voting paper.

The voting paper must be delivered by post or otherwise to the returning officer in a sealed envelope addressed to him at the office of the Nigerian Ports Authority, Private Mail Bag No. 2588, Lagos, Nigeria, and marked "Election of members" so that the same shall be received by him not later than the day before the day of election and must be entire.

In the case of a partnership the voting paper is to be signed by one of the partners in the partnership name and in the case of a body corporate the voting paper shall be signed by the secretary or clerk of the body.

Made at Lagos this 30th day of April, 1956.

Abubakar T. Balewa,
Minister of Transport

L.N. 50 of 1956

Criminal Procedure Ordinance (Cap. 43)

Attorney-General of the Federation (Delegation of Powers) (Federation) (No. 2) Notice, 1956

Date of Commencement : 3rd May, 1956

In exercise of the powers conferred by section 76A of the Criminal Procedure Ordinance, I hereby make the following additional delegation of powers in relation to criminal proceedings for, or inquiries with respect to, offences against any Federal law—

Powers	*Officer to whom delegated*	*Area in respect of which delegated*
All the powers vested in me by sections 73 and 74 of the Ordinance as applied by section 76A.	Ogojofo Onyechi, Esq., Crown Counsel.	Eastern Region.

2. This Notice is supplementary to Legal Notice 29 of 1956.

Made at Lagos this 24th April, 1956.

A. McKisack,
Attorney-General of the Federation

Supplement to Official Gazette No. 32, Vol. 43, 10th May, 1956—Part B

L.N. 51 of 1956

TRADING WITH THE ENEMY ORDINANCE, 1939

(No. 23 OF 1939)

Trading with the Enemy (Appointment of Custodian) (Amendment) Order, 1956

Date of Commencement : 10th May, 1956

In exercise of the powers conferred by section 9 of the Trading with the Enemy Ordinance, 1939, the Governor-General has made the following order—

1. This Order may be cited as the Trading with the Enemy (Appointment of Custodian) (Amendment) Order, 1956. Citation.

2. Paragraph 2 of the Trading with the Enemy (Control of Property) Order, 1939 (which relates to the appointment of the Custodian of Enemy Property) shall have effect as if for the words "Richard Montague Peet" there were substituted the words "Maurice Jenkins". Amendment of Order No. 25 of 1939.

3. The Trading with the Enemy (Appointment of Custodian) (Amendment No. 20) Order, 1954 is hereby revoked. Revocation of L.N. 165 of 1954.

By His Excellency's Command,

P. H. G. STALLARD,
Acting Secretary to the Governor-General

Lagos, 2nd May, 1956.

F41614

L.N. 52 of 1956

STATUTORY INSTRUMENTS

1956 No. 616

COLONIES, PROTECTORATES AND TRUST TERRITORIES

WEST AFRICA

The Emergency Powers (Nigeria) Order in Council, 1956

Made - - - - 24*th April*, 1956
Laid before Parliament 28*th April*, 1956
Coming into Operation 1*st May*, 1956

At the Court at Buckingham Palace, the 24th day of April, 1956

Present

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by section 10 of the Foreign Jurisdiction Act, 1890(**a**) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Emergency Powers (Nigeria) Order in Council, 1956, and shall be read as one with the Emergency Powers Orders in Council, 1939 and 1952(**b**). Citation, construction, and commencement.

(2) The Emergency Powers Orders in Council, 1939 and 1952, and this Order may be cited together as the Emergency Powers (Nigeria) Orders in Council, 1939 to 1956.

(3) This Order shall come into operation on the first day of May, 1956.

Application of Emergency Powers Order in Council, 1939, to Nigeria.

2. In its application to Nigeria the Emergency Powers Order in Council, 1939, as from time to time amended, shall have effect as if—

(*a*) references to "the Governor" were references to the Governor-General of the Federation of Nigeria and included any officer for the time being administering the government of the Federation ; and

(*b*) references to "a territory" were references to Nigeria and included the territorial waters adjacent thereto.

3. In this Order—

"Nigeria" means the Colony and Protectorate of Nigeria and the Trust territory of the Cameroons under United Kingdom administration.

"Region" means the Northern Region of Nigeria, the Western Region of Nigeria or the Eastern Region of Nigeria established by section 3 of the Nigeria (Constitution) Order in Council, 1954(**c**), as from time to time amended.

W. G. AGNEW

EXPLANATORY NOTE

(*This Note is not part of the Order, but is intended to explain its general purport.*)

In 1954 the office of Governor of Nigeria was abolished and replaced by the office of Governor-General of the Federation. This Order provides for the interpretation of the Emergency Powers Orders in Council, 1939 and 1952, in their application to Nigeria so as to make it clear that the powers formerly exercisable by the Governor in relation to Nigeria under the Orders are now exercisable by the Governor-General.

(**a**) 53 & 54 Vict. c. 37. (**b**) See S.I. 1952/2031 ; 1952 I, p. 620.
(**c**) S.I. 1954/1146 ; 1954 II, p. 2829.

L.N. 53 of 1956

COLONIAL AIR NAVIGATION ORDER, 1955

AIR NAVIGATION (NIGERIA) REGULATIONS 1956

Date of Commencement : 10*th May*, 1956

In exercise of the powers conferred by Article 68 of the Colonial Air Navigation Order, 1955, the Governor-General, after consultation with the Council of Ministers, has made the following regulations :—

Citation.

1. These regulations may be cited as the Air Navigation (Nigeria) Regulations, 1956.

2. In these regulations—

S.I. 925 of 1954.
S.I. 829 of 1954.

"the General Regulations" means the Air Navigation (General) Regulations, 1954, of the United Kingdom made under the Air Navigation Order, 1954 ;

S.I. 900 of 1954.

"the Radio Regulations" means the Air Navigation (Radio) Regulations, 1954, of the United Kingdom made under the Air Navigation Order, 1954, as aforesaid.

3. (1) The General Regulations and the Radio Regulations shall apply in Nigeria, as such regulations may from time to time be amended, and in such application for references in such regulations to provisions of the Air Navigation Order, 1954, there shall be substituted references to the corresponding provisions of the Colonial Air Navigation Order, 1955.

Application of regulations.

S.I. 711 of 1955. Cap. 94.

(2) The Interpretation Ordinance shall apply for the interpretation within Nigeria of the General Regulations and the Radio Regulations.

4. (1) Wherever any one of the expressions set out in the second column of the Schedule hereto is contained in the General Regulations or in the Radio Regulations there shall in the application of such regulations to Nigeria be substituted the expressions set out opposite thereto in the third column of such Schedule.

Substitutions in such regulations. Schedule.

(2) A reference in the General Regulations or Radio Regulations, as affected by the last paragraph, to "the Director" shall be interpreted as a reference to the Director of Civil Aviation of the Federation of Nigeria.

5. In the application of the General Regulations to Nigeria, "night" means the hours of darkness between sunset and sunrise : Provided that in respect of the requirements in Parts X and XI of the General Regulations relating to the carrying out of practical flying tests and the production of evidence as to flying experience, "night" means the period commencing at the end of evening nautical twilight and terminating at the beginning of morning nautical twilight.

Meaning of "night".

6. The Air Navigation Regulations and the Air Navigation (Licensing of Aircraft Operating Crews) Regulations, 1953, are revoked.

Revocation. Regulations 79 of 1944, and 5 of 1953.

SCHEDULE (regulation 4)

List of Substitutions to be Effected

Item	*Second Column*	*Third Column*
1.	"Air Registration Board".	"Director".
2.	"Minister".	"Governor-General".
3.	"Postmaster-General".	"Director of Posts and Telegraphs".
4.	"Secretary, Air Registration Board", (with or without the address of such Board).	"Director".
5.	Secretary, Ministry of Transport and Civil Aviation, London.	"Director".
6.	"United Kingdom".	"Nigeria".

Made at Lagos this 1st May, 1956.

M. L. Parker,
Acting Deputy Secretary of the Council of Ministers

B 98

EXPLANATORY NOTE

The Governor-General has power under Article 68 of the Colonial Air Navigation Order, 1955, to make regulations to prescribe anything which under that Order has to be prescribed. Upon examination of regulations made in the United Kingdom for similar purposes under the Air Navigation Order, 1954, it is not found necessary to deviate from them in any major particular. Provision is accordingly made for their application with the alterations specified in the regulations now promulgated.

CA0067

L.N. 54 of 1956

THE SURVEY ORDINANCE (No. 29 OF 1952)

Delegation of Functions

Date of Commencement : 10*th May*, 1956

In exercise of the powers conferred upon the Director of Federal Surveys by section 36 of the Survey Ordinance, I hereby delegate all my functions under section 23 of the said Ordinance to the Cadastral Survey Officer, Lagos.

DATED at Lagos this 28th day of March, 1956.

H. A. STAMERS SMITH,
Director of Federal Surveys

L5002/S. 2

INTERPRETATION ORDINANCE (RE-PRINTED)

Arrangement of Sections

Section

1. Short title.
2. Application.
3. Definitions—A. Official Definitions ;
B. Colonial and Protectorate Definitions ;
C. General Definitions.
3A. Written law applying to Lagos or to Southern Cameroons as to a Region.

GENERAL PROVISIONS

Commencement, Distance and Time

4. Time of commencement.
5. Measurement of distance.
6. Computation of time.
7. Reference to time.

Repeal, Re-enactment and Amending Legislation

8. Repealed ordinances or laws not revived by repealing ordinance or law.
9. Repeal and substitution.
10. Reference to the re-enacted provisions.
11. Construction of amending ordinance.
12. Effect of repealing ordinance.

Imperial Acts

13. Imperial Acts to be read with necessary modifications.
14. Reference in ordinance to provision of Act of Parliament.

Special Provisions relating to Subsidiary Legislation

15. Use of defined terms in subsidiary legislation.
16. Use of expression "the Ordinance".
17. Exercise of statutory powers between enactment and commencement of Ordinance.
18. Effect of repeal on subsidiary legislation.
18A. Application of sections 8, 12 and 18 to Ordinances or Laws becoming void for inconsistency.
19. General provisions with respect to power given to any authority to make orders, regulations and rules of court.
20. Subsidiary legislation may provide for fees and charges and in certain cases for reduction, waiver, or refund thereof.
21. Act for which payment is required need not be performed till payment be made.
22. Extent of power to issue proclamation.
23. Orders or regulations made by Governor-General to over-ride others.
23A. Orders or regulations made by Governor to over-ride others.

Sectton

24. Coming into force of proclamation.
25. Gazette and Regional Gazette and publication by Government Printer *prima facie* evidence.

POWERS AND APPOINTMENTS

26. Powers to be exercised to be performed from time to time.
26A. Effect of grant of powers to be exercised in discretion.
27. Powers may be performed by acting officers.
28. Power to appoint to include power to suspend or dismiss.
29. Construction of enabling words.
30. Appointment of officers by name or office.
31. Official designation to include officer executing duties.
32. Power of Governor-General and Governor to provide for execution of duties of public officer during temporary absence or inability.
32A. Public officers to exercise functions within Region, province or area for which office held.

DELEGATION OF POWERS

33. Power of Governor-General to delegate certain powers.
33A. Power of Governor to delegate certain powers.

CITATION OF ORDINANCES AND LAWS

34. Mode of citing Ordinances.
35. Construction of references to written laws.
36. Collective titles.

PROVISIONS RELATING TO COURTS

36A. Jurisdiction over offences against Federal laws.
36B. Jurisdiction with respect to Federal matters in civil proceedings.
36D. Transitional provisions as to practice and procedure.
36E. Law in force with respect to Federal matters and in Lagos.

MISCELLANEOUS

37. Gender and number.
38. Ordinances and Laws deemed to be public Ordinances or Laws.
39. Schedules.
40. Sub-divisions of Ordinances to be recognised.
41. Forms.
42. Re-print of Ordinances or Laws.
43. Meaning of any reference to the number of a line.
44. Reference in marginal notes to other legislation.
45. Meaning of "or" "other" "otherwise".
46. Meaning of service by post.
47. Signification of order of the Governor-General or a Governor.
48. Evidence of signature of *fiat* or consent of Governor-General or public officers.

Section

49. Power of majority and person presiding.
50. Public officers.
51. *Ex officio* proceedings not to abate on death.

PENAL PROVISIONS

52. Imposition of penalty not a bar to civil action.
53. Provisions as to offences under two or more laws.
54. Penalties prescribed to be deemed maximum penalties
55. Indication of penalties.
56. Meaning of imprisonment.
57. Carrying out of certain orders.
58. Application of fees, fines and forfeitures.

THE CROWN

59. References to the Crown.
60. Saving of rights of the Crown.
61. Ordinance binding on the Crown.
62. Lagos and Southern Cameroons.

CHAPTER 94

INTERPRETATION

(Colony and Protectorate)

Ordinances Nos. 27 of 1939 (1)
23 of 1943
43 of 1943
15 of 1944
8 of 1945
40 of 1945
7 of 1947
17 of 1949
10 of 1950
15 of 1951
24 of 1952
3 of 1953
14 of 1953
6 of 1954.
Order in Council No. 53 of 1951.
Orders Nos. 47 of 1951
11 of 1952
18 of 1952
Legal Notices 131 of 1954
1 of 1955
14 of 1955
47 of 1955
55 of 1955
76 of 1955
107 of 1955.
Public Notice 48 of 1952.

AN ORDINANCE TO MAKE PROVISION FOR THE CONSTRUCTION OF ORDINANCES AND LAWS AND OF THE TERMS AND PROVISIONS USUALLY ADOPTED THEREIN AND TO MAKE GENERAL PROVISION WITH RESPECT TO THE JURISDICTION AND POWERS OF THE COURTS OF NIGERIA IN RELATION TO FEDERAL MATTERS.

(Long title adapted by L.N. 47 of 1955)

[9th November, 1939] (2)

[52 & 53 Vict. c. 63]

(Re-printed, with the authority of the Governor-General, in accordance with section 42 of the Interpretation Ordinance, with all additions, omissions, substitutions and amendments effected by any Ordinance and all adaptations, modifications and additions effected by any Order made under section 10 of the Nigeria (Constitution) Order in Council, 1951, or section 57 of the Nigeria (Constitution) Order in Council, 1954, until and including the 1st day of May, 1956).

Short title.

1. This Ordinance may be cited as the Interpretation Ordinance.

Application.

2. (1) This Ordinance shall apply to this Ordinance, and to all Ordinances in force at the date of this Ordinance and to all Ordinances and Laws hereafter enacted, and, unless otherwise expressly stated therein, also to all regulations made under the provisions of any Emergency Powers (Defence) Acts as applied to Nigeria as if the same were Ordinances, and to regulations, orders, rules of court, appointments, notices and directions made, issued or given in Nigeria consequent upon authority vested in any person or body by Act of Parliament or Order of the King in Council. *(Amended by Ordinance No. 43 of 1943 and No. 15 of 1944 ; adaptation by Order No. 47 of 1951)*

(2) This Ordinance shall apply to Nigeria.

Definitions.

3. Definitions—

---

(1) This Ordinance repealed the Interpretation Ordinance, Chapter 2 in the 1923 edition, and all amending Ordinances. The numbering of the sections was altered in the Revised Edition of the Laws Ordinance, 1947. The original numbering is indicated in square brackets.

(2) Public Notice 70 in Gazette 71 of 1939.

A.—Official Definitions

"Accountant-General of the Federation" means the chief accounting officer of the receipts and payments of the Government of the Federation ; (*Adaptation by L.N. 131 of 1954*) ("Accountant-General")

"administrative officer" includes a person appointed by the Governor-General to be Chief Administrative Officer, Lagos and all district officers ; (*Amended by Order in Council No. 53 of 1951 ; adaptation by L.N. 131 of 1954*) ("administrative officer")

"Chief Administrative Officer, Lagos" means the administrative officer appointed as such ; (*Adaptation by L.N. 131 of 1954*) ("Chief Administrative Officer, Lagos") (1)

(*Inserted by Ordinance No. 43 of 1943 ; adaptation by Order No. 47 of 1951*). ("Chief Commissioner")

"Chief Secretary" means the Chief Secretary to the Government of the Federation. (*Adaptation by L.N. 131 of 1954*) ("Chief Secretary")

(*Inserted by Ordinance No. 43 of 1943 and amended by Order in Council No. 53 of 1951 ; Adaptation by L.N. 131 of 1954*) ("Commissioner of the Colony") ("Administrator of the Colony")

"Comptroller" means the Comptroller of Customs and Excise ; (2) ("Comptroller")

"Crown Agents" means the persons for the time being acting as Crown Agents for the Colonies in England, or any one of them ; ("Crown Agents")

"district officer" includes all classes of district officer and assistant district officer ; ("district officer")

"divisional officer" means an administrative officer appointed in writing by the Resident of a province to be in charge of a division therein ; (*Adaptation by L.N. 131 of 1954*) ("divisional officer")

"Financial Secretary of the Federation" means the chief financial adviser to the Governor-General ; (*Adaptation by L.N. 131 of 1954*) ("Financial Secretary")

"Governor" means the Governor of a Region and includes the Officer Administering the Government of a Region and to the extent to which a Deputy is authorised to act, that Deputy, and in the absence of provision to the contrary, where a written law is expressed to be applicable to Lagos as though Lagos were a Region, the expression means for the purposes of such application the Governor-General and where a written law is expressed to be applicable to the Southern Cameroons as though the Southern Cameroons were a Region, the expression means for the purpose of such application the Governor-General acting in his discretion ; (*Adaptation by L.N. 131 of 1954*) ("Governor") (1)

"Governor in Council" means a Governor of a Region acting with the advice of the Executive Council of the Region, but not necessarily in accordance with that advice nor necessarily in such Council ("Governor in Council") (1)

---

(1) This marginal note has been printed for convenience. There is no marginal note in the Adaptation Order.

(2) *See* section 86 of Chapter 65,

assembled, and in the absence of provision to the contrary where a written law is expressed to be applicable—

(*a*) to Lagos as though Lagos were a Region the expression means for the purpose of such application the Governor-General in Council ;

(*b*) to the Southern Cameroons as though the Southern Cameroons were a Region the expression means for the purpose of such application the Governor-General acting in his discretion ; (*Adaptation by Order No. 47 of 1951 ; adaptation by L.N. 131 of 1954*)

("Governor-General") (1) "Governor-General" includes the Officer Administering the Government of the Federation and to the extent to which a Deputy is authorised to act, that Deputy ; (*Adaptation by L.N. 131 of 1954*)

("Governor-General in Council") (1) "Governor-General in Council" means the Governor-General acting with the advice of the Council of Ministers, but not necessarily in accordance with that advice nor necessarily in such Council assembled ; (*Adaptation by L.N. 131 of 1954*)

("law officers") (1) "law officers" means the persons for the time being holding the offices respectively of Attorney-General and Solicitor-General of the Federation, the Attorney-General and the Solicitor-General (if there is in any Region a Solicitor-General) of a Region and the Legal Secretary of the Southern Cameroons ; (*Adaptation by L.N. 131 of 1954*)

("Lieutenant-Governor") (*Adaptation by Order No. 47 of 1951 ; adaptation by L.N. 131 of 1954*)

("Lieutenant. Governor in Council") (*Adaptation by Order No. 47 of 1951 ; adaptation by L.N. 131 of 1954*)

"magistrate" "magistrate" means a person appointed to be a magistrate under any Ordinance or Law creating the office of magistrate in Nigeria ; (*Substituted by Ordinance No. 23 of 1943 ; adaptation by L.N. 76 of 1955*)

("magistrate's court") (1) "magistrate's court" includes the court of a magistrate established by the Laws of a Region and the court established by the Magistrates' Court (Lagos) Ordinance, 1955 ; (*Adaptation by L.N. 76 of 1955*)

"Resident" "Resident" means the administrative officer appointed to be in charge of a province and, unless the context otherwise requires, means respectively in respect of Lagos and the Southern Cameroons the Chief Administrative Officer, Lagos, and the Commissioner and Deputy Commissioner of the Cameroons, as though such officers were in charge of Lagos or of the Southern Cameroons as Provinces ; (*Inserted by Ordinance No. 43 of 1943 and amended by Order in Council No. 53 of 1951 ; adaptation by L.N. 131 of 1954 ; adaptation by L.N. 76 of 1955*)

"Secretary of State" "Secretary of State" means His Majesty's Principal Secretary of State for the Colonies.

---

(1) This marginal note has been printed for convenience. There is no marginal note in the Adaptation Order.

B.—Colonial and Protectorate Definitions

"Cameroons under United Kingdom Trusteeship" means that territory described as "The Cameroons under British Mandate" in subsection (2) of section 4 of the Nigeria (Protectorate and Cameroons) Order in Council, 1946, and administered since the 13th day of December, 1946, by His Majesty's Government in the United Kingdom under the trusteeship system of the United Nations; (*Substituted by Ordinance No. 40 of 1946; substituted by Ordinance No. 17 of 1949*) "Cameroons under U.K. Trusteeship."

"Colony" means the Colony of Nigeria; "Colony"

"division" when used in relation to an administrative area means a portion of a province or of the Southern Cameroons placed under the immediate control of an administrative officer subordinate to the Resident and in the Southern Cameroons subordinate to the Deputy Commissioner; (*Adaptation by L.N. 131 of 1954*) ("division") (1)

"Eastern Region" means that portion of Nigeria which, for the time being, is comprised within the Eastern Region thereof as defined by or under section 3 of the Nigeria (Constitution) Order in Council, 1954; (*Substituted by Ordinance No. 7 of 1947; adaptation by Order No. 47 of 1951; adaptation by L.N. 131 of 1954*) "Eastern Region"

"Federation" means the Federation of Nigeria established by section 3 of the Nigeria (Constitution) Order in Council, 1954; (*Adaptation by L.N. 76 of 1955*) ("Federation") (1)

"Lagos" means that portion of the Colony of Nigeria which, for the time being, is comprised within the Federal Territory of Lagos as defined by or under section 3 of the Nigeria (Constitution) Order in Council, 1954; (*Adaptation by L.N. 131 of 1954*) ("Lagos") (1)

"Nigeria" used without qualification means the Colony and Protectorate of Nigeria together with all the inland and territorial waters thereof; "Nigeria"

"Northern Region" means that portion of Nigeria which, for the time being, is comprised within the Northern Region thereof as defined by or under section 3 of the Nigeria (Constitution) Order in Council, 1954; (*Substituted by Ordinance No. 40 of 1946; adaptation by Order No. 47 of 1951; adaptation by L.N. 131 of 1954*) "Northern Region"

"Protectorate" means the Protectorate of Nigeria and includes the Cameroons under United Kingdom Trusteeship(2); "Protectorate"

"province" means one of the provinces into which a Region has been divided in accordance with section 7 of the Nigeria (Constitution) Order in Council, 1951, as such province may have been altered under subsection (2) of section 4 of the Nigeria (Constitution) Order in Council, 1954; (*Substituted by Ordinance No. 7 of 1947; adaptation by Order No. 47 of 1951; adaptation by L.N. 131 of 1954*) ("province") (1)

---

(1) This marginal note has been printed for convenience. There is no marginal note in the Adaptation Order.

(2) *See* section 3 of Ordinance No. 17 of 1949.

B.—COLONIAL AND PROTECTORATE DEFINITIONS—*continued*

("Southern Cameroons") (1)

"Southern Cameroons" means that portion of Nigeria which, for the time being, is comprised within the Southern Cameroons as defined by or under section 3 of the Nigeria (Constitution) Order in Council, 1954; (*Adaptation by L.N. 131 of 1954*)

"Southern Provinces"

"Southern Provinces" means the Eastern Region and the Western Region (excluding the Colony) and the Southern Cameroons; (*Substituted by Ordinance No. 7 of 1947; adaptation by L.N. 131 of 1954*)

"Western Region"

"Western Region" means that portion of Nigeria which, for the time being, is comprised within the Western Region thereof as defined by or under section 3 of the Nigeria (Constitution) Order in Council, 1954; (*Substituted by Ordinance No. 7 of 1947; adaptation by Order 47 of 1951; adaptation by L.N. 131 of 1954*)

C.—GENERAL DEFINITIONS

"act"

"act" used with reference to an offence or civil wrong includes a series of acts, and words which refer to acts done extend to illegal omissions;

"British possession"

"British possession" means any Dominion, or any British Colony or Protectorate, or any British protected state, or any mandated territory, or any trust territory; (*Amended by Ordinance No. 43 of 1943; substituted by Ordinance No. 17 of 1949*)

"Chapter" "Part" "section" and "Schedule"

"Chapter", "Part", "section" and "Schedule" denote respectively a Chapter, Part, and section of, and Schedule to, the Ordinance or Law in which the word occurs, and subsection denotes a subsection of the section in which the word occurs; (*Adaptation by Order No. 47 of 1951*)

"chief" or "native chief"

"chief" or "native chief" means any native whose authority and control is recognised by a native community, and "head chief" means any chief who is not subordinate to any other chief or native authority;

"commencement"

"commencement" used with reference to an Ordinance or Law means the time at which the Ordinance or Law comes into operation; (*Adaptation by Order No. 47 of 1951*)

"consul" or "consular officer"

"consul" or "consular officer" includes consul-general, consul, vice-consul, consular agent and any person for the time authorised to discharge the duties of a consul-general, consul or vice-consul;

"crew"

"crew" in relation to a ship or other vessel means and includes masters, mates, pilots, engineers, stokers, deck hands, and all persons engaged in the navigation or service of the ship or other vessel;

"daily penalty", "weekly penalty", "monthly penalty" (7 Edw.7, c.53, s.13 extended.)

"daily penalty", "weekly penalty" and "monthly penalty" mean a penalty for each day, week or month respectively on which an offence is continued after conviction therefor;

"definitions"

"definitions" when followed by terms defined means that those terms shall have the meanings assigned to them, unless there is anything in the subject or context repugnant to such meaning;

C.—GENERAL DEFINITIONS—*continued*

"Federal Supreme Court" includes, until that court has assumed its functions in accordance with the provisions of section 219 of the Nigeria (Constitution) Order in Council, 1954, the court deemed by the said section to be that court ; (*Adaptation by L.N. 47 of 1955*) ("Federal Supreme Court") (1) L.N. 102 of 1954

"financial year" means the twelve months ending the 31st day of March in any year ; "financial year"

"Government" means the Government of the Federation of Nigeria and except where the context otherwise requires includes the Government of any Region thereof and of the Southern Cameroons ; (*Adaptation by L.N. 131 of 1954*) ("Government") (1)

"Government notice" means any announcement not of a legislative character made in the *Gazette* ; (*Adaptation by L.N. 131 of 1954*) "Government notice"

"High Court" includes, until such a court has assumed its functions in a Region or in Lagos or in the Southern Cameroons in accordance with section 219 of the Nigeria (Constitution) Order in Council, 1954, the court deemed by the said section to be the High Court of that Region or Lagos or the Southern Cameroons, as the case may be ; (*Adaptation by L.N. 47 of 1955*) ("High Court") (1)

"His Majesty" or "The King" includes His Majesty the King, His Heirs and Successors ; "His Majesty" or "the King."

"immovable property" or "lands" includes land and everything attached to the earth or permanently fastened to anything which is attached to the earth, and all chattels real, but does not include minerals ; "immovable property" or "lands"

"Imperial Parliament" or "Parliament" means the Parliament of the United Kingdom ; "Imperial Parliament" or "Parliament"

"inland waters" means and includes all rivers, creeks and lagoons inside the river bars of Nigeria ; "inland waters"

"judge" includes any person appointed to exercise the powers of a judge ; (*Amended by Ordinance No. 23 of 1943 ; substituted by Ordinance No. 43 of 1943*) "judge"

"Law" means an enactment of a Regional Legislature and includes any order, regulation, rule of court or proclamation made under the authority of a Law ; and the expression "the Law", where used in any such order, regulation, rule of court or proclamation, means the Law under the authority of which such order, regulation, rule of court or proclamation, as the case may be, has been made ; (*Adaptation by Order No. 47 of 1951*) "Law"

"legal practitioner" means a person admitted and enrolled to practise as a barrister and solicitor in the Supreme Court ; "legal practitioner"

"legislature" and "colonial legislature" when used with reference to a British possession, shall respectively mean the authority, other "legislature" and "colonial legislature" (sec. 18 (7).)

(1) This marginal note has been printed for convenience. There is no marginal note in the Adaptation Order.

than the Imperial Parliament or His Majesty the King in Council, competent to make laws for the British possession ;

"local authority" means the local authority of a township ;

"local government council" means any council established for the purposes of local government under the provisions of any Ordinance or Law authorising the establishment of local government councils ; (*Inserted by Ordinance No. 10 of 1950 and P.N. No. 48 of 1952 and amended by Ordinance No. 14 of 1953*)

"mandated territory" means a territory in respect of which a mandate from the League of Nations was accepted by His Majesty, being a territory administered by the Government of any part of His Majesty's dominions ; (*Inserted by Ordinance No. 17 of 1949*)

"master" used with reference to a ship means any person (except a pilot or harbour master) having for the time being control or charge of the ship ;

"military forces" includes all officers, warrant officers, non-commissioned officers and civilians, British and native, and all native rank and file belonging to and borne on the strength of the Royal West African Frontier Force ;

"monogamous marriage" means a marriage which is recognised by the law of the place where it is contracted as a voluntary union of one man and one woman to the exclusion of all others during the continuance of the marriage ; (*Amended by Ordinance No. 43 of 1943*)

"month" means calendar month ;

"native" includes a native of Nigeria and a native foreigner ;

"native authority" means a native authority constituted under any Ordinance or Law authorising the constitution of native authorities ; (*Adaptation by Order No. 47 of 1951*)

"native court" and "native tribunal" mean a native court established under any Ordinance or Law authorising the establishment of native courts ; (*Adaptation by Order No. 47 of 1951*)

"native foreigner" means any person (not being a native of Nigeria) whose parents were members of a tribe or tribes indigenous to some part of Africa and the descendants of such persons, and shall include any person one of whose parents was a member of such tribe ;

"non-native" means any person who is not a native of Nigeria or a native foreigner ;

"native of Nigeria" means any person whose parents were members of any tribe or tribes indigenous to Nigeria and the descendants of such persons ; and includes any person one of whose parents was a member of such a tribe ;

"oath", "swear" and "affidavit" include and apply to the affirmation or declaration of any person by law allowed to make an affirmation or declaration in lieu of an oath ;

C.—GENERAL DEFINITIONS—*continued*

"Ordinance" includes a Proclamation enacted for Northern Nigeria before the 1st day of January, 1914, and also any order, rule of court or proclamation made under the authority regulation, of an Ordinance ; and the expression "the Ordinance", when used in any such order, regulation, rule of court or proclamation, means the Ordinance under the authority of which such order, regulation, rule of court or proclamation, as the case may be, has been made ; "Ordinance"

"person" includes any company or association or body of persons corporate or unincorporate ; "person"

"police officer" means any member of a police force and "superior police officer" means any police officer of or above the rank of assistant superintendent ; "police officer"

"prescribed" means prescribed by or under the Ordinance or Law in which the word occurs ; (*Adaptation by Order No. 47 of 1951*) "prescribed"

"public holiday" means any day which, under the provisions of any Ordinance for the time being in force in Nigeria, is to be observed as a public holiday ; "public holiday"

"public notice" means a notice published in the Gazette under this title or published in such other manner as may be prescribed by law ; "public notice"

"public officer" or "public department" extends to and includes every officer or department invested with or performing duties of a public nature whether under the immediate control of the Governor-General or of the Governor of a Region or not ; (*Adaptation by L.N. 131 of 1954*) "public officer"

"qualified medical practitioner" means a person registered in Nigeria as a medical practitioner under the law for the time being relating to the registration of medical practitioners ; "qualified medical practitioner"

"Regional legislature" means as the case may be, the legislature of the Eastern, Northern or Western Region, the legislature of the Southern Cameroons, or the Federal legislature in the exercise of its functions in respect of Lagos ; (*Adaptation by Order No. 47 of 1951 ; adaptation by L.N. 131 of 1954*) ("Regional legislature") (1)

"Regional notice" means any announcement not of a legislative character made by a Governor in the Regional Gazette ; (*Adaptation by Order No. 47 of 1951 ; adaptation by L.N. 131 of 1954*) "Regional notice"

"Regional public notice" means a notice published in the Regional Gazette under this title or published in such other manner as may be prescribed by law ; (*Adaptation by Order No. 47 of 1951*) "Regional public notice"

"regulations" includes rules and bye-laws ; "regulations"

"rules of court" means when used in relation to any court, rules made by the authority having for the time being power to make rules and orders regulating the practice and procedure of such court, together with the forms necessary thereto ; "rules of court"

(1) This marginal note has been printed for convenience. There is no marginal note in the Adaptation Order.

C.—GENERAL DEFINITIONS—*continued*

"sale" and "sell"

"sale" and "sell" include exchange, barter and offering or exposing for sale ;

"seaman"

"seaman" includes every person (except masters, pilots, and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship ;

"ship"

"ship" includes every description of vessel used in navigation not exclusively propelled by oars or paddles ;

"sign"

"sign" with reference to a person who is unable to write his name includes mark ;

"statutory declaration" (5 & 6 Will. 4, c.62.)

"statutory declaration" if made—

(*a*) in Nigeria, means a declaration made under the Statutory Declarations Act, 1835 ;

(*b*) in the United Kingdom or any British possession beyond Nigeria, means a declaration made before a justice of the peace, notary public, or other person having authority therein under the law for the time being in force to take or receive a declaration ;

(*c*) in any other place, means a declaration made before a consul or before any person having authority under any Act of Parliament for the time being in force to take or receive a declaration ;

"territorial waters"

"territorial waters" means any part of the open sea within three nautical miles of the coast of Nigeria, measured from low water mark or of the seaward limits of the inland waters of Nigeria ; (*Amended by Ordinance No. 3 of 1953*)

("the Gazette") (1)

"the Gazette" includes the Official Gazette of the Federation of Nigeria and any Regional Gazette ; (*Adaptation by L.N. 131 of 1954*)

("Regional Gazette") (1)

"Regional Gazette" means, as the case may be, the Official Gazette of the Eastern, Northern or Western Region or of the Southern Cameroons, and a reference to the Regional Gazette in respect of Lagos shall mean the Official Gazette of the Federation of Nigeria ; (*Adaptation by Order No. 47 of 1951 ; adaptation by L.N. 131 of 1954*)

"township"

"township" means a township established under the Townships Ordinance;

("Treasury") (1)

"Treasury" means the Treasury of the Federation of Nigeria; (*Adaptation by L.N. 131 of 1954*)

"trust territory"

"trust territory" means a territory administered by the Government of any part of His Majesty's dominions under the trusteeship system of the United Nations ; (*Inserted by Ordinance No. 17 of 1949*)

"United Kingdom" (15 & 16 Geo. 5, c.49, s.225)

"United Kingdom" means, in relation to anything done before the date of the constitution of the Irish Free State, Great Britain and Ireland, and in relation to anything done or to be done after that date, Great Britain and Northern Ireland ;

"urban district"

"urban district" means an urban district established under the Townships Ordinance ;

"vessel"

"vessel" includes floating craft of every description ;

(1) This marginal note has been printed for convenience. There is no marginal note in the Adaptation Order.

C.—GENERAL DEFINITIONS—*continued*

"will" includes a codicil ; "will"

"written law" includes all Ordinances and Laws and all orders, proclamations and letters patent and all regulations and rules of court made by any person or body having authority under any statutory or other enactment to make the same in and for Nigeria or any part thereof, but shall not include any Act of Parliament extending expressly or by implication to Nigeria nor any Order of the King in Council, Royal Charter or Royal Letters Patent ; (*Inserted by Ordinance No. 43 of 1943 ; adaptation by Order No. 47 of 1951*) "written law"

"writing" and expressions referring to writing include printing, lithography, photography, typewriting and other modes of representing or reproducing words or figures in a visible form ; "writing" (sec. 20)

"year" means a year reckoned according to the British calendar. "year" (sec. 12 (20).)

3A. Where a written law is expressed to be applicable to Lagos as though it were a Region or to the Southern Cameroons as though it were a Region, in such application references to the Attorney-General, the Director of Medical Services, the Director of Public Works and the Commissioner of Police of a Region shall mean respectively in respect of the Southern Cameroons, the Legal Secretary, the Principal Medical Officer, the Chief Engineer and the senior officer of police in and for the Southern Cameroons, and in respect of Lagos, the Attorney-General of the Federation, the Chief Medical Adviser to the Federal Government of Nigeria, the Chief Engineer, Lagos, and the Inspector-General of Police. (*Adaptation by L.N. 131 of 1954*). (Written law applying to Lagos or to Southern Cameroons as to a Region) (1).

GENERAL PROVISIONS

Commencement, Distance and Time

4. Where any Ordinance or Law, or any part of an Ordinance or Law, or any notice, order, regulation, rule of court, warrant, scheme or letters patent made, granted or issued under a power conferred by any Ordinance or Law, or by any competent authority, is expressed to come into operation on a particular day, the same shall be construed as coming into operation immediately on the expiration of the next day preceding such day. (*Adaptation by Order No. 47 of 1951*) Time of commencement.

5. In the measurement of any distance for the purposes of any Ordinance or Law, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane. (*Adaptation by Order No. 47 of 1951*) Measurement of distance. (sec. 34).

6. In computing time for the purposes of any Ordinance or Law, unless the contrary intention appears— Computation of time.

(*a*) a period reckoned by days from the happening of an event or the doing of any act or thing shall be deemed to be exclusive of the day in which the event happens or the act or thing is done ;

---

(1) This marginal note has been printed for convenience. There is no marginal note in the Adaptation Order.

(*b*) if the last day of the period is Sunday or a public holiday (which days are in this section referred to as excluded days), the period shall include the next following day not being an excluded day ;

(*c*) when any act or proceeding is directed or allowed to be done or taken on a certain day, then, if that day happens to be an excluded day, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the day next afterwards not being an excluded day ;

(*d*) when an act or proceeding is directed or allowed to be done or taken within any time not exceeding six days, excluded days shall not be reckoned in the computation of the time. (*Adaptation by Order No. 47 of 1951*)

Reference to time.

7. (1) Whenever any expression of time occurs in any Ordinance or Law, Government or public notice, Regional notice or Regional public notice, deed or legal document, the time referred to shall, unless the contrary intention appear, be held to be standard time. (*Adaptation by Order No. 47 of 1951*)

(2) "Standard time" means standard time as used in Nigeria ; namely, sixty minutes in advance of Greenwich mean time.

Repeal, Re-enactment and Amending Legislation

Repealed Ordinances or Laws not revived by repealing Ordinance or Law. (sec. 11 (1).)

8. Where any Ordinance or Law repealing in whole or in part any former Ordinance or Law is itself repealed, such last repeal shall not revive the Ordinance or Law or provisions before repealed, unless words be added reviving such Ordinance or Law or provisions. (*Adaptation by Order No. 47 of 1951*)

Repeal and substitution. (sec. 11 (2).)

9. Where any Ordinance or Law repeals wholly or in part any former Ordinance or Law and substitutes other provision therefor, the repealed Ordinance or Law shall remain in force until the substituted provision comes into operation. (*Adaptation by Order No. 47 of 1951*)

Reference to the re-enacted provisions. (sec. 38 (1).)

10. Where any Ordinance or Law repeals and re-enacts with or without modifications any provision of a former Ordinance or Law, references in any other Ordinance or Law to the provisions so repealed shall, unless the contrary intention appear, be construed as references to the provisions so re-enacted. (*Adaptation by Order No. 47 of 1951*)

Construction of amending Ordinance.

11. When any Ordinance or Law amends or adds to any Ordinance or Law, the amending Ordinance or Law shall, so far as is consistent with the tenor thereof, and unless the contrary intention appear, be construed as one with the amended Ordinance or Law ; and the amended Ordinance or Law may, in the amending Ordinance or Law, be referred to as the principal Ordinance or Law. (*Adaptation by Order No. 47 of 1951*)

Effect of repealing Ordinance. (sec. 38 (2).)

12. The repeal of any Ordinance or Law or any part thereof shall not, unless the contrary intention appear—

(*a*) revive anything not in force or existing at the time at which the repeal takes effect ; or

(*b*) affect the previous operation of any Ordinance or Law so repealed or anything duly done or suffered under any enactment so repealed ; or

(*c*) affect any right, privilege, obligation or liability accrued or incurred under any enactment so repealed ; or

(*d*) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any Ordinance or Law so repealed ; or

(*e*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Ordinance or Law had not been passed :

Provided that when the penalty, forfeiture or punishment imposed by the repealing Ordinance or Law is heavier than that imposed by the repealed Ordinance or Law, the provisions by which the lighter penalty, forfeiture or punishment is imposed shall, unless such repealing Ordinance or Law otherwise provides, be applied if the court decides to inflict any punishment. (*Adaptation by Order No. 47 of 1951*)

Imperial Acts

(*Heading amended by Ordinance No. 43 of 1943*)

Imperial Acts to be read with necessary modification.

13. Whenever by any Act of Parliament or Ordinance or Law any Act of Parliament is extended or applied to Nigeria or to a Region, such Act shall be read with such formal alterations as to names, localities, courts, offices, persons, moneys, penalties and otherwise as may be necessary to make the same applicable to the circumstances. (*Adaptation by Order No. 47 of 1951*)

Reference in Ordinance to provision of Act of Parliament.

14. Where in any Ordinance or Law reference is made to any provision of an Act of Parliament and that provision is subsequently repealed and re-enacted without substantial modification, the reference in such Ordinance or Law to the provision of the Act so repealed shall, if the context so requires and unless the contrary intention appears, be construed as a reference to the provision so re-enacted. **[13A]** (*Inserted by Ordinance No. 43 of 1943 ; adaptation by Order No. 47 of 1951*)

Special Provisions relating to Subsidiary Legislation

Use of defined terms in subsidiary legislation. (sec. 31).

15. When terms defined in an Ordinance or Law are used in any order, regulation, rule of court or proclamation under such Ordinance or Law, such terms shall have the meanings assigned to them by the Ordinance or Law, unless they are otherwise defined in the order, regulation, rule of court or proclamation or are inconsistent with the subject or context. **[14]** (*Adaptation by Order No. 47 of 1951*)

Use of expression "the Ordinance".

16. Any reference in any order, proclamation, regulation or rule of court to the expression "the Ordinance" or "the law" shall be read and construed as a reference to the Ordinance or the Law conferring

the power to make or issue such order, proclamation, regulation or rule of court. **[14A]** (*Inserted by Ordinance No. 43 of 1943 ; adaptation by Order No. 47 of 1951*)

Exercise of statutory powers between enactment and commencement of Ordinance. (sec. 37.)

17. When any Ordinance or Law is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to make, grant or issue any instrument, to give notice or make orders, regulations or rules of court, to prescribe forms, or to do any other thing for the purpose of the Ordinance or Law, that power may, unless the contrary intention appear, be exercised in the case of an Ordinance at any time after the Ordinance has been assented to or enacted by the Governor-General and in the case of a Law at any time after the Law has been assented to or enacted by a Governor, so far as may be necessary or expedient for the purpose of bringing the Ordinance or Law into operation at the date of commencement thereof : (*Amended by Orders 47/1951, 18/1952 and L.N. 131/1954*)

Provided that orders, regulations or rules of court so made shall not take effect till the commencement of the Ordinance or Law. **[15]** (*Adaptation by Order No. 47 of 1951 as amended by Order No. 18 of 1952 ; adaptation by L.N. No. 131 of 1954*)

Effect of repeal on subsidiary legislation.

18. When an Ordinance or Law or part of an Ordinance or Law is repealed, all orders, regulations, rules of court, proclamations and notices issued or made in virtue thereof shall remain in force, so far as they are not inconsistent with the repealing Ordinance or Law, and, unless the contrary intention appear, until they shall have been repealed or have been replaced by orders, regulations, rules of court, proclamations or notices, as the case may be, issued or made under the provisions of the said repealing Ordinance or Law. **[16]** (*Adaptation by Order No. 47 of 1951*)

Application of sections 8, 12 and 18 to Ordinances or Laws becoming void for inconsistency.

18A. Where any Ordinance or Law prevails over any other Law or Ordinance in the circumstances described in section 107 of the Nigeria (Constitution) Order in Council, 1951 or section 58 of the Nigeria (Constitution) Order in Council, 1954, the provisions of sections 8, 12 and 18 of this Ordinance shall apply in relation to—

(*a*) any Ordinance or Law repealed ;

(*b*) anything duly done or suffered, or any right privilege obligation or liability accrued or incurred, or any penalty forfeiture or punishment incurred ;

(*c*) any orders, regulations, rules of court, proclamations and notices issued or made by or under the Ordinance or Law or the part of an Ordinance or Law which becomes void in accordance with the provisions of section 107 of the said Order in Council of 1951 or section 58 of the said Order in Council of 1954, as though the Ordinance or Law or the part of an Ordinance or Law which becomes void were a repealed Ordinance or Law, and the Ordinance or law or part of an Ordinance or Law which prevails were a repealing Ordinance or Law. (*Adaptation by Order No. 47 of 1951 ; adaptation by L.N. 131 of 1954*)

General provisions with respect to power given to any authority to make orders, regulations and rules of court.

19. (1) Where an Ordinance or Law confers power on any authority to make orders, regulations or rules of court, the following provisions shall have effect with reference to the making and operation of such orders, regulations or rules of court—

(*a*) any order, regulation or rule of court may be at any time amended, varied, rescinded or revoked by the same authority and in the same manner by and in which it was made :

Provided that where such authority has been replaced wholly or partially by another authority the power conferred herein upon the original authority may be exercised by the replacing authority concerning all matters or things within its jurisdiction as if it were the original authority ; (*Proviso inserted by Ordinance No. 43 of 1943*)

(*b*) there may be annexed to the breach of any order or regulation such penalty not exceeding fifty pounds, or such imprisonment not exceeding six months, or both, as the order or regulation making authority may think fit ;

(*c*) there may be annexed to any rule of court such penalty not exceeding twenty-five pounds or imprisonment not exceeding three months as the rule making authority may think fit on any person who fails to take any action required by a rule of court or who disobeys any rule of court ;

(*d*) no order, regulation or rule of court shall be inconsistent with the provisions of any Ordinance or Law in force in any part of Nigeria to which the order, regulation or rule of court applies. (*Amended by Ordinance No. 43 of 1943 ; adaptation by Order No. 47 of 1951*)

(2) Where an Ordinance or Law conferring powers to make a particular form of subsidiary legislation is repealed or amended so that while a subsidiary legislative power over similar subjects is provided the form thereof is changed, any subsidiary legislation made and in force under the repealed or amended Ordinance or Law shall, in so far as it concerns any matters or things within the jurisdiction of the authority constituted under the repealing or amending Ordinance or Law, be deemed to have been made by that authority and shall continue in force until other provision shall be made by virtue of the repealing or amending Ordinance or Law. (*Inserted by Ordinance No. 43 of 1943 ; adaptation by Order No. 47 of 1951*)

(3) All orders, regulations and rules of court made under any Ordinance shall be published in the Gazette of the Federation, and if made under any Law shall be published in the Regional Gazette : Provided that all orders, regulations and rules of court made in the exercise of powers conferred by any existing Ordinance by a Governor, a Resident, local authority, local government council, native authority, planning authority appointed under the Nigeria Town and Country Planning Ordinance, a prescribed authority approved under the Waterworks Ordinance, or any other officer or authority carrying out functions within a Region, shall be published in the Regional Gazette alone unless such orders, regulations or rules of court are applicable to Lagos. Any such orders, regulations or rules of court applicable to

Lagos shall be published in the Gazette of the Federation. (*Amended by Ordinance No. 43 of 1943 and No. 15 of 1944 ; adaptation by Order No. 47 of 1951 ; adaptation by Order No. 11 of 1952 ; adaptation by L.N. 131 of 1954*)

(4) All orders, regulations and rules of court, shall have the force of law upon the publication thereof, in accordance with the provisions of this section or from the date named therein. (*Amended by Ordinance No. 43 of 1943 and No. 15 of 1944; adaptation by Order No. 11 of 1952*).

(5) Notwithstanding subsections (3) and (4), where a rule, bye-law or order is made by any authority, or any rule of court is made by any native court,

(*a*) under an Ordinance, or

(*b*) under a Law,

the Governor-General in the former case by order published in the Gazette of the Federation, and a Governor in the latter case by Order published in the Regional Gazette, may prescribe the manner in which such rule, bye-law, order or rule of court shall be published, and any such rule, bye-law, order or rule of court shall come into operation on publication in the prescribed manner, unless it is otherwise provided therein. (*Adaptation by Order No. 11 of 1952 ; adaptation by L.N. 131 of 1954*).

(6) A copy of any such rule, bye-law or order, as in subsection (5) mentioned, certified by a district officer as made and published in the prescribed manner shall be admitted in evidence in any court without further proof thereof. (*Adaptation by Order No. 11 of 1952*)

(7) The breach of any order, regulation or rule of court may be prosecuted in a summary manner. (*Adaptation by Order No. 11 of 1952*)

(8) The provisions of this section shall not apply where a contrary intention appears in the Ordinance or Law conferring the power to make the order, regulation or rule of court. (*Adaptation by Order No. 11 of 1952*)

(9) In this section 'existing Ordinance' means any Ordinance in force or having any effect in Nigeria immediately before the commencement of the Nigeria (Constitution) Order in Council, 1954, whether or not such Ordinance has been amended or added to at any time thereafter. **[17]** (*Adaptation by Order No. 11 of 1952 ; adaptation by L.N. 131 of 1954*)

Subsidiary legislation may provide for fees and charges and in certain cases for reduction, waiver, or refund thereof.

20. (1) Where any Ordinance or Law confers power on any authority to make orders, regulations or rules of court and to make provision therein in respect of fees or charges, such authority may provide in the orders, regulations or rules of court—

(*a*) specified fees or charges ;

(*b*) maximum or minimum fees or charges ;

(*c*) maximum and minimum fees or charges ;

(*d*) for the payment of fees or charges either generally or under specified conditions, and

(*e*) for the reduction, the waiver or the refund in whole or in part of any such fees or charges either upon the happening of certain events or in the discretion of any person. (*Inserted by Ordinance No. 8 of 1945 ; adaptation by Order No. 47 of 1951*)

(2) Where any reduction, waiver or refund in whole or in part of any fee or charge is provided such reduction, waiver or refund may be made to apply either generally or specifically—

(*a*) in respect of certain matters or classes of matters ;

(*b*) in respect of certain documents or classes of documents ;

(*c*) where any event happens or ceases to happen ;

(*d*) in respect of certain persons or classes of persons ; and

(*e*) in respect of any combination of such matters, persons, documents or events,

and may be made to apply subject to such conditions as may be set out in the order, regulations or rules of court or in the discretion of any specified person. **[17A]** (*Inserted by Ordinance No. 8 of 1945*)

Act for which payment is required need not be performed till payment be made.

21. (1) Where any person, public officer, public department, local government council, local authority, or native authority is required to do anything for which a fee is to be paid or a charge made under any Ordinance or Law, order, regulation or rule of court, such person, officer, responsible officer of the public department, council or authority may decline to do that thing till the fee is paid or payment be made and, where the precise amount of the payment to be made cannot be ascertained until the thing is done, till there be paid such an amount as may be estimated to be the correct amount by the person, officer, responsible officer of the department, council or authority required to do that thing. (*Inserted by Ordinance No. 8 of 1945 and amended by Ordinance No. 10 of 1950 and P.N. No. 48 of 1952 ; adaptation by Order No. 47 of 1951*)

(2) Where a thing has been done for which an estimated amount shall have been paid such amount shall be adjusted to the correct amount either by means of a further payment or by a refund of the amount overpaid. **[17B]** (*Inserted by Ordinance No. 8 of 1945*)

Extent of power to issue proclamation.

22. When power is given to the Governor-General or to the Governor-General in Council or to a Governor or to a Governor in Council to issue a proclamation or notification, it shall include the power of amending, revoking or suspending the said proclamation or notification, and of declaring the date of its coming into force and also of substituting another therefor. **[18]** (*Adaptation by Order No. 47 of 1951 ; adaptation by L.N. 131 of 1954*)

Orders or regulations made by Governor-General to over-ride others.

23. Subject to any express provision in any Ordinance where power is given to the Governor-General or to the Governor-General in Council to make orders or regulations, any such orders or regulations when made by him shall take precedence over any orders or regulations made by any other authority in which is also vested by any Ordinance subsidiary legislative powers in respect of the same matters, and where any such orders or regulations conflict the orders or regulations made

by the Governor-General or the Governor-General in Council shall prevail. **[18A]** (*Inserted by Ordinance No. 43 of 1943 ; adaptation by Order No. 47 of 1951 ; adaptation by L.N. 131 of 1954*)

Orders or regulations made by Governor to over-ride others.

23A. Subject to any express provision in any Law where power is given to a Governor or to a Governor in Council to make orders or regulations, any such orders or regulations when made by him shall take precedence over any orders or regulations made by any other authority in which is also vested by any Law (in force in the Region) subsidiary legislative powers in respect of the same matters, and where any orders or regulations conflict the orders or regulations made by the Governor or the Governor in Council shall prevail. (*Adaptation by Order No. 47 of 1951 ; adaptation by L.N. 131 of 1954*)

Coming into force of proclamation.

24. (1) Proclamations and notifications of the Governor-General or of the Governor-General in Council shall come into operation on the date of their publication in the Gazette, unless otherwise specified. **[19]** (*Adaptation by Order No. 47 of 1951 ; adaptation by L.N. 131 of 1954*)

(2) Proclamations and notifications of a Governor or of a Governor in Council shall come into operation on the date of their publication in the Regional Gazette, unless otherwise specified. (*Adaptation by Order No. 47 of 1951 ; adaptation by L.N. 131 of 1954*)

Gazette and Regional Gazette and publication by Government Printer *prima facie* evidence.

25. The production of a copy of the Gazette or a Regional Gazette containing any order, regulation, rule of court, proclamation, Government or public notice, or Regional notice or Regional public notice or of any copy of any order, regulation, rule of court, proclamation, Government or public notice or Regional notice or Regional public notice purporting to be printed by the Government Printer, shall be *prima facie* evidence, in all courts and for all purposes whatsoever, of the due making and tenor of such order, regulation, rule of court, proclamation, Government or public notice, or Regional notice a Regional public notice. **[20]** (*Adaptation by Order No. 47 of 1951*)

Powers and Appointments

Powers to be exercised and duties to be performed from time to time. (sec. 32 (1).)

26. When any Ordinance or Law confers any power or imposes any duty, then unless a contrary intention appears, the power may be exercised or the duty shall be performed from time to time as occasion arises. **[21]** (*Adaptation by Order No. 47 of 1951*)

Effect of grant of powers to be exercised in discretion.

26A. Where by any Ordinance or Law the Governor-General, a Governor or the Commissioner of the Cameroons is empowered, in exercising any power, to act in his discretion he shall not be obliged to consult with the Council of Ministers, or the Executive Council (as the case may be), in the exercise thereof. (*Adaptation by L.N. 131 of 1954*)

Powers may be performed by acting officers. (sec. 32 (2).)

27. Where any Ordinance or Law confers a power or imposes a duty on the holder of any office, as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of the office or by a person appointed to act for him. **[22]** (*Adaptation by Order No. 47 of 1951*)

Power to appoint to include power to suspend or dismiss.

28. Where by or under any Ordinance or Law a power to make any appointment is conferred, then, unless the contrary intention appears, the authority having power to make the appointment shall also have power to remove, suspend, dismiss, reappoint or reinstate any person appointed by it in exercise of the power. **[23]** (*Adaptation by Order No. 47 of 1951*)

Construction of enabling words.

29. Where in any Ordinance or Law power is given to any person to do or enforce the doing of any act or thing all such powers shall be understood to be also given as are reasonably necessary to enable the person to do or enforce the doing of the act or thing. **[24]** (*Adaptation by Order No. 47 of 1951*)

Appointment of officers by name or office.

30. Where by an Ordinance or Law the Governor-General or any public officer or body is empowered to appoint or name a person to have and exercise any powers or perform any duties, the Governor-General or such public officer or body may either appoint a person by name, or direct the person for the time being holding the office designated by the Governor-General or such public officer or body to have and exercise such powers and perform such duties; and thereupon, or from the date specified by the Governor-General or the public officer or body, the person appointed by name or the person holding the office aforesaid shall have and may exercise such powers or perform such duties accordingly. **[25]** (*Adaptation by Order No. 47 of 1951; adaptation by L.N. 131 of 1954*)

Official designation to include officer executing duties.

31. When reference is made in any Ordinance or Law, Government or public notice, Regional or Regional public notice, letters patent (other than Royal letters patent), warrant, or process of any kind made or issued by the Governor-General or a Governor, or any body or person having authority under any Ordinance or Law to make or to issue the same, to any public officer by the term designating his office, such officer shall include the officer for the time being executing the duties of such office or any portion of such duties. **[26]** (*Adaptation by Order No. 47 of 1951; adaptation by L.N. 131 of 1954*)

Power of Governor-General and Governor to provide for execution of duties of public officer during temporary absence or inability.

32. Where by any Ordinance or Law any powers are conferred or any duties are imposed upon a public officer, the Governor-General in the case of powers conferred or duties imposed by an Ordinance and the Governor of a Region in the case of powers conferred or duties imposed by a Law of that Region may direct that, if during any period owing to absence or inability to act from illness or any other cause such public officer shall be unable to exercise the powers or perform the duties of his office in any place under his jurisdiction or control, such powers shall be had and may be exercised and such duties shall be performed in such place by the person named or the public officer holding the office designated by the Governor-General or Governor; and thereupon such person or public officer, during any period aforesaid, shall have and may exercise the powers and shall perform the duties aforesaid, subject to such conditions, exceptions and qualifications as the Governor-General or Governor may direct. **[27]** (*Adaptation by Order No. 47 of 1951; adaptation by L.N. 131 of 1954*)

Public officers to exercise functions within Region, Province or area for which office held.

32A. (1) Where by an Ordinance or a Law any functions are conferred upon, or any direction, approval, confirmation or consent is to be or may be given by the holder of a public office in and for a Region, Province or other area of Nigeria any reference to the holder of such office shall be deemed to be a reference to every holder of the office in and for a Region, Province or area, as the case may be, in which the Ordinance or Law is in force, and every holder of such an office shall exercise the functions and may give the direction, approval, or confirmation or consent in and for the Region, Province or area in which he holds the office. (*Adaptation by Order No. 47 of 1951*)

(2) For the purposes of this section, functions include powers and duties. (*Adaptation by Order No. 47 of 1951*)

(Simultaneous holding of office when number of holders limited.)

32B. (*Inserted by Ordinance No. 6 of 1954 ; adaptation by L.N. 131 of 1954 as amended by L.N. 14 of 1955*)

Delegation of Powers

Power of Governor-General to delegate certain powers.

33. (1) Where by any Ordinance the Governor-General is empowered to exercise any powers or perform any duties, he may depute any person by name or the person for the time being holding the office designated by him to exercise such powers or perform such duties on his behalf, subject to such conditions, exceptions and qualifications as the Governor-General may prescribe, and thereupon, or from the date specified by the Governor-General, the person so deputed shall have and exercise such powers and perform such duties, subject as aforesaid :

Provided that nothing herein contained shall authorise the Governor-General to depute any person to make regulations under the power in that behalf conferred upon him by any Ordinance. (*Adaptation by L.N. 131 of 1954*)

(2) Any delegation made under the provisions of subsection (1) shall be revocable at will and no delegation shall prevent the exercise of any power by the Governor-General. **[28]** (*Inserted by Ordinance No. 43 of 1943 ; adaptation by L.N. No. 131 of 1954*)

Power of Governor to delegate certain powers.

33A. Where by a Law or by an Ordinance a Governor is empowered to exercise any powers or perform any duties, he may depute any person by name or the person for the time being holding the office designated by him to exercise such powers or perform such duties on his behalf, subject to such conditions, exceptions and qualifications as he may prescribe, and thereupon, or from the date specified by the Governor, the person so deputed shall have and exercise such powers and perform such duties, subject as aforesaid :

Provided that nothing herein contained shall authorise a Governor to depute any person to make regulations under the power in that behalf conferred upon him by any Law. (*Adaptation by Order No. 47 of 1951 ; adaptation by L.N. 131 of 1954*)

(2) Any delegation made under the provisions of subsection (1) shall be revocable at will and no delegation shall prevent the exercise of any power by a Governor. (*Adaptation by Order No. 47 of 1951 ; adaptation by L.N. 131 of 1954*)

Citation of Ordinances and Laws

Mode of citing Ordinances. (sec. 35 (1).)

34. When any Ordinance or Law is referred to, it shall be sufficient for all purposes to cite such Ordinance or Law either by the short title (if any), by which it is made citable, or by the year in which it was made and its number among the Ordinances or Laws of that year, or in the case of a revised edition of the Ordinances or Laws issued under any Ordinance or Law providing for the issue of a revised edition, by its short title or its chapter number ; and the reference may in all cases be made according to the copies of Ordinances or Laws printed by the Government Printer. **[29]** (*Adaptation by Order No. 47 of 1951*).

Construction of references to written laws. (sec. 35 (2).)

35. In any Ordinance or Law a description or citation of a portion of another Ordinance or Law shall, unless the contrary intention appear, be construed as including the word, section, or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation. **[30]** (*Adaptation by Order No. 47 of 1951*)

Collective titles.

36. (1) If it is provided that any Ordinance may, as to the whole or any part thereof, be cited with any group of Ordinances, that group shall be construed as including that Ordinance or part, and, if the collective title of the group states the first and last year of the group, the year in which the Ordinance is passed shall be substituted for the last year of the group, and so on as often as a subsequent Ordinance or part is added to the group. (*Adaptation by Order No. 47 of 1951*)

(2) The provisions of this section shall apply in relation to a Law and a group of Laws as it applies in relation to an Ordinance and a group of Ordinances. **[31]** (*Adaptation by Order No. 47 of 1951*)

Provisions Relating to Courts

(*Adaptation by L.N. 47 of 1955*)

Jurisdiction over offences against Federal laws.

36A. (1) Where jurisdiction is conferred by any Law upon a High Court or a magistrate's court established for a Region with respect to—

(*a*) the summary trial and conviction ; or

(*b*) the examination and commitment for trial on indictment ; or

(*c*) the trial and conviction on indictment,

of offenders or persons charged with offences against the laws of the Region and with respect to the hearing and determination of appeals arising out of any such trial or conviction or out of any proceedings connected therewith, such court shall, except in so far as other provision is made by law in force in the Region, have the like jurisdiction with respect to offenders or persons charged with offences against a Federal law committed in the Region or who may lawfully be tried for offences committed elsewhere. (*Adaptation by L.N. 47 of 1955*)

(2) In this section "Federal law" means any law enacted by the Federal legislature, or having effect as if so enacted, which relates to a matter within the exclusive legislative competence of the Federal legislature. (*Adaptation by L.N. 47 of 1955*)

(3) This section shall not apply to Lagos. (*Adaptation by L.N. 47 of 1955*)

Jurisdiction with respect to Federal matters in civil proceedings.

36B. (1) Where by a law of a Region establishing a High Court or magistrate's court or any amendment to such law, jurisdiction is conferred upon such court for the hearing and determination of civil causes relating to matters with respect to which the legislature of the Region may make laws, and of appeals arising out of such causes, the court shall, except in so far as other provision is made by any law in force in the Region, have the like jurisdiction with respect to the hearing and determination of civil causes relating to matter within the exclusive legislative competence of the Federal legislature, and of appeals arising out of such causes. (*Adaptation by L.N. 47 of 1955*)

(2) The laws of the Region relating to the practice and procedure of the court, evidence, the power of the court to transfer a cause to any other court and to refer a cause to a referee or arbitrator shall, except in so far as other provision is made by any Federal law, apply in a court exercising the jurisdiction conferred by subsection (1). (*Adaptation by L.N. 47 of 1955*)

(3) In this section—

"cause" includes a matter ;

"Federal law" means a law enacted by the Federal legislature or having effect as if it had been so enacted. (*Adaptation by L.N. 47 of 1955*)

(4) This section shall not apply to Lagos.

Jurisdiction of Federal Supreme Court to hear appeals in certain matters.

36C. (*Repealed by Ordinance 28 of 1955.*)

Transitional provisions as to practice and procedure. L.N. 47 of 1955.

L.N. 102 of 1954.

36D. In so far as they are applicable the practice and procedure which, immediately before the commencement of the Adaptation of Laws (Judicial Provisions) Order, 1955, were in force in relation to appeals to the West African Court of Appeal and in relation to proceedings in the Supreme Court of Nigeria shall, until the Federal Supreme Court has been established and has assumed its functions, and save in so far as other provision may be made under powers conferred by the Nigeria (Constitution) Order in Council, 1954, be the practice and procedure of the court which is by section 219 of the said Order deemed to be the Federal Supreme Court. (*Adaptation by L.N. 47 of 1955*)

Law in force with respect to Federal matters and in Lagos.

36E. (1) Subject to the provisions of this section and except in so far as other provision is made by any Federal law, the common law of England and the doctrines of equity, together with the statutes of general application that were in force in England on the 1st day of

January, 1900, shall be in force in Lagos and, in so far as they relate to any matter within the exclusive legislative competence of the Federal legislature, shall be in force elsewhere in the Federation. (*Adaptation by L.N. 47 of 1955*)

(2) Such Imperial laws shall be in force so far only as the limits of the local jurisdiction and local circumstances shall permit and subject to any Federal law. (*Adaptation by L.N. 47 of 1955*)

(3) For the purpose of facilitating the application of the said Imperial laws they shall be read with such formal verbal alterations not affecting the substance as to names, localities, courts, officers, persons, moneys, penalties and otherwise as may be necessary to render the same applicable to the circumstances. (*Adaptation by L.N. 47 of 1955*)

(4) Every judge or officer of a High Court having or exercising functions of the like kind, or analogous to the function of any judge or officer referred to in any such law, shall be deemed to be within the meaning of the enactments thereof relating to such last-mentioned judge or officer, and every magistrate or officer of a magistrate's court having or exercising functions of the like kind, or analogous to the functions of any magistrate, justice of the peace or officer referred to in any such law, shall be deemed to be within the meaning of the enactments thereof relating to such last-mentioned magistrate or officer or such justice of the peace. (*Adaptation by L.N. 47 of 1955*)

(5) Wherever the great seal or any other seal is mentioned in any such law it shall be read, in its application to a High Court, as if the seal of the High Court were substituted therefor, and, in its application to a magistrate's court, as if the seal of the magistrate's court were substituted therefor. (*Adaptation by L.N. 47 of 1955*)

MISCELLANEOUS

37. In any Ordinance or Law— Gender and number. (sec. 1 (1).)

(*a*) words importing the masculine gender shall include females; and

(*b*) words in the singular shall include the plural, and words in the plural shall include the singular. **[32]** (*Adaptation by Order No. 47 of 1951*)

38. Every Ordinance shall be deemed to be a Public Ordinance and every Law shall be deemed to be a Public Law, and every such Ordinance or Law shall be judicially taken notice of as much, unless the contrary be expressly provided by such Ordinance or Law. **[33]** (*Adaptation by Order No. 47 of 1951*) Ordinances and Laws deemed to be public Ordinances or Laws.

39. Every Schedule to any Ordinance or Law shall, together with any note thereto, be construed and have effect as part of the Ordinance or Law. **[34]** (*Adaptation by Order No. 47 of 1951*) Schedules.

40. When an Ordinance or Law is divided into parts, chapters, titles, or other sub-divisions, the fact and particulars of such division shall, with or without express mention thereof in the Ordinance or Law, be taken notice of in all courts and for all purposes whatsoever. **[35]** (*Adaptation by Order No. 47 of 1951*) Sub-divisions of Ordinances to be recognised.

Forms.

41. Whenever forms are prescribed in any Ordinance or Law slight deviations therefrom, not affecting the substance or calculated to mislead, shall not invalidate them. **[36]** (*Adaptation by Order No. 47 of 1951*)

Re-print of Ordinances or Laws.

42. (1) When an Ordinance or Law is amended the Government Printer may, with the authority of the Governor-General in the case of an Ordinance and the Governor in the case of a Law, print copies of the Ordinance or Law with all the necessary additions, omissions, substitutions and amendments effected by the amending Ordinance or Law or Ordinances or Laws and such copies shall be deemed to be authentic copies of the Ordinance or Law so amended. (*Inserted by Ordinance No. 43 of 1943 ; adaptation by Order No. 47 of 1951 ; adaptation by L.N. 107 of 1955*)

L.N. 102 of 1954.

(2) When it is provided by an Order made under section 10 of the Nigeria (Constitution) Order in Council, 1951, or section 57 of the Nigeria (Constitution) Order in Council, 1954, that an Ordinance shall be modified, added to or adapted, or that an Ordinance or Law shall be read and construed with any adaptations or modifications, the provisions of subsection (1) shall apply in respect of adaptations, modifications and additions so effected as they do in respect of an amendment effected by an Ordinance or Law. **[36A]** (*Adaptation by L.N. 107 of 1955*)

Meaning of any reference to the number of a line.

43. A reference in any Ordinance or Law to the number of a line of any section of any Ordinance or Law shall mean such line in the latest official printed copy of such Ordinance or Law at the time of the passing of the Ordinance or Law containing such reference. **[36B]** (*Inserted by Ordinance No. 43 of 1943 ; adaptation by Order No. 47 of 1951*)

Reference in marginal notes to other legislation.

44. Where any Ordinance or Law section, subsection or paragraph of any Ordinance or Law is taken verbatim or is substantially identical with any Act of Parliament or Dominion enactment or of any enactment of any other dependency, a reference, in such abbreviated form as may be thought fit to such Act of Parliament or Dominion or dependency enactment or any section, subsection or paragraph thereof may be added to the marginal note of the section, subsection or paragraph of the Ordinance or Law :

Provided that any such reference shall not be taken to have any legislative effect whatever and shall not be deemed in any way to vary, limit or extend the interpretation of any Ordinance or Law. **[36C]** (*Inserted by Ordinance No. 43 of 1943 ; adaptation by Order No. 47 of 1951*)

Meaning of "or" "other" "otherwise".

45. Where the words "or", "other" and "otherwise" are used, they shall, unless a contrary intention appear, be construed disjunctively and not as implying similarity, unless the word "similar" or some other word of like meaning is added. **[37]**

Meaning of service by post. (sec. 26.)

46. Where any Ordinance or Law authorises or requires any document to be served by post, whether the expression "serve", "give" or "send" or any other expression is used, then, unless the contrary intention appear, the service shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the document, and unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post. **[38]** (*Adaptation by Order No. 47 of 1951*)

Signification of order of the Governor-General or a Governor.

47. (1) When any power is given to the Governor-General to make any order, regulation, declaration or appointment or give any authorisation, exemption, notice, direction, approval, permission or consent, it shall be sufficient, unless it is otherwise expressed, for the same to be signified under the hand of the Chief Secretary to the Government, the Deputy Chief Secretary to the Government or the Secretary to the Governor-General and Council of Ministers or the Deputy Secretary to the Council of Ministers. (*Amended by Ordinance No. 43 of 1943 and No. 15 of 1951 ; adaptation by Order No. 47 of 1951 ; Substituted by Ordinance No. 24 of 1952 ; adaptation by L.N. 131 of 1954*)

(2) When any power is given to the Governor of a Region to make any order, regulation, declaration or appointment or give any authorisation, exemption, notice, direction, approval, permission or consent, it shall be sufficient, unless it is otherwise expressed, for the same to be signified—

(*a*) in the case of the Governor of the Northern Region, under the hand of the Civil Secretary of the Northern Region, of the Administrative Secretary of the Northern Region or of the Secretary to the Governor and to the Executive Council of the Northern Region, or of the Deputy Secretary to the Executive Council of the Northern Region ;

(*b*) in the case of the Governor of the Western Region, under the hand of the Secretary to Government of the Western Region, or of the Deputy Secretary to Executive Council of the Western Region, and

(*c*) in the case of the Governor of the Eastern Region, under the hand of the Regional Minister charged with responsibility for the matter in question under section 119 of the Nigeria (Constitution) Order in Council, 1954, or where appropriate under that section, the Attorney-General of the Eastern Region, or under the hand of the Clerk to the Executive Council of the Eastern Region. **[39]** (*Adaptation by Order No. 47 of 1951 ; substituted by Ordinance No. 24 of 1952 ; adaptation by L.N. 107 of 1955*)

(3) Subsections (1) and (2) shall not apply to the issue of any warrant by the Governor-General or a Governor ; such warrant shall be under the hand and seal of the Governor-General or the Governor as the case may be. (*Adaptation by Order No. 47 of 1951 ; adaptation by L.N. 131 of 1954*).

Evidence of signature of fiat or consent of Governor-General or public officer.

48. Whenever the fiat or consent of the Governor-General or of any public officer is necessary before any prosecution or action is commenced, any document purporting to bear the fiat or consent of the Governor-General or of the public officer concerned shall be received as *prima facie* evidence in any proceeding without proof being given that the signature to such fiat or consent is that of the Governor-General or the public officer concerned. (*Substituted by Ordinance No. 15 of 1951 ; adaptation by L.N. 131 of 1954*).

Power of majority and person presiding.

49. Save as may be otherwise expressly provided by any written law—

(*a*) whenever any act or thing is by any written law required to be done, or any decision taken, by a body of persons consisting of not less than three such act or thing may be done, or such decision taken, in the name of that body by a majority of those persons ;

(*b*) whenever such body is assembled the chairman or other member presiding shall, in all matters in which a decision is taken by vote by whatever name such vote may be called, have a casting as well as a deliberative vote. **[41]** (*Substituted by Ordinance No. 15 of 1944*)

Public officers.

50. A reference in any Ordinance or Law to any public officer by the usual or common title of his office shall, if there be such an office customarily in Nigeria and unless the contrary intention appears, be read and construed as referring to the person for the time being holding or carrying out the duties of that office in Nigeria. **[42]** (*Adaptation by Order No. 47 of 1951 as amended by Order No. 18 of 1952*)

Ex officio proceedings not to abate on death.

51. Any civil or criminal proceedings taken by or against any person in virtue of his office shall not be discontinued or abated by his death, resignation, or absence or removal from office, but may be carried on by or against, as the case may be, the person appointed to perform the duties of the office. **[43]**

Penal Provisions

Imposition of penalty not a bar to civil action.

52. The imposition of a penalty by any Ordinance or Law, in the absence of express provision to the contrary, shall not relieve any person from liability to answer for special damages to a person injured. **[44]** (*Adaptation by Order No. 47 of 1951 as amended by Order No. 18 of 1952*)

Provisions as to offences under two or more laws.

53. Where any act or omission constitutes an offence under two or more Ordinances or under an Ordinance and under a Statute or Order in Council or Law, or under two or more Laws or under a Law and under an Ordinance, Statute or Order in Council, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of such Ordinances or Laws or under such Statute or Order in Council, but shall not be liable to be punished twice for the same offence. **[45]** (*Adaptation by Order No. 47 of 1951*)

Penalties prescribed to be deemed maximum penalties.

54. Whenever in any Ordinance or Law a penalty is prescribed for an offence against such Ordinance or Law, the same shall indicate that such offence shall be punishable, upon conviction, by a penalty not

exceeding (except as may be otherwise provided in the Ordinance or Law) the penalty prescribed. **[46]** (*Adaptation by Order No. 47 of 1951*)

Indication of penalties.

55. Whenever in any Ordinance or Law penalties are set out at the foot of any section, the same shall indicate that any contravention of the section, whether by act or omission, shall be an offence against the Ordinance or Law punishable upon conviction by a penalty not exceeding (except as may be otherwise provided in the Ordinance or Law) the penalty provided. **[47]** (*Adaptation by Order No. 47 of 1951*)

Meaning of imprisonment.

56. Whenever any court is empowered to award to any convicted prisoner any sentence of imprisonment, such sentence shall be deemed to be a sentence of imprisonment with or without hard labour at the discretion of the court awarding the same and if the form of imprisonment is not specified such imprisonment shall be with hard labour. **[48]**

Carrying out of certain orders.

57. Where in any Ordinance or Law power is given to any authority to impose any fine or make any order or give any directions whatever and it is stated that such fine, order or direction shall be imposed, be recoverable or in any manner have effect as if the same were a fine, order or direction, imposed, made or given by a court or by a judicial or other officer, any such court or judicial or other officer having jurisdiction in the place where such fine, order or direction was imposed, made or given, or where the person who was ordered to pay the fine or who is required to obey the order or direction resides or may happen to be, may take the necessary steps to enforce the payment of the fine or the carrying out of the order or direction, as the case may be, in all respects as if the fine, order or direction had in fact been imposed, made or given by such court or judicial or other officer. **[49]** (*Adaptation by Order No. 47 of 1951*)

Application of fees, fines and forfeitures.

58. (1) Where under any Ordinance or Law any person is required to pay any charge or fee for any act or thing done, or document issued, or signature or seal affixed to any document, by any public officer or department, or where any person is adjudged by any court, or other authority duly authorised by law, to pay or forfeit any sum of money, such charge or fee and such sum of money shall be paid into the appropriate Treasury, unless the contrary is otherwise provided; and if any such charge or fee, or if any commission on money received or taken possession of, realised, or otherwise dealt with, is required to be paid to any public office or department, such officer or department receiving the same shall pay it into or account for the same in due course to the appropriate Treasury. (*Adaptation by Order No. 47 of 1951 ; adaptation by L.N. 131 of 1954*)

(2) Where under any Ordinance or Law any thing or any animal is adjudged by any court, or other authority duly authorised by law, to be forfeited, it shall, unless the contrary is otherwise provided, or unless it is expressed by law to be forfeited to any person, be forfeited to the Crown, and the net proceeds thereof, if it is ordered by competent authority to be sold, shall be paid into the appropriate Treasury, unless the contrary is otherwise provided. (*Adaptation by Order No. 47 of 1951 ; adaptation by L.N. 131 of 1954*)

(3) Nothing in this section shall affect any provision in any Ordinance or Law whereby any shares of fines or forfeitures, or of proceeds of forfeitures, are expressed to be recoverable by any person, or may be granted by any authority to any person. (*Adaptation by Order No. 47 of 1951*)

(4) Save where the requirement, judgment or commission referred to in subsections (1) and (2) relates to a function of the Government of the Federation, the expression "appropriate Treasury" shall be interpreted as meaning the Treasury in the Region concerned :

Provided that nothing contained in this section shall affect the rights *inter se* of the Treasuries of the Regions and of the Federation. **[50]** (*Adaptation by L.N. 131 of 1954*)

The Crown

References to the Crown (sec. 30, part of.)

59. In any Ordinance or Law references to the Sovereign reigning at the time of the passing of the Ordinance or Law or to the Crown shall, unless the contrary intention appears, be construed as references to the Sovereign for the time being. **[51]** (*Adaptation by Order No. 47 of 1951*)

Saving of rights of the Crown.

60. No Ordinance or Law shall in any manner whatsoever affect the rights of the Crown, unless it is therein expressly stated, or unless it appears by necessary implication, that the Crown is bound thereby. **[52]** (*Adaptation by Order No. 47 of 1951*)

Ordinance binding on the Crown. (sec. 30, part of.)

61. This Ordinance shall be binding on the Crown. **[53]**

Lagos and Southern Cameroons.

62. This Ordinance shall apply to and in respect of Lagos and the Southern Cameroons as though they were Regions. (*Adaptation by L.N. 131 of 1954*)

L.N. 55 of 1956

NIGERIA (CONSTITUTION) ORDERS IN COUNCIL, 1954 AND 1955

Allocation of Junior Offices (Correction) Order, 1956

Date of Commencement : 24th May, 1956

In exercise of the powers conferred by section 182 of the Nigeria (Constitution) Order in Council, 1954, the Governor-General has made the following order—

1. This Order may be cited as the Allocation of Junior Offices (Correction) Order, 1956. Citation.

2. The Allocation of Junior Officers (Western Region) (Amendment) Order, 1955, shall be deemed to have been entitled the Allocation of Junior Offices (Western Region) (Amendment) Order, 1955, and the word "officers" wherever it appears therein shall be amended to "offices". Correction. L.N. 102 of 1955.

3. The Allocation of Junior Officers (Eastern Region) (Amendment) Order, 1956, shall be deemed to have been entitled the Allocation of Junior Offices (Eastern Region) (Amendment) Order, 1956, and the word "officers" wherever it appears therein shall be amended to "offices". Correction. L.N. 32 of 1956.

DATED at Lagos this 17th May, 1956.

By His Excellency's Command,

C. A. L. GUISE,
Acting Deputy Chief Secretary of the Federation

EXPLANATORY NOTE

The Constitution Order provides for allocation of offices to Regions. Certain Orders have referred erroneously to officers, and they are now corrected to avoid confusion in the future.

L.N. 56 of 1956

REGISTRATION OF TITLES ORDINANCE

(CHAPTER 197)

Registration of Titles (Application) (Amendment) Order, 1956

Date of Commencement: 19*th April*, 1956

In exercise of the powers conferred by section 2 of the Registration of Titles Ordinance, the Governor-General, after consultation with the Council of Ministers, has made the following order—

Citation and commencement.

1. This order may be cited as the Registration of Titles (Application) (Amendment) Order, 1956, and shall be deemed to have come into operation on the 19th April, 1956.

Amendment of Schedule to L.N. 35 of 1956.

2. The Registration of Titles (Application) Order, 1956, is amended by the deletion of the third line of the Schedule and the substitution therefor of the following—

"Starting at a point in Oshodi Street opposite the south-west corner of the land referred to in the Crown grant registered as Number 94".

MADE at Lagos this 10th day of May, 1956.

M. L. PARKER,
Acting Deputy Secretary to the Council of Ministers

EXPLANATORY NOTE

The order corrects an error of phraseology in an earlier order.

L0022/S. 1

L.N. 57 of 1956

REGISTRATION OF TITLES ORDINANCE

(CHAPTER 197)

Registration of Titles (Application) (No. 2) (Amendment) Order, 1956

Date of Commencement: 19*th April*, 1956

In exercise of the powers conferred by section 2 of the Registration of Titles Ordinance, the Governor-General, after consultation with the Council of Ministers, has made the following order—

Citation and commencement.

1. This Order may be cited as the Registration of Titles (Application) (No. 2) (Amendment) Order, 1956, and shall be deemed to have come into operation on the 19th April, 1956.

2. The Registration of Titles (Application) (No. 2) Order, 1956, is amended— Amendment of Schedule to L.N. 36 of 1956.

(*a*) by the deletion in the Schedule of the letters "PBL" in the 9th and 10th lines and of the letters "PDB" in the 12th, 13th and 17th lines and the substitution therefor in each case of the following—

"PBD" ;

(*b*) by the deletion in the third column of such Schedule and in the 15th line thereof of the figures and word "22.00 feet" and the substitution therefor of the following—

"220.00 feet".

MADE at Lagos this 10th day of May, 1956.

M. L. PARKER,
Acting Deputy Secretary to the Council of Ministers

EXPLANATORY NOTE

The order corrects certain errors in distances and co-ordinates in an earlier order.

L0022/S. 1

L.N. 58 of 1956

THE IMMIGRATION ORDINANCE (CAP. 89)

The Antonio Masi Deportation Order, 1956

Date of Commencement : 3rd May, 1956

WHEREAS on the 24th day of January, 1956, in the Magistrate's Court of Lagos, Antonio Masi, was charged with an offence contrary to section 28 (*c*) of the Immigration Ordnance:

AND WHEREAS the said Antonio Masi pleaded guilty to and was convicted of the offence charged:

AND WHEREAS the said Court in the exercise of the powers conferred upon it by subsection (1) of section 26 of the Immigration Ordinance has recommended to the Governor-General that the said Antonio Masi be deported from Nigeria:

AND WHEREAS the Governor-General after considering in Council the recommendation of the said Court, thinks fit to make a deportation order requiring the said Antonio Masi to leave and remain out of Nigeria:

NOW THEREFORE in exercise of the powers conferred upon the Governor-General by subsection (1) of section 26 of the Immigration Ordinance the following order is hereby made:—

1. The order may be cited as the Antonio Masi Deportation Order, 1956.

2. The said Antonio Masi shall leave Nigeria forthwith and shall thereafter remain out of Nigeria.

MADE at Lagos this 3rd day of May, 1956.

By His Excellency's Command,

M. L. PARKER,
Acting Deputy Secretary to the Council of Ministers

38322/S. 811

Assented to in Her Majesty's name this 26th day of May, 1956.

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 22 1956

Federation of Nigeria

IN THE FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.V.O., K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO PROVIDE FOR THE RENAMING OF THE MILITARY FORCES HITHERTO ENTITLED THE NIGERIA REGIMENT OF THE ROYAL WEST AFRICAN FRONTIER FORCE AND OTHERWISE TO AMEND THE LAW RELATING TO THE MILITARY FORCES OF NIGERIA. — Title.

[*7th. June, 1956.*] — Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :— — Enactment.

1. This Ordinance may be cited as the Nigerian Military Forces (Change of Titles) Ordinance, 1956. — Short title.

2. The military forces constituted under the title of the Nigeria Regiment of the Royal West African Frontier Force by the Royal West African Frontier Force (Nigeria Regiment) Ordinance (hereafter — Renaming Nigeria Regiment. Cap. 200.

in this section referred to as the said Ordinance) shall be known as the Nigerian Military Forces, Royal West African Frontier Force, and, as from the date on which this Ordinance comes into operation—

(*a*) the title of the said Ordinance shall be deemed to be "An Ordinance constituting the Nigerian Military Forces, Royal West African Frontier Force" ;

(*b*) notwithstanding anything in section 1 thereof the said Ordinance may be cited as the Nigerian Military Forces, Royal West African Frontier Force, Ordinance ;

(*c*) the said Ordinance shall be amended in the manner set out in the First Schedule to this Ordinance ;

First Schedule.

Second Schedule.

(*d*) The Ordinances set out in the first column of the Second Schedule to this Ordinance shall be amended in the manner set out in the second column of the said Schedule ; and

(*e*) any reference in any other Ordinance not amended by this Ordinance or in any instrument made under the authority of any such Ordinance to the Nigeria Regiment, or to the Royal West African Frontier Force, or to any officer or member thereof shall, as regards anything which takes place after the date on which this Ordinance comes into operation, mean the Nigerian Military Forces, Royal West African Frontier Force, or an officer or member thereof, as the case may be.

Renaming of Nigeria Regiment Reserve. Cap. 201.

3. The reserve force constituted under the title of the Nigeria Regiment Reserve by the Royal West African Frontier Force Reserve Ordinance (hereafter in this section referred to as the said Ordinance) shall be known as the Nigerian Military Forces Reserve and, from the date on which this Ordinance comes into operation—

(*a*) the title of the said Ordinance shall be deemed to be "An Ordinance constituting a Reserve Force in connection with the Nigerian Military Forces, Royal West African Frontier Force" ;

(*b*) notwithstanding anything in section 1 thereof, the said Ordinance may be cited as the Nigerian Military Forces Reserve Ordinance ; and

(*c*) the said Ordinance shall be amended in the manner set out in the Third Schedule to this Ordinance.

Third Schedule.

Recruitment of natives of Cameroons under United Kingdom Trusteeship. Cap. 119.

4. (1) It shall be lawful for a native of the Cameroons under United Kingdom Trusteeship—

(*a*) to be recruited for the Nigerian Military Forces or for the Nigerian Military Forces Reserve ;

(*b*) to be enrolled or enlisted in the Territorial Battalion established under the Local Forces Ordinance for purposes other than the defence of the Cameroons under United Kingdom Trusteeship ; or

(*c*) to be accepted for enlistment as an African soldier in the Engineer Company established under the Local Forces Ordinance.

(2) The Ordinances set out in the first column of the Fourth Schedule to this Ordinance shall be amended in the manner set out in the second column of the said Schedule. **Fourth Schedule.**

Section 2 (*c*)

FIRST SCHEDULE

AMENDMENTS TO ROYAL WEST AFRICAN FRONTIER FORCE (NIGERIA REGIMENT) ORDINANCE (BY THIS ORDINANCE RENAMED THE NIGERIAN MILITARY FORCES, ROYAL WEST AFRICAN FRONTIER FORCE, ORDINANCE)

Section	*Amendment*
1	For "Royal West African Frontier Force (Nigeria Regiment)" *substitute* "Nigerian Military Forces, Royal West African Frontier Force,".
3 (1)	For "The Nigeria Regiment of the Royal West African Frontier Force" *substitute* "The Nigerian Military Forces, Royal West African Frontier Force".
3 (2) 50 (9) (*a*), 55 (3), 56 (1), 57 (1), 58, 61, 65, 67 (1) and (2), 68, 70, 72, 73 (1), 77, 82 (1) (*b*), 83, 88, 89, 94 (1) and (3), 95 (3), 96, 98, 99, 100, 101 (2), 102 (1) and (2), 103, 104 (2), 106, 109 (*a*) and (*d*), 111 (5)	For "the regiment is" *substitute* "the Forces are", For "the regiment" wherever those words occur *substitute* "the Forces".
42, 54 (2)	For "Nigeria Regiment" *substitute* "the Forces".
65	*Delete* "with the rank of colonel" in line 2. For "and of Lieutenant-Colonel" in lines 2-3 *substitute* "and an officer".
77, 90, 91 (4)	For "the Nigeria Regiment of the Royal West African Frontier Force" *substitute* "the Nigerian Military Forces, Royal West African Frontier Force".
82 (5)	*Delete* "or the Commander, Nigeria Area (which latter designation shall include the officer holding a position analogous thereto)".
91 (1) and (2)	For "Royal West African Frontier Force" *substitute* "the Forces".
111 (2) and (15)	For "Royal West African Frontier Force Reserve" *substitute* "Nigerian Military Forces Reserve".
111 (3)	For "the person in Nigeria for the time being in command of the Nigeria Regiment" *substitute* "the General Officer Commanding, Nigerian Military Forces".
After 111 (5)	*Insert* new paragraph '(5A) "the Forces" means the Nigerian Military Forces constituted by this Ordinance, including any units established by or under the Nigerian Military Forces (Military Units) Ordinance, 1953 ;'.

Section 2 (*d*)

SECOND SCHEDULE

AMENDMENTS TO VARIOUS ORDINANCES

Ordinance	*Amendment*
Cameroons under United Kingdom Trusteeship Ordinance (Cap. 27) : First Schedule.	For "The Royal West African Frontier Force (Nigeria Regiment) Ordinance" *substitute* "The Nigerian Military Forces, Royal West African Frontier Force, Ordinance".
Local Forces Ordinance (Cap. 119) : Title, ss. 2 (except in definition of "Nigeria Regiment"), 3 (2) (*a*) and (*b*), 6 (1) (*b*) (*i*), 28, 30 (*b*), 39, 45, 48 (1) (*a*) and (*b*), Second Schedule, Fourth Schedule and Sixth Schedules.	For "Nigeria Regiment" wherever those words occur *substitute* "Nigerian Military Forces".

SECOND SCHEDULE—*continued*

Ordinance	*Amendment*
s. 2.	For the definition of "Nigeria Regiment" *substitute*— '"Nigerian Military Forces" means the Forces constituted under the provisions of the Nigerian Military Forces, West African Frontier Force, Ordinance.'
s. 48, Second Schedule, Fourth Schedule and Sixth Schedule	For "Royal West African Frontier Force (Nigeria Regiment) Ordinance" *substitute* "Nigerian Military Forces, Royal West African Frontier Force, Ordinance".
s. 59 (2) (inserted by the Local Forces (Amendment) Ordinance, 1955 (No. 8 of 1955)).	*Delete and substitute* "(2) Cadet units shall be affiliated to the Nigerian Military Forces, but shall not form part of the Nigerian Military Forces or of the Local Forces."
Prisons Ordinance (Cap. 177) : s. 10	For "Royal West African Frontier Force" *substitute* "Nigerian Military Forces".
Royal West African Frontier Force (Military Units) Ordinance, 1953 (No. 7 of 1953) ; Title, s. 2	For "Nigeria Regiment of the Royal West African Frontier Force" *substitute* "Nigerian Military Forces, Royal West African Frontier Force".
s. 1	For "Royal West African Frontier Force" *substitute* "Nigerian Military Forces".
ss. 2, 3 and 4	For "the Regiment" *substitute* "the Forces".
s. 4	After "of such Force" *insert* "or to the Nigerian Military Forces, Royal West African Frontier Force".
Military Pensions Ordinance, 1955 (No. 12 of 1955) s. 2	For paragraphs (*a*) and (*c*) of definition of "Military Forces of Nigeria" *substitute* "(*a*) Nigerian Military Forces, Royal West African Frontier Force Ordinance;" and "(*c*) Nigerian Military Forces (Military Units) Ordinance, 1953 ;" respectively.

Section 3 THIRD SCHEDULE

AMENDMENTS TO ROYAL WEST AFRICAN FRONTIER FORCE RESERVE ORDINANCE (BY THE ORDINANCE RENAMED THE NIGERIAN MILITARY FORCES RESERVE ORDINANCE)

Section	*Amendment*
1	For "Royal West African Frontier Force (Nigeria Regiment) Ordinance" *substitute* "Nigerian Military Forces, Royal West African Frontier Force, Ordinance".
ss. 3 and 6	For "Nigeria Regiment Reserve" *substitute* "Nigerian Military Forces Reserve".
s. 4	For "a portion of the Royal West African Frontier Force Reserve to be known as the Nigeria Regiment Reserve" *substitute* "a reserve force to be known as the Nigerian Military Forces Reserve".
ss. 5 (*b*) and (*c*), and 7	For "Nigeria Regiment of the Royal West African Frontier Force" *substitute* "Nigerian Military Forces".
ss. 10 and 11	For "Nigeria Regiment" *substitute* "Nigerian Military Forces".

Section 4 FOURTH SCHEDULE

FURTHER AMENDMENTS TO VARIOUS ORDINANCES

Ordinance	*Amendment*
Local Forces Ordinance (Cap. 119) : s. 7	*Delete* subsection (6).
s. 24	At end of subsection (4) *insert* "or a native of the Cameroons under United Kingdom Trusteeship".
Nigerian Military Forces, Royal West African Frontier Force, Ordinance (Cap. 200) : s. 73	*Delete* subsection (4).
Nigerian Military Force Reserve Ordinance (Cap. 201) : s. 2	*Delete* "provided that natives of the Cameroons under United Kingdom Trusteeship shall not be recruited for the Force".

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

Supplement to Official Gazette No. 37, Vol. 43, 7th June, 1956—Part B

L.N. 60 of 1956

THE LAGOS LOCAL GOVERNMENT LAW, 1953

(W.R. No. 4 OF 1953)

The Lagos General Rate Order No. 1 of 1956

Date of Commencement : 1st April, 1956

In exercise of the powers conferred on the Lagos Town Council by section 135 of the Lagos Local Government Law, 1953, the following Order has been made with the approval of the Regional Authority.

1. This Order may be cited as the Lagos General Rate Order No. 1 of 1956 and shall come into force on the 1st day of April, 1956. **Short title.**

2. A half-yearly rate shall be levied in respect of the tenements referred to in the Schedule 'A' and 'B' hereto. **Half-year Rate.**

3. Such half-yearly rate shall be calculated— **Calculation of half-yearly rate.**

(*a*) at the rate of three shillings and eight pence for each pound of the annual value of the tenements referred to in Schedule 'A' other than those specified in paragraphs (*b*), (*c*) and (*d*) of this Order ;

(*b*) at the rate of three shillings and eight pence for each pound of the product of five *per centum* of the depreciated capital value (as defined in the Assessment and Rating (Public Utility Corporations) Ordinance, 1956), of all commercial premises belonging to the Electricity Corporation of Nigeria other than Ijora 'A' and 'B' Power Station buildings and all sub-station buildings, together with any office, store, sanitary accommodation or like ancillary appurtenances adjoining or forming part of such power station or sub-station buildings and used for purposes directly connected therewith ;

(*c*) at the rate of three shillings and eight pence for each pound of the product of one and two-thirds *per centum* of the depreciated capital value of Ijora 'A' and 'B' Power Station buildings and all sub-station buildings belonging to the Electricity Corporation of Nigeria together with any office, store, sanitary accommodation or like ancillary appurtenances adjoining or forming part of such power station or sub-station buildings and used for purposes directly connected therewith ;

(*d*) at the rate of three shillings and six pence for each pound of the annual value of the tenements referred to in Schedule 'A' which are occupied by any social club or club constituted solely for the purpose of any game or sport ;

(*e*) at the rate of one-and-a-half *per centum* of the unimproved value of the tenements referred to in Schedule 'B' other than those specified in paragraph (*f*) of this Order ; and

(*f*) at the rate of one *per centum* of the annual value of the tenements referred to in Schedule 'B' which are occupied by any social club or club constituted solely for the purpose of any game or sport.

4. The date on which payment of the said general rate shall become due and payable shall be the 1st day of April, 1956. **Date of payment.**

Exemptions.

5. The following tenements shall be totally exempt from the payment of the said general rate—

(*a*) tenements on which no building whether of a permanent or temporary nature is erected, when such tenements are not assessed by reference to the unimproved value ;

(*b*) tenements owned by the Government of the Federation of Nigeria and the Lagos Town Council ;

(*c*) places of worship, cemeteries and public parks and recreation grounds ;

(*d*) tenements occupied by schools in so far as they are occupied and used solely for schools as distinct from residential purposes ;

(*e*) tenements assessed by reference to their annual value of which the annual value does not exceed six pounds ; and,

(*f*) tenements in any area so situated as, in the opinion of the Lagos Town Council, to justify their total exemption.

6. The following tenements shall be partially exempt from the payment of the said general rate : —

tenements in any area so situated as, in the opinion of the Lagos Town Council, to justify their partial exemption.

Revocation of Lagos General Rate Order No. 2 of 1955.

7. The Lagos General Rate Order No. 2 of 1955 published in the *Federation of Nigeria Gazette* as Legal Notice No. 117 of 1955 is hereby revoked.

SCHEDULE 'A'

All tenements within the Assessment Area as defined in Government Notice No. 1370 of 1948 which are assessed or which may hereafter be assessed in accordance with the Assessment Ordinance (Cap. 16) as amended by the Assessment and Rating (Public Utility Corporations) Ordinance, 1956, except the tenements referred to in Schedule 'B'.

SCHEDULE 'B'

All tenements situated within the area known as the Yaba Estate which are assessed by reference to their unimproved value, so long as they remain so assessed.

MADE by the Lagos Town Council this 1st day of May, 1956.

D. M. O. AKINBIYI,
Town Clerk

APPROVED by the Governor-General in Council this 15th day of May, 1956.

M. L. PARKER,
Acting Deputy Secretary to the Council of Ministers

F35878

INDEX TO SUBSIDIARY LEGISLATION 1ST JANUARY TO 1ST JUNE, 1956

Title	*No. of Instrument*	*Page*
AID TO PIONEER INDUSTRIES ORDINANCE, 1952 (No. 10 of 1952)		
(No. 1) Order, 1956	L.N. 2	B3
(No. 2) Order, 1956	L.N. 13	B37
ANTIQUITIES ORDINANCE, 1953 (No. 17 of 1953)		
(Monuments) Declaration Notice, 1956	L.N. 12	B35
(Monuments) Declaration (No. 2) Notice, 1956	L.N. 31	B69
CAMEROONS DEVELOPMENT CORPORATION ORDINANCE (CESSER OF APPLICATION) (NORTHERN REGION) ORDINANCE, 1956 (No. 7 of 1956)		
Appointed Date	L.N. 48	B88
COLONIAL AIR NAVIGATION ORDER, 1955		
Air Navigation (Nigeria) Regulations, 1956	L.N. 53	B96
CRIMINAL PROCEDURE ORDINANCE (CAP. 43)		
Attorney-General of the Federation (Delegation of Powers) (Federation) Notice, 1956	L.N. 29	B66
Attorney-General of the Federation (Delegation of Powers) (Federation) (No. 2) Notice, 1956	L.N. 50	B94
Attorney-General of the Federation (Delegation of Powers) (Lagos) Notice, 1956	L.N. 28	B65
CUSTOMS ORDINANCE (CAP. 48)		
(Amendment) Regulations, 1956	L.N. 30	B67
(Duties and Exemptions) (Amendment) Order in Council, 1956 ..	L.N. 17	B43
(Duties and Exemptions) Resolution, 1956	L.N. 25	B63
DIPLOMATIC PRIVILEGES (EXTENSION) ORDINANCE, 1947 (No. 25 of 1947)		
(UNICEF) Order, 1956	L.N. 37	B75
EDUCATION ORDINANCE, 1952 (No. 17 of 1952)		
(Grant-in-Aid) (Lagos) (Amendment) Regulations, 1956	L.N. 10	B27
(Grant-in-Aid) (Lagos) (Amendment) (No. 2) Regulations, 1956	L.N. 9	B26
EMERGENCY POWERS (NIGERIA) ORDER IN COUNCIL, 1956		
Order in Council, 1956	L.N. 52	B95
EXCHANGE CONTROL ORDINANCE (No. 35 of 1950)		
(Payments) (Amendment) Order, 1956	L.N. 8	B25
EXCISE ORDINANCE (CAP. 65)		
Duties (Cigarettes and Beer) Order, 1956	L.N. 18	B47
Duties (Cigarettes and Beer) Resolution, 1956	L.N. 26	B63
IMMIGRATION ORDINANCE (CAP. 89)		
Antonio Masi Deportation Order, 1956	L.N. 58	B101
Sathgarao Deportation Order in Council, 1956	L.N. 38	B78
INCOME TAX ORDINANCE (CAP. 92)		
(Exemption) (I.C.A. Employees) Order, 1956	L.N. 27	B65
INCREASE OF RENT (RESTRICTION) ORDINANCE, (CAP 93)		
(Lagos Rehousing Scheme No. 1 of 1951) (Premises Decontrol) Order, 1956	L.N. 33	B71
LABOUR CODE ORDINANCE (CAP. 99)		
Conditions of Employment (Minesfield) (Amendment) Order, 1956	L.N. 22	B53
Industrial Workers (Employment Exchanges) (Amendment) Rules, 1956	L.N. 16	B38
LAGOS LOCAL GOVERNMENT LAW, 1953 (W.R. No. 4 of 1953)		
Lagos (Dangerous Buildings) Bye-Laws, 1956	L.N. 47	B87
Townships (Lagos) (Amendment) Bye-Laws, 1955	L.N. 5	B5
LAGOS TOWN PLANNING ORDINANCE (CAP. 103)		
Apapa Town Planning Scheme (Western Area) 1953 (Amendment) Order, 1955	L.N. 21	B50
Lagos Central Planning Scheme (Amendment) Order, 1956 ..	L.N. 34	B72
Lagos Town Planning (Re-declaration of Planning Area) Order, 1956	L.N. 39	B79

Title	*No. of Instrument*	*Page*
MINERALS ORDINANCE (CAP. 134)		
Prospecting (Areas and Minerals) Prohibition (Amendment) Declaration, 1956	L.N. 11	B32
NIGERIA (CONSTITUTION) ORDERS IN COUNCIL, 1954 AND 1955		
Allocation of Junior Offices (Correction) Order, 1956	L.N. 55	B99
Allocation of Junior Offices (Eastern Region) (Amendment) Order, 1956	L.N. 32	B71
Concurrent Legislative List (Designated Professions) Order, 1956	L.N. 3	B3
Exclusive Legislative List (Western Region and Lagos) (Declaration of Water Sources) Order, 1956	L.N. 7	B25
Federal Supreme Court Rules made under the Nigeria (Constitution) Order in Council, 1954	L.N. 1	B1
PENSIONS ORDINANCE, (No. 29 of 1951)		
(Declaration of Pensionable Offices) (Amendment) Order, 1956 (*see also L.N. 24 of 1956*)	L.N. 23	B55
PORTS ORDINANCE, 1954 (No. 27 of 1954)		
Appointed Day (Part XI) Notice	L.N. 15	B38
Nigerian Ports Authority (Dues and Rates) Regulations, 1956 ..	L.N. 6	B7
Nigerian Ports Authority (Dues and Rates) (Amendment) Regulations, 1956	L.N. 20	B50
Nigerian Ports Authority (Election) Regulations, 1956	L.N. 49	B89
PRODUCE INSPECTION ORDINANCE, 1950 (No. 24 of 1950)		
(Amendment) Regulations, 1956	L.N. 42	B82
Capsicums (Inspection for Export) (Amendment) Regulations, 1956	L.N. 41	B81
Cassava Starch (Inspection for Export) (Revocation) Regulations, 1956	L.N. 46	B86
Cocoa (Inspection for Export) (Amendment) Regulations, 1956 ..	L.N. 43	B83
Cotton (Inspection for Export) (Amendment) Regulations, 1956 ..	L.N. 45	B85
Groundnuts (Inspection for Export) (Amendment) Regulations, 1956	L.N. 44	B84
Palm Produce (Inspection for Export) (Amendment) Regulations, 1956	L.N. 40	B79
REGISTRATION OF TITLES ORDINANCE (CAP. 197)		
(Application) Order, 1956	L.N. 35	B72
(Application) (No. 2) Order, 1956	L.N. 36	B74
(Application) (Amendment) Order, 1956	L.N. 56	B100
(Application) (No. 2) (Amendment) Order, 1956	L.N. 57	B100
ROAD TRAFFIC ORDINANCE (No. 43 of 1947)		
(Amendment) Regulations, 1956	L.N. 14	B37
SHERIFFS AND CIVIL PROCESS ORDINANCE (CAP. 205)		
Enforcement of Judgments and Civil Process Rules, 1956 ..	L.N. 59	B103
SURVEY ORDINANCE (No. 29 of 1952)		
Delegation of Functions	L.N. 54	B98
TRADING WITH THE ENEMY ORDINANCE, 1939 (No. 23 of 1939)		
(Appointment of Custodian) (Amendment) Order, 1956	L.N. 51	B95
WATERWORKS ORDINANCE (CAP. 227)		
(Waste Prevention) (Lagos) (Amendment) Regulations, 1956 ..	L.N. 4	B4
WEST AFRICAN INSTITUTE FOR TRYPANOSOMIASIS RESEARCH ORDINANCE, 1950 (No. 36 of 1950)		
Pensionable Offices (W.A.I.T.R.) (Amendment) Order, 1956 ..	L.N. 24	B62
WEST AFRICAN TERRITORIES (AIR TRANSPORT) ORDER IN COUNCIL, 1946		
(Amendment) Order in Council, 1956	L.N. 19	B49

Supplement to Official Gazette No. 38, Vol. 43, 14th June, 1956—Part B

L.N. 61 of 1956

PRISONS ORDINANCE (CHAPTER 177)

Appointment of Prisons (Amendment) Order, 1956

Date of Commencement : 1st April, 1956

In exercise of the powers conferred by section 3 of the Prisons Ordinance, the Governor-General, after consultation with the Council of Ministers, has made the following Order:—

1. This Order may be cited as the Appointment of Prisons (Amendment) Order, 1956, and shall be deemed to have come into operation on the 1st April, 1956. Citation and commencement.

2. The Schedule to the Appointment of Prisons Order in Council is amended by deleting the entries therein relating to Kaduna and substituting the following— Amendment of Schedule. (Vol. IX, p. 321).

"Kaduna, including the former Native Authority Prison.	Convict Prison.	Zaria Province."

MADE at Lagos this 29th day of May, 1956.

M. L. PARKER,
Acting Deputy Secretary to the Council of Ministers

L.N. 62 of 1956

STATUTORY INSTRUMENTS

1956 No. 836

WEST AFRICA

The Nigeria (Constitution) (Amendment) Order in Council, 1956

Made - - -	*1st June*, 1956
Laid before Parliament	*6th June*, 1956
Coming into Operation	*7th June*, 1956

At the Court at Buckingham Palace, the 1st day of June, 1956

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by section 10 of the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1.—(1) This Order may be cited as the Nigeria (Constitution) (Amendment) Order in Council, 1956, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 and 1955(b). Citation, construction, commencement and interpretation.

(a) 53 & 64 Vict. c. 37. (b) S.I. 1954/1146 (1954 II, p. 2826) and 1955/432.

(2) The Nigeria (Constitution) Orders in Council, 1954 and 1955, and this Order may be cited together as the Nigeria (Constitution) Orders in Council, 1954 to 1956.

(3) This Order shall come into operation on the seventh day of June, 1956 :

Provided that the provisions of sections 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of this Order shall be deemed to have taken effect on the first day of October, 1954.

(4) In this Order "the principal Order" means the Nigeria (Constitution) Order in Council, 1954(**c**), as amended by the Nigeria (Constitution) (Amendment) Order in Council, 1955(**d**).

Amendment of s. 29 (1) of Nigeria (Constitution) Order in Council, 1954.

2. Section 29 of the principal Order shall be amended by the insertion after paragraph (*a*) of subsection (1) thereof of the following paragraph—

"(*aa*) those members of the Executive Council of the Western Region who are members of the House of Chiefs ;".

Amendment of s. 67 (2) of Nigeria (Constitution) Order in Council, 1954.

3. Section 67 of the principal Order shall be amended by the deletion from subsection (2) thereof of the words "the message to which the Bill or motion relates" and the substitution therefor of the words "the Bill or motion to which the message relates".

Amendment of s. 75 of Nigeria (Constitution) Order in Council, 1954.

4. Section 75 of the principal Order shall be amended—

(*a*) by the deletion from sub-paragraph (*ii*) of the proviso to paragraph (*a*) thereof of the word "and" ; and

(*b*) by the insertion after the words "section 24 of this Order" in that sub-paragraph of the words "and the members of the Western House of Assembly mentioned in paragraph (*aa*) of subsection (1) of section 29 of this Order".

Amendment of s. 141 of Nigeria (Constitution) Order in Council, 1954.

5. Section 141 of the principal Order shall be amended by the deletion of the words "such salary and allowances as may be prescribed by any law enacted by the Federal Legislature" and the substitution therefor of the words "such salary as may be prescribed by any law enacted by the Federal Legislature and such allowances as may be prescribed by or under any such law".

Amendment of s. 142 (2) of Nigeria (Constitution) Order in Council, 1954.

6. Section 142 of the principal Order shall be amended—

(*a*) by the insertion after paragraph (*c*) of subsection (2) thereof of the following paragraph—

"(*cc*) (*i*) if the office of Chief Justice of the High Court of a Region is vacant, or if the Chief Justice is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the Chief Justice has resumed those functions, as the case may be, those functions shall be performed by such one of the other judges of the High Court as the Governor, acting in his discretion, may appoint for that purpose ;

(**c**) S.I. 1954/1146 (1954 II, p. 2829).

(**d**) S.I. 1055/432.

(*ii*) if the office of a judge of the High Court of a Region, other than the Chief Justice, is vacant, or if any such judge is appointed to act as Chief Justice or is for any reason unable to perform the functions of his office, the Governor, acting in his discretion, may appoint a fit and proper person to act as a judge of the High Court ;

(*iii*) the provisions of paragraph (*c*) of this subsection shall not apply to a person appointed to act as a judge of the High Court of a Region under sub-paragraph (*ii*) of this paragraph but any person so appointed shall be a person with such qualifications, if any, as may be prescribed by any law enacted by the Legislature of the Region" ;

(*b*) by the deletion from paragraph (*f*) of subsection (2) thereof of the words "such salary and allowances as may be prescribed by any law enacted by the Legislature of the Region" and the substitution therefor of the words "such salary as may be prescribed by any law enacted by the Legislature of the Region and such allowances as may be prescribed by or under any such law".

Amendment of s. 173 of Nigeria (Constitution) Order in Council, 1954.

7. Section 173 of the principal Order shall be amended—

(*a*) by the deletion of the words "any officer having authority over a department of government of the Federation" in paragraph (*a*) of subsection (2) thereof and the substitution therefor of the words "any other officer in the public service of the Federation" ; and

(*b*) by the insertion after subsection (3) thereof of the following subsection—

"(4) (*a*) If it is provided by or under any law or Order to which this subsection applies that any officer in the public service of the Federation shall have power to exercise disciplinary control over other officers in that public service, such power shall be deemed to have been delegated to that officer by the Governor-General in accordance with the provisions of subsection (2) of this section and accordingly the power shall be exercisable by that officer, subject to the provisions of subsection (3) of this section, unless and until it is revoked by the Governor-General.

(*b*) Any provision of any law or Order to which this subsection applies and any instrument made under such law or Order shall, to the extent that it confers power upon any officer in the public service of the Federation to exercise disciplinary control over other officers in that public service, cease to have effect, unless it shall have been sooner repealed or revoked, upon the revocation of the power by the Governor-General.

(*c*) This subsection applies to any law that by virtue of the provisions of subsections (2) and (3) of section 57 of this Order, has effect as if it were a law enacted by the Federal Legislature and to any Order made under subsection (5) of that section in respect of any such law."

Amendment of s. 178 (2) of Nigeria (Constitution) Order in Council, 1954.

8. Section 178 of the principal Order shall be amended by the deletion of the words "any officer having authority over a department of government of the Region" in paragraph (*a*) of subsection (2) thereof and the substitution therefor of the words "any officer in the public service of the Region".

Amendment of s. 191 (1) of Nigeria (Constitution) Order in Council, 1954.

9. Section 191 of the principal Order shall be amended—

(*a*) by the insertion, after the words "section 185 of this Order," in paragraph (*a*) of subsection (1) thereof of the words "or otherwise" ; and

(*b*) by the deletion of the words "or having been so transferred" in paragraph (*b*) of subsection (1) thereof and the substitution therefor of the words "or otherwise, or having been transferred".

Amendment of s. 192 (1) of Nigeria (Constitution) Order in Council, 1954.

10. Section 192 of the principal Order shall be amended by the deletion of paragraph (*c*) of subsection (1) thereof.

Amendment of s. 193 (1) of Nigeria (Constitution) Order in Council, 1954.

11. Section 193 of the principal Order shall be amended by the insertion after the words "as may be prescribed therein or," in paragraph (*b*) of subsection (1) thereof of the words "at his option".

Amendment of s. 194 of Nigeria (Constitution) Order in Council, 1954.

12. Section 194 of the principal Order shall be amended—

(*a*) by the insertion after the words "as may be prescribed therein or," in paragraph (*a*) of subsection (1) thereof of the words "at his option" ;

(*b*) by the insertion after the words "as may be prescribed therein or," in paragraph (*b*) of subsection (1) thereof of the words "at his option" ;

(*c*) by the deletion of the words "and has been permitted to retire under regulations made in pursuance of paragraph (*a*) or paragraph (*b*) of this section" from paragraph (*c*) of subsection (1) thereof ;

(*d*) by the insertion after the words "an additional allowance or," in paragraph (*c*) of subsection (1) thereof of the words "at his option" ; and

(*e*) by the insertion after subsection (3) thereof of the following subsection—

"(4) In paragraphs (*a*) and (*b*) of subsection (1) of this section "an existing African officer" means an existing African officer whether serving in the public service of the Federation or the public service of a Region".

Replacement of s. 195 of Nigeria (Constitution) Order in Council, 1954.

13. Section 195 of the principal Order shall be revoked and the following section shall be substituted therefor—

"Future overseas officers.

195.—(1) A future overseas officer may, after giving notice in writing to the Governor-General or the Governor, as the case may be, retire from the public service of the Federation or the public service of a Region if he has completed ten years' qualifying service of which the three years immediately before his retirement were served—

(*a*) in the public service of the Federation ; or

(*b*) in the public service of one or more Regions ; or

(*c*) partly in the public service of the Federation and partly in the public service of one or more Regions.

(2) An officer retiring in accordance with this section may be granted the pension, gratuity or other retiring benefits for which he may be eligible under the pensions law applicable to him :

Provided that he shall, if need be, be deemed to have attained the age at which, apart from the provisions of this section, he could be granted a pension under that law on his retirement from the public service.

(3) The notice to be given under subsection (1) of this section shall be six months' notice or such shorter period as the Governor-General or the Governor, as the case may be, may allow.

(4) In this section "qualifying service" means service which may be taken into account under the pensions law applicable to an officer in determining whether he is eligible for a pension or gratuity.

(5) Nothing in this section shall prevent an officer from retiring without having served the three years immediately before his retirement as mentioned in subsection (1) of this section if he is entitled under the pensions law applicable to him to retire at any earlier date."

Amendment of s. 196 of Nigeria (Constitution) Order in Council, 1954.

14. Section 196 of the principal Order shall be amended by the deletion of the words "which shall be exercisable on or before the date of his retirement".

Amendment of s. 197 of Nigeria (Constitution) Order in Council, 1954.

15. Section 197 of the principal Order shall be amended by the insertion after subsection (3) of the following subsection—

"(4) An option exercisable by an officer in accordance with regulations made under this Part—

(*a*) shall be exercisable on or before the date of the officer's retirement :

Provided that the Governor-General or the Governor, as the case may be, may, if he thinks fit, and subject or not to conditions, extend the period for the exercise of the option ;

(*b*) shall be irrevocable after the date of the officer's retirement ;

(*c*) shall be exercised by notice in writing to the Governor-General or the Governor, as the case may be ; and

(*d*) shall be deemed to have been exercised on the date on which such notice is received."

Amendment of First Schedule of Nigeria (Constitution) Order in Council, 1954.

16. The First Schedule to the principal Order shall be amended—

(*a*) by the deletion of Item 16 in Part I thereof and the substitution therefor of the following item—

"16. Deportation from Nigeria ; compulsory removal of persons from a Region to another Region or the Southern Cameroons or Lagos or from the Southern Cameroons to a Region or Lagos or from Lagos to a Region or the Southern Cameroons" ; and

(*b*) by the deletion of Item 16 in Part II thereof and the substitution therefor of the following item—

"16. Control of the voluntary movement of persons between Regions or between a Region and the Southern Cameroons or Lagos or between the Southern Cameroons and Lagos."

Amendment of Fourth Schedule of Nigeria (Constitution) Order in Council, 1954.

17. The Fourth Schedule to the principal Order shall be amended by the insertion after the words "fifty-five years" in the proviso to paragraph 2 thereof of the words "(or in the case of a judge of the High Court sixty-two years)".

W. G. AGNEW

EXPLANATORY NOTE

(*This Note is not part of the Order, but is intended to explain its general purport.*)

This Order makes certain amendments to the provisions of the Nigeria (Constitution) Order in Council, 1954, relating to the composition of the Western House of Assembly, the introduction of bills by message of the Governors of the Western and Eastern Regions of Nigeria, voting in the Western House of Assembly, the judiciary, the public service and the Legislative Lists.

L.N. 63 of 1956

LOCAL FORCES ORDINANCE (CHAPTER 119)

Local Forces (Cadet Units) Regulations, 1956

Date of Commencement : 13th April, 1956

In exercise of the powers conferred by section 63 of the Local Forces Ordinance as enacted by the Local Forces (Amendment) Ordinance, 1955, the Governor-General, after consultation with the Council of Ministers, has made the following regulations:—

Citation and application.

1. These regulations may be cited as the Local Forces (Cadet Unit) Regulations, 1956, and shall have effect throughout the Federation.

Eligibility for enrolment as cadet.

2. All male students of any college, in respect of which a unit of the Nigeria Cadet Force has been established, who are British subjects or British protected persons, and are between the ages of 16 and 25 years of age and are medically fit shall, subject to the provisions of the Part VI of the Local Forces Ordinance and these Regulations, be eligible for enrolment as cadets.

Eligibility for appointment as officer.

3. All male persons who are British subjects, British protected persons, or citizens of the Irish Republic whose parents are British subjects or citizens of the Irish Republic or, if dead, were British subjects or citizens of the Irish Republic at the time of their death, and who are 21 years of age or over and medically fit shall, subject to the provisions of these regulations, be eligible for appointment as officers of cadet units: Provided that a person liable to be called upon to serve in the armed forces of the Crown under the National Service Acts, 1948, of the United Kingdom, shall have completed the whole-time service provided for under those Acts.

Enrolment of cadets.

4. Candidates fulfilling the provisions of regulation 2 shall become cadets on enrolment by the commanding officer of the cadet unit.

Undertaking on enrolment.

5. Each cadet on enrolment, by virtue of his enrolment, shall undertake to attend all parades and undergo all training ordered by his commanding officer.

Appointment of officers.

6. Candidates fulfilling the provisions of regulation 3 shall be appointed by the Governor-General at his discretion to whatever rank and whatever post in a cadet unit the Governor-General may consider appropriate, and such appointment shall be published in the Gazette.

Selection board.

7. In making an appointment under regulation 6, the Governor-General may convene a selection board for his assistance, and require candidates for appointment to appear before the board. Each selection board shall be composed as follows:—

(1) A representative of the Chief Secretary of the Federation.

(2) A representative of the General Officer Commanding the Nigerian Military Forces.

(3) A representative of the Chief Federal Adviser on Education.

Appointment of Permanent Staff Instructors.

8. The Chief Secretary of the Federation after consultation with the General Officer Commanding the Nigerian Military Forces, and the Principal of the college concerned, may appoint Permanent Staff Instructors to cadet units from amongst ex-soldiers of the Royal West African Frontier Force.

Permanent Staff Instructors Federal Government servants.

9. Permanent Staff Instructors appointed under the provisions of regulation 8, shall be servants of the Federal Government, assigned for duty to the college for which they are appointed. In carrying out their duties, Instructors shall be under the direction and control of the Principal of the college and the commanding officer of the cadet unit.

Discharge of cadets.

10. (1) A cadet may secure his discharge from a cadet unit by giving notice in writing to the commanding officer of the unit.

(2) The commanding officer of a unit may discharge a cadet from the unit under his command by giving notice to the cadet, and without assigning any cause.

Discharge of officers.

11. (1) An officer may secure his discharge from his appointment by giving one month's notice in writing to the Governor-General, through the Principal of the College and the Chief Secretary of the Federation.

(2) An officer may be discharged by the Governor-General without any cause being assigned.

Discharge of Permanent Staff Instructors.

12. (1) A Permanent Staff Instructor may secure his discharge by giving two weeks notice in writing to the Chief Secretary of the Federation through the commanding officer of the unit to which he is attached.

(2) The Chief Secretary of the Federation may discharge a Permanent Staff Instructor without assigning any cause.

ommand of adets nits.

13. A cadet unit shall be under the command of the officer appointed to command it by the Governor-General, subject to the direction of the Principal of the College, the provisions of the Ordinance and these regulations, and the terms of the Nigeria Cadet Force Manual.

esponsibi- ties of ommanding fficers.

14. The Commanding officer shall be responsible to the Chief Secretary of the Federation, through the Principal of the College, for the training, discipline and efficiency of his unit, and for all the arms, ammunition, stores, and equipment which may be issued to the unit.

raining.

15. (1) Every unit shall be trained in accordance with the programme laid down by the commanding officer, subject to the terms of the Nigeria Cadet Force Manual.

ertificate of roficiency.

(2) A cadet on reaching the age of 17 years, and having served six months in a cadet unit may take an examination for the Certificate of Proficiency laid down in the Nigeria Cadet Force Manual.

rms and mmunition.

16. Every unit shall be issued with such arms and ammunition as the Chief Secretary of the Federation, in consultation with the General Officer Commanding the Nigerian Military Forces, may think necessary for training and instruction in the unit.

sue and use f arms, mmunition, c.

17. (1) The issue of arms, ammunition, clothing and equipment to officers and cadets of a unit shall be subject to such conditions as may be laid down in the Nigeria Cadet Force Manual.

(2) All arms, ammunition, uniform and equipment issued shall be used for training purposes only and every officer or cadet to whom they are issued shall produce them in good condition whenever called upon to do so.

niform.

18. The uniform worn by officers and cadets shall be that laid down in the Nigeria Cadet Force Manual.

nnual spection.

19. The General Officer Commanding the Nigerian Military Forces or such officer as he shall appoint to represent him, shall inspect every cadet unit at least once a year, at such time as he may appoint.

MADE at Lagos this 13th day of April, 1956.

P. H. G. STALLARD,
Acting Deputy Secretary to the Council of Ministers

EXPLANATORY NOTE

These regulations, which will be supplemented in due course by the provisions of a Manual yet to be issued, govern the establishment of cadet units under the Local Forces (Amendment) Ordinance, 1955.

Supplement to Official Gazette No. 39, Vol. 43, 21st June, 1956—Part B

L.N. 64 of 1956

INCOME TAX ORDINANCE (CHAPTER 92)

Income Tax (Double Taxation Relief) (Norway) Order, 1956

Date of Commencement : See s. 1 (b) of Second Schedule

WHEREAS it is provided by section 33 of the Income Tax Ordinance (as adapted by the Adaptation of Laws Order, 1954) that if the Governor-General in Council by order declares that arrangements specified in the order have been made with the Government of any territory outside Nigeria with a view to affording relief from double taxation in relation to income tax and any tax of a similar character imposed by the laws of that territory and that it is expedient that those arrangements should have effect, the arrangements shall have effect in relation to income tax notwithstanding anything in any enactment :

AND WHEREAS by a Convention dated the 2nd day of May, 1951, between the Government of the United Kingdom and the Government of Norway arrangements were made among other things for the avoidance of double taxation :

AND WHEREAS provision is made in the said Convention for the extension by means of an exchange of notes between the Contracting Parties of the said Convention, subject to such modifications and conditions (including conditions as to termination) as may be specified in the exchange of notes, to any territory, for whose international relations the United Kingdom is responsible, which imposes taxes substantially similar in character to those which are the subject of the said Convention :

AND WHEREAS by an Exchange of Notes dated the 18th May, 1955, the said Convention with certain modifications was applied to Nigeria :

AND WHEREAS by the Nigeria (Constitution) Order in Council, 1954, the expression Nigeria is to be construed as meaning the Federation of Nigeria :

NOW, THEREFORE, in exercise of the powers conferred by section 33 of the Income Tax Ordinance, the Governor-General, after consultation with the Council of Ministers, has made the following order—

1. This Order may be cited as the Income Tax (Double Taxation Relief) (Norway) Order, 1956. Citation.

2. It is hereby declared— Declaration.

(*a*) that the arrangements specified in the First Schedule to this Order, as modified by the provisions of the Second Schedule to this Order, have been made with the Government of Norway ; Schedules.

(*b*) that it is expedient that those arrangements should have effect

FIRST SCHEDULE (Section 2)

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM AND THE NORWEGIAN GOVERNMENT FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Norway,

Desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,

Have agreed as follows :—

ARTICLE I

(1) The taxes which are the subject of the present Convention are :—

(*a*) In Norway :

The national income tax, including the national defence tax on income, the communal income tax, the old age pension tax, the war pension tax, and the seamen's tax, and, for the purposes of Article XIX, the national property tax, including the national defence tax on property (hereinafter referred to as "Norwegian tax") ;

(*b*) In the United Kingdom of Great Britain and Northern Ireland :

The income tax (including surtax) and the profits tax (hereinafter referred to as "United Kingdom tax").

(2) The present Convention shall also apply to any other taxes of a substantially similar character imposed in Norway or the United Kingdom subsequently to the date of signature of the present Convention.

ARTICLE II

(1) In the present Convention, unless the context otherwise requires :—

(*a*) The term "United Kingdom" means Great Britain and Northern Ireland, excluding the Channel Islands and the Isle of Man ;

(*b*) The term "Norway" means the Kingdom of Norway, excluding Spitsbergen and Bear Island and Jan Mayen and the Norwegian dependencies outside Europe ;

(*c*) The terms "one of the territories" and "the other territory" mean the United Kingdom or Norway, as the context requires ;

(*d*) The term "tax" means United Kingdom tax or Norwegian tax, as the context requires ;

(*e*) The term "person" includes any body of persons, corporate or not corporate ;

(*f*) The term "company" means any body corporate ;

(*g*) The terms "resident of the United Kingdom" and "resident of Norway" mean respectively any person who is resident in the United Kingdom for the purposes of United Kingdom tax and not resident in Norway for the purposes of Norwegian tax, and any person who is resident in Norway for the purposes of Norwegian tax and not resident in the United Kingdom for the purposes of United Kingdom tax ; a company shall be regarded as resident in the United Kingdom if its business is managed and controlled in the United Kingdom and as resident in Norway if its business is managed and controlled in Norway ;

(*h*) The terms "resident of one of the territories" and "resident of the other territory" mean a person who is a resident of the United Kingdom or a person who is a resident of Norway, as the context requires ;

(*i*) The terms "United Kingdom enterprise" and "Norwegian enterprise" mean respectively an industrial or commercial enterprise or undertaking carried on by a resident of the United Kingdom and an industrial or commercial enterprise or undertaking carried on by a resident of Norway, and terms "enterprise of one of the territories" and "enterprise of the other territory" mean a United Kingdom enterprise or a Norwegian enterprise, as the context requires ;

(*j*) The term "industrial or commercial profits" includes rents or royalties in respect of cinematograph films ;

(*k*) The term "permanent establishment," when used with respect to an enterprise of one of the territories, means a branch, management, factory, or other fixed place of business, but does not include an agency unless the agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of such enterprise or has a stock of merchandise from which he regularly fills orders on its behalf. In this connexion—

FIRST SCHEDULE—*continued*

(*i*) An enterprise of one of the territories shall not be deemed to have a permanent establishment in the other territory merely because it carries on business dealings in that other territory through a *bona fide* broker or general commission agent acting in the ordinary course of his business as such.

(*ii*) The fact that an enterprise of one of the territories maintains in the other territory a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute that fixed place of business a permanent establishment of the enterprise.

(*iii*) The fact that a company which is a resident of one of the territories has a subsidiary company which is a resident of the other territory or which carries on a trade or business in that other territory (whether through a permanent establishment or otherwise) shall not of itself constitute that subsidiary company a permanent establishment of its parent company.

(2) Where under the present Convention any income is exempt from tax in one of the territories if (with or without other conditions) it is subject to tax in the other territory, and that income is subject to tax in that other territory by reference to the amount thereof which is remitted to or received in that other territory, the exemption to be allowed under this Convention in the first-mentioned territory shall apply only to the amount so remitted or received.

(3) In the application of the provisions of the present Convention by one of the Contracting Parties any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws in force in the territory of that Party relating to the taxes which are the subject of the present Convention.

ARTICLE III

(1) The industrial or commercial profits of a United Kingdom enterprise shall not be subject to Norwegian tax unless the enterprise carries on a trade or business in Norway through a permanent establishment situated therein. If it carries on a trade or business as aforesaid, tax may be imposed on those profits by Norway, but only on so much of them as is attributable to that permanent establishment.

(2) The industrial or commercial profits of a Norwegian enterprise shall not be subject to United Kingdom tax unless the enterprise carries on a trade or business in the United Kingdom through a permanent establishment situated therein. If it carries on a trade or business as aforesaid, tax may be imposed on those profits by the United Kingdom, but only on so much of them as is attributable to that permanent establishment.

(3) Where an enterprise of one of the territories carries on a trade or business in the other territory through a permanent establishment situated therein, there shall be attributed to that permanent establishment the industrial or commercial profits which it might be expected to derive in that other territory if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment.

(4) Where an enterprise of one of the territories derives profits, under contracts concluded in that territory, from sales of goods or merchandise stocked in a warehouse in the other territory for convenience of delivery and not for purposes of display, those profits shall not be attributed to a permanent establishment of the enterprise in that other territory, notwithstanding that the offers of purchase have been obtained by an agent in that other territory and transmitted by him to the enterprise for acceptance.

(5) No portion of any profits arising to an enterprise of one of the territories shall be attributed to a permanent establishment situated in the other territory by reason of the mere purchase of goods or merchandise within that other territory by the enterprise.

ARTICLE IV

Where—

(*a*) an enterprise of one of the territories participates directly or indirectly in the management, control or capital of an enterprise of the other territory, or

(*b*) the same persons participate directly or indirectly in the management, control or capital of an enterprise of one of the territories and an enterprise of the other territory,

and, in either case, conditions are made or imposed between the two enterprises, in their commercial or financial relations, which differ from those which would be made between independent enterprises, then any profits which would but for those conditions have accrued to one of the enterprises but by reason of those conditions have not so accrued may be included in the profits of that enterprise and taxed accordingly.

FIRST SCHEDULE—*continued*

ARTICLE V

Notwithstanding the provisions of Articles III and IV, profits which a resident of one of the territories derives from operating ships or aircraft shall be exempt from tax in the other territory.

ARTICLE VI

(1) (*a*) Dividends paid by a company which is a resident of the United Kingdom to a resident of Norway, who is subject to tax in Norway in respect thereof and does not carry on a trade or business in the United Kingdom through a permanent establishment situated therein, shall be exempt from United Kingdom surtax.

(*b*) Norwegian tax on dividends paid by a company which is a resident of Norway to a resident of the United Kingdom, who is subject to tax in the United Kingdom in respect thereof and does not carry on trade or business in Norway through a permanent establishment situated therein, shall not exceed 5 per cent.

Provided that, where the resident of the United Kingdom is a company which controls, directly or indirectly, not less than 50 per cent of the entire voting power of the company paying the dividends, the dividends shall be exempt from Norwegian tax.

(2) Where a company which is a resident of one of the territories derives profits or income from sources within the other territory, there shall not be imposed in that other territory any form of taxation on dividends paid by the company to persons not resident in that other territory, or any tax in the nature of an undistributed profits tax on undistributed profits of the company, whether or not those dividends or undistributed profits represent, in whole or in part, profits or income so derived.

ARTICLE VII

(1) Any interest or royalty derived from sources within one of the territories by a resident of the other territory, who is subject to tax in that other territory in respect thereof and does not carry on a trade or business in the first-mentioned territory through a permanent establishment situated therein, shall be exempt from tax in that first-mentioned territory.

(2) In this Article—

(*a*) The term "interest" includes interest on bonds, securities, notes, debentures or on any other form of indebtedness ;

(*b*) The term "royalty" means any royalty or other amount paid as consideration for the use of, or for the privilege of using, any copyright, patent, design, secret process or formula, trade mark or other like property, but does not include any royalty or other amount paid in respect of the operation of a mine or quarry or of any other extraction of natural resources.

(3) Where any interest or royalty exceeds a fair and reasonable consideration in respect of the indebtedness or rights for which it is paid, the exemption provided by the present Article shall apply only to so much of the interest or royalty as represents such fair and reasonable consideration.

(4) Any capital sum derived from sources within one of the territories from the sale of patent rights by a resident of the other territory, who does not carry on a trade or business in the first-mentioned territory through a permanent establishment situated therein, shall be exempt from tax in that first-mentioned territory.

ARTICLE VIII

(1) Where under the provisions of the present Convention a resident of the United Kingdom is exempt or entitled to relief from Norwegian tax, similar exemption or relief shall be applied to the undivided estates of deceased persons in so far as one or more of the beneficiaries is a resident of the United Kingdom.

(2) Norwegian tax on the undivided estate of a deceased person shall, in so far as the income accrues to a beneficiary who is resident in the United Kingdom, be allowed as a credit under Article XVI.

ARTICLE IX

(1) Remuneration, including pensions, paid by, or out of funds created by, one of the Contracting Parties to any individual in respect of services rendered to that Party in the discharge of governmental functions shall be exempt from tax in the territory of the other Contracting Party, unless the individual is a national of that other Party without being also a national of the first-mentioned Party.

(2) The provisions of this Article shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the Contracting Parties for purposes of profit.

FIRST SCHEDULE—*continued*

ARTICLE X

(1) An individual who is a resident of the United Kingdom shall be exempt from Norwegian tax on profits or remuneration in respect of personal (including professional) services performed within Norway in any year of assessment if—

(*a*) he is present within Norway for a period or periods not exceeding in the aggregate 183 days during that year, and

(*b*) the services are performed for or on behalf of a resident of the United Kingdom, and

(*c*) the profits or remuneration are subject to United Kingdom tax.

(2) An individual who is a resident of Norway shall be exempt from United Kingdom tax on profits or remuneration in respect of personal (including professional) services performed within the United Kingdom in any year of assessment, if—

(*a*) he is present within the United Kingdom for a period or periods not exceeding in the aggregate 183 days during that year, and

(*b*) the services are performed for or on behalf of a resident of Norway, and

(*c*) the profits or remuneration are subject to Norwegian tax.

(3) The provisions of this Article shall not apply to the profits or remuneration of public entertainers such as theatre, motion picture or radio artistes, musicians and athletes.

ARTICLE XI

A resident of one of the territories shall be exempt from tax in the other territory in respect of remuneration for services performed on ships or aircraft operating outside the other territory.

ARTICLE XII

(1) Any pension (other than a pension of the kind referred to in paragraph (1) of Article IX) and any annuity, derived from sources within Norway by an individual who is a resident of the United Kingdom and subject to United Kingdom tax in respect thereof, shall be exempt from Norwegian tax.

(2) Any pension (other than a pension of the kind referred to in paragraph (1) of Article IX) and any annuity, derived from sources within the United Kingdom by an individual who is a resident of Norway and subject to Norwegian tax in respect thereof, shall be exempt from United Kingdom tax.

(3) The term "annuity" means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

ARTICLE XIII

A professor or teacher from one of the territories, who receives remuneration for teaching, during a period of temporary residence not exceeding two years, at a university, college, school, or other educational institution in the other territory, shall be exempt from tax in that other territory in respect of that remuneration.

ARTICLE XIV

A student or apprentice from one of the territories, who is receiving full-time education or training in the other territory, shall be exempt from tax in that other territory on payments made to him from abroad for the purposes of his maintenance, education or training.

ARTICLE XV

(1) Individuals who are residents of Norway shall be entitled to the same personal allowances, reliefs and reductions for the purposes of United Kingdom tax as British subjects not resident in the United Kingdom.

(2) Individuals who are residents of the United Kingdom shall be entitled to the same personal allowances, reliefs and reductions for the purposes of Norwegian tax as Norwegian nationals not resident in Norway.

FIRST SCHEDULE—*continued*

ARTICLE XVI

(1) Subject to the provisions of the law of the United Kingdom regarding the allowance as a credit against United Kingdom tax of tax payable in a territory outside the United Kingdom, Norwegian tax payable, whether directly or by deduction, in respect of income from sources within Norway shall be allowed as a credit against any United Kingdom tax payable in respect of that income.

Where such income is an ordinary dividend paid by a company resident in Norway the credit shall take into account (in addition to any Norwegian tax appropriate to the dividend) the Norwegian tax payable by the company in respect of its profits ; and, where it is a dividend paid on participating preference shares and representing both a dividend at the fixed rate to which the shares are entitled and an additional participation in profits, the Norwegian tax so payable by the company shall likewise be taken into account in so far as the dividend exceeds that fixed rate.

Provided that for the purposes of this paragraph of this Article, the credit to be allowed for Norwegian communal income tax shall not exceed one-half of the said communal income tax.

(2) Where United Kingdom tax is payable, whether directly or by deduction, in respect of income from sources within the United Kingdom, and that income is chargeable also to Norwegian tax, the Norwegian tax payable by the person entitled to such income on his total income chargeable to Norwegian tax shall be reduced by an amount which bears the same proportion to that Norwegian tax as the income from sources within the United Kingdom bears to the said total income. Provided that the Norwegian Ministry of Finance and Customs may decide that the deduction shall not exceed the amount of the United Kingdom tax.

Where such income is an ordinary dividend paid by a company resident in the United Kingdom, the deduction, in the event that it is restricted to the amount of the United Kingdom tax, shall take into account (in addition to the United Kingdom tax appropriate to the dividend) the United Kingdom profits tax payable by the company in respect of its profits ; and, where it is a dividend paid on participating preference shares and representing both a dividend at a fixed rate to which the shares are entitled and an additional participation in profits, the profits tax so payable by the company shall likewise be taken into account in so far as the dividend exceeds that fixed rate.

(3) Where income is derived from sources outside both the United Kingdom and Norway by a person who is resident in the United Kingdom for the purposes of United Kingdom tax and also resident in Norway for the purposes of Norwegian tax, the income may be taxed in both countries (subject to any Convention which may exist between either of the Contracting Parties and the territory or territories from which the income is derived). A credit shall be allowed in accordance with paragraph (1) of this Article against any United Kingdom tax payable in respect of that income, equal to that proportion of the United Kingdom tax or the Norwegian tax, whichever is the less, which such person's income from sources within the United Kingdom bears to the sum of his income from sources within the United Kingdom and his income from sources within Norway ; and a deduction shall be allowed in accordance with paragraph (2) of this Article against any Norwegian tax payable in respect of that income equal to that proportion of the United Kingdom tax or the Norwegian tax, whichever is the less, which such person's income from sources within Norway bears to the sum of his income from sources within the United Kingdom and his income from sources within Norway.

(4) For the purposes of this Article, profits or remuneration for personal (including professional) services performed in one of the territories shall be deemed to be income from sources within that territory, except that the remuneration of a director of a company shall be deemed to be income from sources within the territory in which the company is resident, and the services of an individual whose services are wholly or mainly performed in ships or aircraft operated by a resident of one of the territories shall be deemed to be performed in that territory.

ARTICLE XVII

(1) The taxation authorities of the Contracting Parties shall exchange such information (being information which is at their disposal under their respective taxation laws in the normal course of administration) as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or for the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of the present Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any persons other than persons (including a Court) concerned with the assessment, determination and collection of the taxes which are the subject of the present Convention. No information as aforesaid shall be exchanged which would disclose any trade, business, industrial or professional secret or trade process.

(2) As used in this Article, the term "taxation authorities" means, in the case of the United Kingdom, the commissioners of Inland Revenue or their authorised representative ; in the case of Norway, the Ministry of Finance and Customs ; and, in the case of any territory to which the present Convention is extended under Article XX, the competent authority for the administration in such territory of the taxes to which the present Convention applies.

FIRST SCHEDULE—*continued*

ARTICLE XVIII

The Agreement of 18th December, 1924(**b**), between Great Britain and Norway for the reciprocal exemption from income tax in certain cases of profits accruing from the business of shipping, and the Agreement of 21st December, 1938(**c**), between the United Kingdom and Norway for the reciprocal exemption from taxes in certain cases of profits arising through agencies, shall not have effect—

(*a*) in Norway, for any period for which the present Convention has effect in that country ;

(*b*) in the United Kingdom, in relation to any tax for any period for which the present Convention has effect as respects that tax.

ARTICLE XIX

(1) The nationals of one of the Contracting Parties shall not be subjected in the territory of the other Contracting Party to any taxation or any requirement connected therewith which is other, higher or more burdensome than the taxation and connected requirements to which the nationals of the latter Party are or may be subjected.

(2) The enterprises of one of the territories shall not be subjected in the other territory, in respect of profits or capital attributable to their permanent establishments in that other territory, to any taxation which is other, higher or more burdensome than the taxation to which the enterprises of that other territory are or may be subjected in respect of the like profits or capital.

(3) The income, profits and capital of an enterprise of one of the territories, the capital of which is wholly or partly owned or controlled, directly or indirectly, by a resident or residents of the other territory shall not be subjected in the first-mentioned territory to any taxation which is other, higher or more burdensome than the taxation to which other enterprises of that first-mentioned territory are or may be subjected in respect of the like income, profits and capital.

(4) Nothing in paragraph (1) or paragraph (2) of this Article shall be construed as obliging one of the Contracting Parties to grant to nationals of the other Contracting Party who are not resident in the territory of the former Party the same personal allowances, reliefs and reductions for tax purposes as are granted to its own nationals.

(5) In this Article the term "nationals" means—

(*a*) in relation to Norway, all Norwegian citizens and all juridical persons domiciled in Norway ;

(*b*) in relation to the United Kingdom, all British subjects and British protected persons residing in the United Kingdom or any British territory to which the present Convention applies by reason of extension made under Article XX, and all legal persons, partnerships and associations deriving their status as such from the law in force in any British territory to which the present Convention applies.

(6) In this Article the term "taxation" means taxes of every kind and description levied on behalf of any authority whatsoever.

ARTICLE XX

(1) The present Convention may be extended, either in its entirety or with modifications, to any territory for whose international relations the United Kingdom is responsible and which imposes taxes substantially similar in character to those which are the subject of the present Convention, and any such extension shall take effect from such date and subject to such modifications and conditions (including conditions as to termination) as may be specified and agreed between the Contracting Parties in notes to be exchanged for this purpose.

(2) The termination in respect of Norway or the United Kingdom of the present Convention under Article XXII shall, unless otherwise expressly agreed by both Contracting Parties, terminate the application of the present Convention to any territory to which the Convention has been extended under this Article.

(b) S.R. & O. 1925 (No. 103) p. 600. (c) S.R. & O. 1939 (No. 1319) II, p. 1734.

FIRST SCHEDULE—*continued*

ARTICLE XXI

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Oslo as soon as possible.

(2) The present Convention shall enter into force upon the exchange of ratifications and the foregoing provisions thereof shall have effect—

(*a*) In the United Kingdom :

as respects income tax for any year of assessment beginning on or after 6th April, 1950 ;
as respects surtax for any year of assessment beginning on or after 6th April, 1949 ; and
as respect profits tax in respect of the following profits :—

(*i*) profits arising in any chargeable accounting period beginning on or after 1st April, 1950 ;

(*ii*) profits attributable to so much of any chargeable accounting period falling partly before and partly after that date as falls after that date ;

(*iii*) profits not so arising or attributable by reference to which income tax is, or but for the present Convention would be, chargeable for any year of assessment beginning on or after 6th April, 1950 ;

(*b*) In Norway :

for the taxable years beginning on or after 1st January, 1950.

ARTICLE XXII

The present Convention shall continue in force indefinitely but either of the Contracting Parties may, on or before 30th June in any calendar year not earlier than the year 1954, give to the other Contracting Party, through diplomatic channels, written notice of termination, provided that such notice of termination may be given in any year before 1954 if there should be any important change in the laws of the other Contracting Party affecting the application of Article XVI. In such event, the present Convention shall cease to be effective—

(*a*) In the United Kingdom :

as respects income tax, for any year of assessment beginning on or after 6th April in the calendar year next following that in which the notice is given ;

as respects surtax, for any year of assessment beginning on or after 6th April in the calendar year in which the notice is given ; and as respects profits tax, in respect of the following profits :—

(*i*) profits arising in any chargeable accounting period beginning on or after 1st April in the calendar year next following that in which the notice is given ;

(*ii*) profits attributable to so much of any chargeable accounting period falling partly before and partly after that date as falls after that date ;

(*iii*) profits not so arising or attributable by reference to which income tax is chargeable for any year of assessment beginning on or after 6th April in the next following calendar year ;

(*b*) In Norway :

for the taxable years beginning on or after 1st January in the calendar year next following that in which the notice is given.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed the present Convention and have affixed thereto their seals.

Done at London, in duplicate, in the English and Norwegian languages, both texts being equally authoritative, on the 2nd day of May, 1951.

HERBERT MORRISON

(L.S.)

P. PREBENSEN

(L.S.)

SECOND SCHEDULE

(Section 2).

1.—Application of the Convention

(*a*) The provisions of the Convention incorporated in the First Schedule to this Order shall apply as modified below—

(*i*) as if the Contracting Parties were the Government of the Federation of Nigeria and the Government of Norway ;

(*ii*) as if the tax concerned in the case of the Federation of Nigeria were the income tax ;

(*iii*) as if references to the date of signature were references to the 18th May, 1955,

(*iv*) as if references to the 6th April were references to the 1st April.

(*b*) The extension shall have effect in the Federation of Nigeria as respects tax for the year of assessment 1955-56 and for subsequent years of assessment, and will have effect in Norway with respect to Norwegian tax for the taxable years beginning on or after the 1st January, 1954.

(*c*) The extension shall continue in effect indefinitely but may be terminated as respects the Federation of Nigeria by written notice of termination given on or before the 30th June in any calendar year not earlier than the year 1957 by either of the Contracting Parties to the Convention to the other Contracting Party through the diplomatic channel and in such event the extension shall cease to have effect in the Federation of Nigeria as respects tax for the year of assessment beginning in the calendar year next following the date of such notice and for subsequent years of assessment, and will cease to have effect in Norway with respect to Norwegian tax for the taxable years beginning on or after the 1st January in the calendar year in which notice is given.

2.—Modifications of the Convention

(*a*) In Article VI (I) of the Convention the words "shall be exempt from United Kingdom surtax" shall be understood for the purposes of this extension as though they read "shall not be liable to tax in the Federation of Nigeria at a rate in excess of the rate applicable to a company".

(*b*) In Article VII all references to interest shall be deemed to be deleted ; in paragraph 2 of Article XVI all references to income (except in the phrase "total income") shall be deemed not to include interest.

Made at Lagos this 5th day of June, 1956.

M. L. Parker,
Acting Deputy Secretary to the Council of Ministers

Explanatory Note

Under the Convention between the United Kingdom and Norway as set out in the First Schedule to this Order, and as extended to have effect between the Federation of Nigeria and Norway subject to the modifications set out in the Second Schedule to this Order, certain classes of income derived from one country by a resident of the other country are (subject to certain conditions) exempt from tax in the former country ; these classes are shipping and air transport profits, certain trading profits not arising through a permanent establishment, patent and copyright royalties, pensions other than Government pensions, purchased annuities and earnings of temporary business visitors. Government salaries and pensions are normally to be taxed by the paying Government only. Remuneration of visiting professors and teachers is to be exempt in the country visited.

L.N. 67 of 1956

RECIPROCAL ENFORCEMENT OF JUDGMENTS (AMENDMENT) ORDINANCE, 1956

(No. 6 of 1956)

Appointed Day Notice

Date of Commencement: 21*st June*, 1956

In exercise of the powers conferred by subsection (1) of section 1 of the Reciprocal Enforcement of Judgments (Amendment) Ordinance, 1956 the Governor-General has appointed the 21st day of June, 1956, as the day on which the Reciprocal Enforcement of Judgments (Amendment) Ordinance, 1956 shall come into operation.

P. H. G. Stallard,
Acting Secretary to Governor-General and the Council of Ministers

Lagos, 18th June, 1956.

50633

A BILL

FOR

AN ORDINANCE TO AMEND THE CRIMINAL PROCEDURE ORDINANCE Title.
(CHAPTER 43)

[ ] Commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows— Enactment.

1. This Ordinance may be cited as the Criminal Procedure (Amendment) Ordinance, 1956. Short title.

2. Section 76 of the Criminal Procedure Ordinance, hereinafter referred to as the principal Ordinance, as such section was substituted by the Third Schedule of the Adaptation of Laws Order, 1954, is amended by the deletion in the first and second lines of Amendment of section 76 of Cap. 43. Legal Notice 131 of 1954.

subsection (1) of the words "(which expression includes the Attorney-General of the Federation acting in respect of Lagos)" and by the addition after that subsection of the following new subsection—

"(1A) The Attorney-General of the Federation acting in respect of Lagos may, by order in writing, delegate all or any of the powers vested in him by sections 73 and 74 to the Solicitor-General of the Federation or to a Crown Counsel.".

Amendment of section 76A. Legal Notice 47 of 1955.

3. Section 76A of the principal Ordinance, as such section was added by the Schedule of the Adaptation of Laws (Judicial Provisions) Order, 1955, is amended by the deletion in the last two lines of subsection (2) of the words "of the Region or to any Crown counsel, or, in the case of Lagos, the Solicitor-General of the Federation." and the substitution therefor of the following—

"or to any Crown counsel of the Region or, in the case of Lagos, to the Solicitor-General of the Federation or any Crown counsel in the public service of the Federation."

Objects and Reasons

The amendment removes defects in the Criminal Procedure Ordinance in relation to the powers of the Attorney-General of the Federation to delegate his functions under the Ordinance.

L. BRETT,
Acting Attorney-General of the Federation

Lagos.

Supplement to Official Gazette No. 40, Vol. 43, 28th June, 1956—Part B

L.N. 68 of 1956

DIPLOMATIC PRIVILEGES (EXTENSION) ORDINANCE, 1947

Diplomatic Privileges (World Meteorological Organisation) Order, 1956

Date of Commencement : 12th June, 1956

In exercise of the powers conferred by section 3 of the Diplomatic Privileges (Extension) Ordinance, 1947, the Governor-General, after consultation with the Council of Ministers, has made the following Order :—

1. This Order may be cited as the Diplomatic Privileges (World Meteorological Organisation) Order, 1956. Citation.

A.—The Organisation

2. The World Meteorological Organisation (hereinafter referred to as the Organisation) is an organisation of which the United Kingdom and foreign sovereign Powers are members. International membership.

3. The Organisation shall have the legal capacities of a body corporate and, except in so far as in any particular case it has expressly waived its immunity, immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution. Body corporate.

4. The Organisation shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of official archives and premises of an envoy of a foreign sovereign Power accredited to Her Majesty. Archives and premises.

5. The Organisation shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power. Taxes and Rates.

6. The Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Nigeria or for exportation, or on the importation of any publications of the Organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Comptroller of Customs and Excise may prescribe for the protection of the Revenue of Nigeria. Customs duties.

7. The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Organisation for its official use and in the case of any publications of the Organisation directly imported or exported by it. Control of imports and exports.

8. The Organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside Nigeria), of any reduced rates applicable for the corresponding service in the case of press telegrams. Telegraphic services.

B.—Representatives, other than Representatives of Her Majesty's Government in the United Kingdom, on Organs or Committees of the Organisation

Privileges of Representatives.

9. (*i*) Except in so far as in any particular case any privilege or immunity is waived by the Governments whom they represent, representatives of members at the World Meteorological Congress, on the executive Committee, at regional associations, on technical commissions, or on any committee of any of these bodies shall enjoy :—

(*a*) While exercising their functions as such and during their journeys to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents.

(*b*) Immunity from legal process of every kind in respect of words spoken or written and things done or omitted to be done by them in their capacity as representatives.

(*ii*) Where the incidence of any form of taxation depends upon residence, representatives shall not be deemed to be resident in Nigeria during any period when they are present in Nigeria for the discharge of their duties.

(*iii*) For the purposes of the application of this section the expression "representatives" shall be deemed to include, in addition to the representatives, the following members of their official staffs accompanying them as such representatives :—

Alternate representatives,

Advisers,

Technical experts,

Secretaries of Delegations,

and Part IV of the Schedule to the Ordinance shall not operate so as to confer privileges or immunities on the staffs of representatives other than on those persons falling within the above-mentioned descriptions.

(*iv*) The provisions of the preceding paragraphs of this section shall not confer any immunity or privilege on any person as the representative of Her Majesty's Government in the United Kingdom or as a member of the staff of such representative or on any person who is a citizen of the United Kingdom and Colonies.

C.—High Officials of the Organisation

Secretary-General and acting Secretary-General.

10. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, any officer of the Organisation holding the office of Secretary-General (including any officer acting for him during his absence from duty) shall be accorded in respect of himself, his spouse and his children under the age of twenty-one, the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than income tax, as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, his spouse and children, and exemption from income tax in respect of emoluments received by him as an officer of the Organisation.

D.—Other Officials of the Organisation

Other officials.

11. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, officials of the Organisation of any category specified by it shall enjoy :—

(*a*) immunity from suit and legal process in respect of words spoken or written and things done or omitted to be done by them in the course of the performance of their official duties ;

(*b*) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation.

E.—General

List to be published.

12. The names of the persons to whom the provisions of sections 9 and 10 of this Order apply shall be set forth in a list compiled and published from time to time under section 3 (2) of the Ordinance, and such list shall show in regard to each person the date as from which, for the purposes of this Order, he first held the office or employment in question and the date when he ceased to hold that office or employment.

Made at Lagos the 12th day of June, 1956.

M. L. Parker,
Acting Deputy Secretary to the Council of Ministers

Explanatory Note

This Order provides immunities and privileges required by the International Convention on the Privileges and Immunities of the Specialised Agencies to be accorded in Nigeria in connexion with the World Meteorological Organisation.

46774

L.N. 69 of 1956

DIPLOMATIC PRIVILEGES (EXTENSION) ORDINANCE, 1947

Diplomatic Privileges (Universal Postal Union) Order, 1956

Date of Commencement : 12th June, 1956

In exercise of the powers conferred by section 3 of the Diplomatic Privileges (Extension) Ordinance, 1947, the Governor-General, after consultation with the Council of Ministers, has made the following Order :—

Citation.

1. This Order may be cited as the Diplomatic Privileges (Universal Postal Union) Order, 1956.

A.—The Organisation

International membership.

2. The International Postal Union (hereinafter referred to as the Union) is an organisation of which the United Kingdom and foreign sovereign Powers are members.

Body corporate

3. The Union shall have the legal capacities of a body corporate and, except in so far as in any particular case it has expressly waived its immunity, immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.

Archives and premises.

4. The Union shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of official archives and premises of an envoy of a foreign sovereign Power accredited to Her Majesty.

Taxes and Rates.

5. The Union shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power.

Customs duties.

6. The Union shall have exemption from taxes on the importation of goods directly imported by the Union for its official use in Nigeria or for exportation, or on the importation of any publications of the Union directly imported by it, such exemption to be subject to compliance with such conditions as the Comptroller of Customs and Excise may prescribe for the protection of the Revenue of Nigeria.

Control of imports and exports.

7. The Union shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Union for its official use and in the case of any publications of the Union directly imported or exported by it.

Telegraphic services.

8. The Union shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside Nigeria), of any reduced rates applicable for the corresponding service in the case of press telegrams.

B.—Representatives, other than Representatives of Her Majesty's Government in the United Kingdom, on Organs or Committees of the Union

Privileges of Representatives.

9. (*i*) Except in so far as in any particular case any privilege or immunity is waived by the Governments whom they represent, representatives of members at Congresses, on the Executive and Liaison Committee, at administrative conferences or on commissions provided for in the constitution of the Union, or on any committee of any of these bodies shall enjoy :—

(*a*) While exercising their functions as such and during their journeys to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents.

(*b*) Immunity from legal process of every kind in respect of words spoken or written and things done or omitted to be done by them in their capacity as representatives.

(*ii*) Where the incidence of any form of taxation depends upon residence, representatives shall not be deemed to be resident in Nigeria during any period when they are present in Nigeria for the discharge of their duties.

(*iii*) For the purposes of the application of this section the expression "representatives" shall be deemed to include, in addition to the representatives, the following members of their official staffs accompanying them as such representatives :—

Alternate representatives,

Advisers,

Technical experts,

Secretaries of Delegations,

and Part IV of the Schedule to the Ordinance shall not operate so as to confer privileges or immunities on the staffs of representatives other than on those persons falling within the above-mentioned descriptions.

(*iv*) The provisions in the preceding paragraphs of this section shall not confer any immunity or privilege on any person as the representative of Her Majesty's Government in the United Kingdom or as a member of the staff of such representative or on any person who is a citizen of the United Kingdom and Colonies.

C.—High Officials of the Union

Director and acting Director.

10. Except in so far as in any particular case any privilege or immunity is waived by the Union, the Director of the International Bureau of the Union (including any officer acting for him during his absence from duty) shall be accorded, in respect of himself, his spouse and his children under the age of twenty-one, the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than income tax, as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, his spouse and children, and exemption from income tax in respect of emoluments received by him as an officer of the Union.

D.—Other Officials of the Union

Other officials.

11. Except in so far as in any particular case any privilege or immunity is waived by the Union, officials of the Union of any category specified by it shall enjoy :—

(*a*) immunity from suit and legal process in respect of words spoken or written and things done or omitted to be done by them in the course of the performance of their official duties ;

(*b*) exemption from income tax in respect of emoluments received by them as officers or servants of the Union.

E.—General

List to be published.

12. The names of the persons to whom the provisions of sections 9 and 10 of this Order apply shall be set forth in a list compiled and published from time to time under section 3 (2) of the Ordinance and such list shall show in regard to each person the date as from which, for the purposes of this Order, he first held the office or employment in question and the date when he ceased to hold that office or employment.

Made at Lagos this 12th day of June, 1956.

M. L. Parker,
Acting Deputy Secretary to the Council of Ministers

Explanatory Note

This Order provides immunities and privileges required by the International Convention on the Privileges and Immunities of the Specialised Agencies to be accorded in Nigeria in connexion with the Universal Postal Union.

B 136

L.N. 70 of 1956

DIPLOMATIC PRIVILEGES (EXTENSION) ORDINANCE, 1947

Diplomatic Privileges (International Telecommunication Union) Order, 1956

Date of Commencement : 12*th June*, 1956

In exercise of the powers conferred by section 3 of the Diplomatic Privileges (Extension) Ordinance, 1947, the Governor-General, after consultation with the Council of Ministers, has made the following Order :—

Citation.

1. This Order may be cited as the Diplomatic Privileges (International Telecommunication Union) Order, 1956.

A.—The Organisation

International membership.

2. The International Telecommunication Union (hereinafter referred to as the Union) is an organisation of which the United Kingdom and foreign sovereign Powers are members.

Body corporate.

3. The Union shall have the legal capacities of a body corporate and, except in so far as in any particular case it has expressly waived its immunity, immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.

Archives and premises.

4. The Union shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of official archives and premises of an envoy of a foreign sovereign Power accredited to Her Majesty.

Taxes and Rates.

5. The Union shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power.

Customs duties.

6. The Union shall have exemption from taxes on the importation of goods directly imported by the Union for its official use in Nigeria or for exportation, or on the importation of any publications of the Union directly imported by it, such exemption to be subject to compliance with such conditions as the Comptroller of Customs and Excise may prescribe for the protection of the Revenue of Nigeria.

Control of imports and exports.

7. The Union shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Union for its official use and in the case of any publications of the Union directly imported or exported by it.

B.—Representatites, other than Representatives of Her Majesty's Government in the United Kingdom, on Organs or Committees of the Union

Privileges of representatives.

8. (*i*) Except in so far as in any particular case any privilege or immunity is waived by the Governments whom they represent, representatives of member Governments at plenipotentiary and administrative conferences, on the administrative council, on consultative committees or on any committee of any of these bodies shall enjoy :—

(*a*) While exercising their functions as such and during their journeys to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents.

(*b*) Immunity from legal process of every kind in respect of words spoken or written and things done or omitted to be done by them in their capacity as representatives.

(*ii*) Where the incidence of any form of taxation depends upon residence, representatives shall not be deemed to be resident in Nigeria during any period when they are present in Nigeria for the discharge of their duties.

(*iii*) For the purposes of the application of this section the expression "representatives" shall be deemed to include, in addition to the representatives, the following members of their official staffs accompanying them as such representatives :—

Alternate representatives,

Advisers,

Technical experts,

Secretaries of Delegations,

and Part IV of the Schedule to the Ordinance shall not operate so as to confer privileges or immunities on the staffs of representatives other than on those persons falling within the above-mentioned descriptions.

(*iv*) The provisions of the preceding paragraphs of this section shall not confer any immunity or privilege on any person as the representative of Her Majesty's Government in the United Kingdom or as a member of the staff of such representative on any person who is a citizen of the United Kingdom and Colonies.

C.—High Officials of the Union

Secretary-General and acting Secretary-General.

9. Except in so far as in any particular case any privilege or immunity is waived by the Union, any officer of the Union holding the office of Secretary-General (including any officer acting for him during his absence from duty) shall be accorded in respect of himself, his spouse and his children under the age of twenty-one, the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than income tax, as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, his spouse and children, and exemption from income tax in respect of emoluments received by him as an officer of the Union.

D.—Other Officials of the Union

Other officials.

10. Except in so far as in any particular case any privilege or immunity is waived by the Union, officials of the Union of any category specified by it shall enjoy :—

(*a*) immunity from suit and legal process in respect of words spoken or written and things done or omitted to be done by them in the course of the performance of their official duties ;

(*b*) exemption from income tax in respect of emoluments received by them as officers or servants of the Union.

E.—General

List to be published.

11. The names of the persons to whom the provisions of sections 8 and 9 of this Order apply shall be set forth in a list published from time to time under section 3 (2) of the Ordinance, and such list shall show in regard to each person the date as from which, for the purposes of this Order, he first held the office or employment in question and the date when he ceased to hold that office or employment.

Made at Lagos this 12th day of June, 1956.

M. L. Parker,
Acting Deputy Secretary to the Council of Ministers

Explanatory Note

This Order provides immunities and privileges required by the international convention on the Privileges and Immunities of the Specialised Agencies to be accorded in Nigeria in connexion with the International Telecommunication Union.

L.N. 71 of 1956

DIPLOMATIC PRIVILEGES (EXTENSION) ORDINANCE, 1947

Diplomatic Privileges (World Health Organisation) (Amendment) Order, 1956

Date of Commencement : 12th June, 1956

In exercise of the powers conferred by section 3 of the Diplomatic Privileges (Extension) Ordinance, 1947, the Governor-General, after consultation with the Council of Ministers, has made the following Order :—

Citation.

1. This Order may be cited as the Diplomatic Privileges (World Health Organisation) (Amendment) Order, 1956.

Amendment of section 9 Order in Council 34 of 1949 (1948/49 Supplement p. 326).

2. Section 9 of the Diplomatic Privileges (World Health Organisation) Order in Council, 1949, shall be amended by the addition of the following new subsections—

"(4) For the purposes of this section references to representatives of member Governments shall include references to representatives of the Governments of Associate Members of the Organisation.

(5) For the purposes of this Order, the expression "representatives of the Governments of Associate Members of the Organisation" shall be

deemed to include the official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.".

MADE at Lagos the 12th day of June, 1956.

M. L. PARKER,
Acting Deputy Secretary to the Council of Ministers

EXPLANATORY NOTE

This Order amends section 9 of the Diplomatic Privileges (World Health Organisation) Order in Council, 1949, by extending to representatives of Associate Members of the World Health Organisation those immunities and privileges already granted to representatives of Members of the Organisation and persons designated to serve on the Executive Board of the Organisation.

This extension is necessary to give effect to the revised Annex VII to the Convention on Privileges and Immunities for the Specialised Agencies.

46774

L.N. 72 of 1956

DIPLOMATIC PRIVILEGES (EXTENSION) ORDINANCE, 1947

Diplomatic Privileges (International Civil Aviation Organisation) (Amendment) Order, 1956

Date of Commencement : 12th June, 1956

In exercise of the powers conferred by section 3 of the Diplomatic Privileges (Extension) Ordinance, 1947, the Governor-General, after consultation with the Council of Ministers, has made the following Order :—

1. This Order may be cited as the Diplomatic Privileges (International Civil Aviation Organisation) (Amendment) Order, 1956. Citation.

2. In subsection (1) of section 9 of the Diplomatic Privileges (International Civil Aviation Organisation) Order in Council, 1949, for the words "to the Council of the Organisation" there shall be substituted the words "to the Assembly or to the Council of the Organisation, to any Commission (however named) provided for in the constitution of the Organisation, or to any Committee of such Assembly, Council or Commission". Amendment of section 9 (1) of Order in Council 35 of 1949 (1948/49 Supplement p. 329).

MADE at Lagos this 12th day of June, 1956.

M. L. PARKER,
Acting Deputy Secretary to the Council of Ministers

EXPLANATORY NOTE

The constitution of the International Civil Aviation Organisation which was signed at Chicago on the 7th of December, 1944 provides that it shall consist of an Assembly, a Council and such other bodies as may be necessary. The Diplomatic Privileges (International Civil Aviation Organisation) Order in Council, 1949, made provision only for representation of member Governments to the Council of the Organisation. This Order makes the necessary amendment.

46774

L.N. 73 of 1956

THE PORTS ORDINANCE, 1954
(No. 27 OF 1954)

The Nigerian Ports Authority (Vesting of Assets) Order, 1956

Date of Commencement : 28th June, 1956

In exercise of the powers conferred by section 16 of the Ports Ordinance, 1954, the Governor-General, after consultation with the Council of Ministers, has made the following Order :—

Citation.

1. This Order may be cited as the Nigerian Ports Authority (Vesting of Assets) Order, 1956.

Addition of assets to Second Schedule of Ordinance No. 27 of 1954.

2. The assets set forth in the Schedule hereto shall be added to the assets described in Part I of the Second Schedule to the Ports Ordinance, 1954.

SCHEDULE

1. There shall be added to paragraph 1 of Part I of the Second Schedule to the Ordinance the following new sub-paragraph immediately after sub-paragraph (*h*) :—

"(*i*) Staff Quarters Ikoyi—Plan No. N.L.D.C. 420".

2. There shall be added to paragraph 2 of Part I of the Second Schedule to the Ordinance the following new items immediately after item 58 :—

"(59) No. 16 Alexander Avenue, Ikoyi.

(60) No. 18 Alexander Avenue, Ikoyi.

(61) No. 12A Glover Road, Ikoyi.

(62) No. 12B Glover Road, Ikoyi.

(63) No. 17 Turnbull Road, Ikoyi.

(64) No. 15 Lugard Avenue, Ikoyi.

(65) No. 18A Lugard Avenue, Ikoyi.

(66) Flats Nos. 7 to 12, Hall Road, Apapa.

(67) No. 7A Child Avenue, Apapa.

(68) No. 7B Child Avenue, Apapa."

MADE at Lagos this 12th day of June, 1956.

M. L. PARKER,
Acting Deputy Secretary to the Council of Ministers

Supplement to Official Gazette No. 42, Vol. 43, 5th July, 1956—Part B

L.N. 74 of 1956

The following Statutory Instrument has been published in the United Kingdom. The Colonial Air Navigation Order, 1955, to which it refers was published as Legal Notice 108 of 1955.

STATUTORY INSTRUMENTS

1956 No. 615

CIVIL AVIATION

The Colonial Air Navigation (Amendment) Order, 1956

Made .. .. .. 24*th April*, 1956
Laid before Parliament 28*th April*, 1956
Coming into Operation 1*st July*, 1956

At the Court at Buckingham Palace, the 24th day of April, 1956

Present

The Queen's Most Excellent Majesty in Council

WHEREAS it is expedient to amend the Colonial Air Navigation Order, 1955(a), (hereinafter referred to as the "principal Order") in the manner hereinafter appearing:

Now, therefore, Her Majesty, in pursuance of the powers conferred upon Her by the Civil Aviation Act, 1949(b), and the Colonial Civil Aviation (Application of Act) Order, 1952(c), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citations, construction and commencement.

1.—(1) This Order may be cited as the Colonial Air Navigation (Amendment) Order, 1956, and shall be construed as one with the principal Order.

(2) This Order and the principal Order may be cited together as the Colonial Air Navigation Orders, 1955 and 1956.

(3) This Order shall come into operation on the 1st day of July, 1956.

Insertion of new Article in the principal Order.

2. Immediately after Article 27 of the principal Order there shall be inserted the following new Article:—

"Journey Log Books.

27A.—(1) Whenever a journey log book is required by this Order to be kept, carried, produced or dealt with, there shall be kept, carried, produced or dealt with accordingly (as the case may be) either a journey log book or a document in lieu thereof and such journey log book or document shall contain the following particulars:—

(*i*) the nationality and registration marks of the aircraft;

(*ii*) the name of the operator of the aircraft;

(*iii*) in relation to the flight upon which the journey log book or document is required to be carried, the name of each member of the crew of the aircraft, indicating the duties which he has undertaken for that flight;

(*iv*) in relation to such flight, the place and date of the departure of the aircraft on the flight and the place and date of its arrival at the end of the flight."

(a) S.I. 1955/711.

(b) 12, 13 & 14 Geo. 6. c. 67.

(c) S.I. 1952/868 (1952 I, p. 565)

Amendment of Articles 27, 29 and 30 of the principal Order.

3. The following provisions of the principal Order relating to journey log books shall be amended so that :—

(*a*) in paragraph (1) (*a*) of Article 27 the words "not being a flight made on a scheduled journey" shall be omitted ;

(*b*) paragraph (3) of Article 27 shall cease to have effect in relation to a journey log book ;

(*c*) paragraph (2) of Article 29 shall be revoked ;

(*d*) in paragraphs (3) (*b*) and (4) (*b*) of Article 29 the following words shall be omitted :—

"kept with the journey log book of the aircraft whenever such log book is required under this Order to be carried in the aircraft",

and there shall be substituted the word "preserved" ;

(*e*) in paragraph (2) (*c*) of Article 30 for the words "any journey log book or any other log book" there shall be substituted the words "any log book (not being a journey log book)".

Insertion of new Article in the principal Order.

4. Immediately after Article 75 of the principal Order there shall be inserted the following new Article :—

"Modification of provisions of Order.

75A. The Governor may prescribe that in respect of any or all flights by aircraft registered in the Colony the following conditions shall apply :—

(*a*) the provisions of Article 27A of this Order shall be of no effect.

(*b*) the provisions of paragraph (3) of Article 27 and of Articles 29 and 30 of this Order shall be modified, in such manner as may appear to the Governor to be necessary, so as to take account of the use of journey log books, and

(*c*) paragraph (1) (*a*) of Article 27 of this Order shall have effect as if the words "not being a flight made on a scheduled journey," were inserted immediately before the words "a journey log book".

Amendment of Articles 11 and 77, and Schedules I, II and IV of the principal Order.

5. The principal Order shall be amended in accordance with the following provisions :—

(*a*) in paragraph (2) (*b*) of Article 11 the words "which is registered in the colony and" shall be omitted ;

(*b*) in the definition of "Class" in paragraph (1) of Article 77 there shall be inserted after the word "aircraft" where that word first occurs the words "(except in Article 75)" ;

(*c*) in paragraph 2 (*a*) (*ii*) of Schedule I, there shall be substituted for the words "twelve inches" the words "six inches" ;

(*d*) Schedule II shall be amended in accordance with the provisions set out in the Schedule to this Order ;

(*e*) in paragraph 25 of Schedule IV, for the words and figures "paragraph (3) of Article 33" there shall be substituted the words and figures "paragraph (2) (*a*) (*v*) of Article 33".

W. G. Agnew

THE SCHEDULE

Amendments of Schedule II to the principal Order

1. In paragraph (4) of Rule 19 the words "or control area" shall be inserted after the words "control zone".

2. For Rule 28 there shall be substituted the following Rule :—

"28. Aircraft may be flown in accordance with the Visual Flight Rules contained in this Section :

Provided that aircraft flown by night over the Colony shall not be flown in accordance with the said Rules unless they are performing a special V.F.R. flight."

3. In Section V after the heading "Instrument Flight Rules (I.F.R.)" there shall be inserted the following new Rule as Rule 29A :—

"29A. Aircraft which are not or are not permitted to be flown in accordance with the Visual Flight Rules contained in Section IV shall be flown in accordance with the Instrument Flight Rules contained in this Section."

4. In paragraph (*a*) of Rule 38, the words and figures "at least 300 yards" shall be omitted and in paragraph (*b*) of that Rule for the words "directional radio guide" there shall be substituted the words "radio range" and for the words "such guide" in the said paragraph there shall be substituted the words "such radio range".

5. After Rule 39 there shall be inserted the following sub-heading and new Rule :—

"*Notification of Flight over an area in which Search and Rescue Operations would be difficult*

39A.—(1) The following provisions of this paragraph shall have effect in relation to public transport aircraft :—

(*a*) before commencing a flight over an area notified for the purpose of this Rule as an area in which search and rescue operations would be difficult, the person in command of an aircraft shall submit or cause to be submitted to the appropriate Air Traffic Control a flight notification containing such particulars as may be required by that Air Traffic Control ;

(*b*) when a flight notification has been submitted in accordance with sub-paragraph (*a*) of this paragraph the person in command of an aircraft which is able to communicate by radio with an appropriate radio station shall, if he finds it necessary to deviate in respect of any particular from the said flight notification, report by radio the nature of the proposed deviation to the appropriate Air Traffic Control as soon as practicable.

(2) Before commencing a flight over an area notified for the purpose of this Rule as an area in which search and rescue operations would be difficult, a person in command of an aircraft, other than a public transport aircraft, may submit or cause to be submitted to the appropriate Air Traffic Control a flight notification containing such particulars as may be required by that Air Traffic Control. If a flight notification is so submitted, the person in command of such aircraft shall comply with the requirements specified in sub-paragraph (*b*) of paragraph (1) of this Rule as if the aircraft were a public transport aircraft."

Explanatory Note

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Colonial Air Navigation Order, 1955, so as to permit the use of a simplified document in place of the journey log-book and makes certain related amendments in respect of the carriage of this and other documents in aircraft (Articles 2 and 3). In addition to some amendments of a minor nature, amendments are also made to the provisions of that Order dealing with the following matters :—

(*a*) the performance of flights for the purpose of experiment or test (Article 5 (*a*)),

(*b*) the height of the nationality and registration marks on certain parts of aircraft (Article 5 (*c*)),

(*c*) the areas in which aerobatic flight is prohibited (The Schedule, paragraph 1),

(*d*) the requirements governing aircraft in flight by night, including those relating to compliance by such aircraft with Instrument Flight Rules (The Schedule, paragraphs 2 and 3), and

(*e*) the requirements governing flight along a line of landmarks, or following a track indicated by a directional radio guide (The Schedule, paragraph 4),

(*f*) notification of flight over an area in which search and rescue operations would be difficult (The Schedule, paragraph 5).

The references quoted are to provisions of the present Order.

CA0130

L.N. 75 of 1956

SURVEY ORDINANCE, 1952

(Ordinance 29 of 1952)

Survey (Fees and Surveyors' Qualification) (Amendment) Regulations, 1956

Date of Commencement : 5th July, 1956

In exercise of the powers conferred by section 37 of the Survey Ordinance, 1952, the Governor-General, after consultation with the Council of Ministers, has made the following regulations :—

Citation and application.

1. (1) These regulations may be cited as the Survey (Fees and Surveyors' Qualification) (Amendment) Regulations, 1956.

(2) These regulations shall have effect throughout the Federation.

Addition of new regulation 13A in regulations 44 of 1953. (1953 Vol. p. 223).

2. The Survey (Fees and Surveyors' Qualification) Regulations, 1953 shall be amended by the insertion after regulation 13 of the following new regulation :

"Examinations carrying exemption.

13A. (1) A person—

(*a*) who is a fellow or professional associate of the Royal Institution of Chartered Surveyors in Section V, land surveying, having passed any examinations prescribed by that Institution for such membership : or,

(*b*) has obtained an honours degree—

(*i*) in Geography, Part II of the Geographical Tripos, University of Cambridge, including geodetic and topographical surveying or,

(*ii*) in Geography, a B.Sc. degree in Part II of the course in advanced surveying, University of Bristol : or,

(*iii*) in mathematics, physics, geography or engineering science of any university in the United Kingdom, together with a Diploma in Land Surveying, University College, London : or,

(*c*) who has been granted a licence to practise as a land surveyor in the Dominion of Canada, or in the Dominion of New Zealand, or in the Commonwealth of Australia, or in the Union of South Africa, or in the Colony and Protectorate of Kenya, shall be entitled to exemption from examination in all subjects of Part I of the examination, except the subjects prescribed in regulation 14 (2) (*d*), and to exemption from the whole of Part II of the examination.

(2) A person who has obtained a degree in mathematics, physics, geography (provided the degree course included land surveying), or engineering science from any university in the British Commonwealth and who proves to the satisfaction of the Board that he has undergone a course of instruction and has practised as a land surveyor shall be exempted from examination in all subjects of Part I of the examination, except the subjects prescribed in regulation 14 (2) (*d*).

(3) Examination in the subjects prescribed in regulation 14 (2) (*d*) may, when required for the purpose of this regulation, take place orally or in writing, or partly orally and partly in writing, as the Board may deem expedient."

M. L. PARKER,
Acting Deputy Secretary to the Council of Ministers

MADE at Lagos this 19th of June, 1956.

EXPLANATORY NOTE

The Survey (Amendment) Ordinance, 1955, enables exemption from the qualifying examinations for surveyors to be given to those who have already passed an examination elsewhere. The regulations prescribe the circumstances in which such exemption can be given.

B 146

L.N. 76 of 1956

LAGOS LOCAL GOVERNMENT LAW, 1953
(W.R. No. 4 OF 1953)

Lagos Local Government (Delegation of Functions) Notice, 1956

Date of Commencement : 5th July, 1956

In exercise of the powers conferred by section 172 (1) of the Lagos Local Government Law (Western Region No. 4 of 1953) the Regional Authority hereby gives the following notice :—

Citation.

1. This notice may be cited as the Lagos Local Government (Delegation of Functions) Notice, 1956.

Delegation of functions to the Chief Administrative Officer, Lagos.

2. The functions conferred upon the Regional Authority by sections 19, 21, 22, 23, 26 (3), 31 (1), 59 (8), 83 (2), 84, 97 (2), 97 (3), 99 (1), 99 (3), 100 (2), 101 (1), 101 (2), 133 (1), 133 (2), 133 (3), 141 (5), 146, and 147, are hereby delegated to the Chief Administrative Officer, Lagos.

MADE at Lagos this 26th day of June, 1956.

P. H. G. STALLARD,
Acting Secretary to the Council of Ministers

55354/S. 2

The following Bill, which will in due course be presented to the House of Representatives for enactment, is published for general information.

A BILL

FOR

AN ORDINANCE TO GIVE EFFECT TO A CHANGE IN THE DESIGNATION OF THE CROWN AGENTS FOR THE COLONIES. Title.

[*1st April, 1954*] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows:— Enactment.

1. This Ordinance may be cited as the Crown Agents (Change of Designation) Ordinance, 1956, and shall be deemed to have come into operation on the 1st day of April, 1954. Short title and commencement.

Change of designation of Crown Agents.

2. (1) Whenever in any law enacted by the Federal Legislature or any law having effect as if it were a law enacted by the Federal Legislature, or in any legislative instrument made in pursuance of any law so enacted or having such effect, a reference occurs to the Crown Agents for the Colonies, the same shall be construed as a reference to the Crown Agents for Oversea Governments and Administrations, and such law or instrument may be amended accordingly.

(2) Whenever in any instrument which does not have legislative effect but in respect of which the Federal Legislature has power to make laws a reference occurs to the Crown Agents for the Colonies, the same shall be construed as a reference to the Crown Agents for Oversea Governments and Administrations.

Objects and Reasons

This Bill provides that the Crown Agents for Oversea Governments and Administrations shall be so known, instead of by their previous title of the Crown Agents for the Colonies.

L. BRETT,
Acting Attorney-General of the Federation

Lagos.

54731

Supplement to Official Gazette No. 46, Vol. 43, 20th July, 1956—Part C

The following Bills, which will in due course be presented to the House of Representatives for enactment, are published for general information.

OIL PIPELINES BILL, 1956

Arrangement of Sections

Part I—Preliminary

1. Short title and application.
2. Interpretation.
3. Power to grant permit to survey and oil pipeline licence.

Part II—Permit to Survey

4. Entitlement of discoverer of commercial quantities of oil to a permit to survey.
5. Effect of permit to survey.
6. Notice before entry, damage, compensation, etc.

Part III—Oil Pipeline Licence

7. Holder of permit entitled to oil pipeline licence.
8. Application for licence and notice thereof.
9. Notice of objection.
10. Inquiry and report thereafter.
11. Rights and obligations of the holder of a licence.
12. Power to impose restrictions on use of adjoining lands.
13. Deviations.
14. Restrictions in respect of certain public facilities.
15. Restrictions upon entry in respect of venerated land.
16. Obligations in respect of accommodation works.
17. Terms and conditions of licences.

Part IV—Compensation

18. Court having jurisdiction as to compensation.
19. Basis of assessment of compensation.
20. Compensation where native community interested.
21. Parties in possession as owners to be deemed entitled to lands.
22. Exoneration upon payment.

Part V—Miscellaneous

23. Proceedings where possession of land withheld.
24. Penalty for hindering the taking possession of lands, etc.
25. Deviation when land required for public purpose.
26. Effect of breach of terms or conditions.
27. Disposal of pipeline and installations on termination of licence.
28. Sale of licence by court to be approved by Governor-General.
29. Effect of this Ordinance upon other enactments.
30. Fees.
31. Regulations.
32. Miscellaneous consequential amendments.

SCHEDULE

(Consequential Amendments of Ordinances)

A BILL

FOR

AN ORDINANCE TO MAKE PROVISION FOR LICENCES TO BE GRANTED FOR THE ESTABLISHMENT AND MAINTENANCE OF PIPELINES INCIDENTAL AND SUPPLEMENTARY TO OILFIELDS AND OIL MINING, AND FOR PURPOSES ANCILIARY TO SUCH PIPELINES

Title.

[ ] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows— Enactment.

PART I—PRELIMINARY

1. (1) This Ordinance may be cited as the Oil Pipelines Ordinance, 1956. Short title and application

(2) This Ordinance shall apply throughout the Federation.

Interpretation.

2. In this Ordinance, except where the context otherwise requires

"licence" means an oil pipeline licence granted under the provisions of this Ordinance;

"Minister" means the member of the Council of Ministers for the time being charged under section 98 of the Nigeria (Constitution) Order in Council, 1954, with responsibility for matters incidental to oilfields and oil mining.

L.N. 102 of 1954

Power to grant permit to survey and oil pipeline licence.

3. The Governor-General may, subject to the provisions of this Ordinance and to the extent that the grant is incidental and supplementary to oilfields and oil mining, grant

(*a*) permits to survey routes for oil pipelines and

(*b*) licences to construct, maintain and operate oil pipelines.

Part II—PERMIT TO SURVEY

Entitlement of discoverer of commercial quantities of oil to a permit to survey.

4. (1) The holder of an oil prospecting licence or of an oil mining lease who has discovered mineral oil or natural gas in commercial quantities shall, subject to the provisions of this Part of this Ordinance, be entitled to the grant of a permit to survey the route for an oil pipeline for the transport of such oil or gas to a suitable deep-water point accessible to ocean-going tankers or to a refinery in Nigeria or to any other point of destination to which such holder requires such oil or gas to be transported for any purpose connected with mineral oil trade or operations.

(2) An applicant for a permit to survey shall deliver to the Minister an application for the same specifying the approximate route or alternative routes proposed. The Governor-General shall grant to an applicant who is entitled to such permit under subsection (1) hereof, or to such person sponsored by the applicant as may be specified in the application, a permit to survey the proposed route or routes if the Minister approves such route or routes or a permit to survey such other route or routes as the Minister and the applicant may agree to substitute therefor.

Effect of permit to survey.

5. (1) A permit to survey shall entitle the holder, subject to the provisions of section 6, to enter together with his officers, agents, workmen or other servants and with any necessary equipment or vehicles, on any land upon the route specified in the permit or reasonably close to such route for the following purposes—

(*a*) to survey and take levels of the land;

(*b*) to dig and bore into the soil and subsoil;

(*c*) to cut and remove such trees and other vegetation as may impede the purposes specified in this subsection; and

(*d*) to do all other acts necessary to ascertain the suitability of the land for the establishment of an oil pipeline or ancillary installations,

and shall entitle the holder, with such persons, equipment or vehicles as aforesaid to pass over land adjacent to such route to the extent that such may be necessary or convenient for the purpose of obtaining access to land upon the route specified.

(2) The Minister may, upon application by the holder of a permit to survey, vary the route specified in such permit, but such variation shall not invalidate or make illegal any act done by the holder pursuant to the permit

prior to such variation, nor prejudice the rights of any person under this Ordinance with reference to any act done by the holder pursuant to the permit prior to such variation.

Notice before entry, damage, compensation, etc.

6. (1) Except with the previous consent of the owner or occupier, no person shall under the authority of section 5 enter into any building or upon any enclosed court or garden attached to any building, without previously having given the owner or occupier at least seven days notice of his intention to do so, nor enter upon any cultivated land without having given such notice to the owners or occupiers thereof or having affixed such notice in some prominent position upon such land.

(2) No person shall under the authority of section 5 enter any of the lands described in section 15 except with the prior assent of the owners or occupiers or persons in charge of such lands.

(3) The holder of a permit to survey acting under the authority of section 5 shall take all reasonable steps to avoid unnecessary damage to any land entered upon and any buildings, crops or profitable trees thereon, and shall make compensation to the owners or occupiers for any damage done under such authority and not made good.

(4) In the event of dispute as to the amount of compensation to be paid or as to whether or to whom any compensation shall be paid the provisions of Part IV of this Ordinance shall apply.

Part III—OIL PIPELINE LICENCE

Holder of permit entitled to oil pipeline licence.

7. The holder of a permit to survey shall subject to the provisions of this Part be entitled to the grant of an oil pipeline licence in respect of a route specified by him and approved by the Minister.

Application for licence and notice thereof.

8. (1) An applicant for a licence shall deliver to the Minister an application for the same stating the terminal points and giving a description of the pipeline and accompanied by a plan of the proposed route of the pipeline sufficient to identify the land affected thereby and the position of any pumping stations, tanks or other ancillary installations. The Minister shall upon receipt of such application appoint a date no more than six weeks ahead for the hearing of objections, if any, and shall nominate the person or persons by whom and the place or places at which any such objections shall be heard, and shall thereupon cause a notification of such date and other particulars and of the places at which objections shall be lodged to be made in the Gazette of the Federation and of each Region concerned.

(2) Before or upon application being made in accordance with subsection (1) notice of the application shall be given by the applicant in the following manner—

(*a*) by publication thereof in the Regional Gazette of each Region through which the route of the projected pipeline passes ;

(*b*) by publication thereof in such newspapers circulating in the areas through which the route of the projected pipeline passes as the Minister may require ;

(*c*) by posting or delivering the same to the following persons entitled to be carrying on operations in the area which would be affected by the grant of a licence—

(*i*) holders of exclusive prospecting licences, mining rights, oil exploration licences, and oil prospecting licences ;

(*ii*) lessees of mining leases, temporary mining leases or oil mining leases,

and by delivering to administrative officers having responsibilities in such area or to such other officers as the Minister may specify such numbers of copies of such notice as the Minister may require for distribution to the occupiers or owners of land in the area so affected who might not otherwise become aware of such notice.

(3) Such notice shall contain a description of the proposed pipeline and its route and the proposed ancillary installations and shall set out a list of places and times at which copies of a plan sufficient to identify the land affected thereby may be inspected. Each copy of such notice shall require that objections (if any) shall be made at least seven days before the date to be appointed by the Minister for the hearing of objections and delivered at the places to be appointed by him for such lodgement.

Notice of objection.

9. (1) Any person whose land or interest in land may be injuriously affected by the grant of a licence may within the period specified for objections lodge verbally or in writing at one of the specified addresses notice of objection stating the interest of the objector and the grounds of objection.

(2) Matters relating to *quantum* of compensation shall not be material grounds to include in a notice of objection under this section.

(3) It shall be the duty of any public officer who receives a verbal objection in the course of his duties to record the name and address, interest and grounds of objection of any person lodging such a verbal objection in accordance with this section.

Inquiry and report thereafter.

10. (1) Upon the date fixed for the hearing of objections the person or persons appointed by the Minister shall enquire into any such objections, giving all parties concerned an opportunity to be heard, and a report thereof shall be made without delay to the Minister.

(2) Matters relating to *quantum* of compensation shall not be material grounds for objection under this section.

(3) If, after consideration of the report, the Minister considers that the licence should be granted he shall inform the Governor-General accordingly. If, however, the Minister considers that a licence should not be granted in respect of the proposed route or any part of it, he shall so inform the applicant and the objector or objectors concerned, and thereupon the applicant shall be entitled to receive a permit to survey such other route or routes as he may propose or to submit an application for a licence in respect of another route and the provisions of Parts II and III will apply in respect thereof.

Rights and obligations of the holder of a licence.

11. (1) A licence shall entitle the holder, his officers, agents, workmen or other servants with any necessary equipment or vehicles, subject to the provisions of sections 14, 15 and 16, to enter upon, take possession of or use a strip of land of a width not exceeding two hundred feet or of such other width or widths as may be specified in the licence upon the route specified in the licence, and thereon thereover or thereunder to construct, maintain and operate an oil pipeline or pipelines and ancillary installations.

(2) For the purpose of this Ordinance an oil pipeline means a pipeline for the conveyance of mineral oils, natural gas and any of their derivatives or components, and also any substance (including steam and water) used or intended to be used in the production or refining or conveying of mineral oils, natural gas, and any of their derivatives or components.

(3) The power to construct, maintain and operate an oil pipeline shall include a power to construct, maintain and operate on the route of such pipeline all other installations (referred to in this Ordinance as "ancillary installations") that are ancillary to the construction, maintenance and operation of such pipeline, including roadways, telephone and telegraph lines (subject to section 4 of the Telegraphs Ordinance), electric power cables (subject to the provisions of the Electricity Ordinance), pumping stations, storage tanks and loading terminals. Cap. 213. Cap. 58.

(4) The holder of a licence shall have power to dig and get free of charge any gravel, sand, clay, stone or other similar substance (not being a mineral within the meaning assigned thereto in the Minerals Ordinance) within any land included within the area covered by the licence to the extent that such gravel, sand, clay, stone or other substance, will facilitate the construction or maintenance of a pipeline or any ancillary installation. Cap. 134.

(5) The holder of a licence shall pay compensation—

(*a*) to any person whose land or interest in land (whether or not it is land in respect of which the licence has been granted) is injuriously affected by the exercise of the rights conferred by the licence, for any such injurious affection not otherwise made good ; and

(*b*) to any person suffering damage by reason of any neglect on the part of the holder or his agents, servants or workmen to protect, maintain or repair any work structure or thing executed under the licence, for any such damage not otherwise made good ; and

(*c*) to any person suffering damage (other than on account of his own default or on account of the malicious act of a third person) as a consequence of any breakage of or leakage from the pipeline or an ancillary installation, for any such damage not otherwise made good.

If the amount of such compensation is not agreed between any such person and the holder, it shall be fixed by a court in accordance with Part IV of this Ordinance.

Power to impose restrictions on use of adjoining lands.

12. (1) It shall be lawful for the Governor-General, upon application by the holder of a licence at the time of the grant of such licence or at any time thereafter, to make an order ancillary to such licence prohibiting or restricting the construction of any building or type of building, or the carrying on of any cultivation or industrial or mining or oil mining activity or any specified type of cultivation or industrial or mining or oil mining activity within a specified distance, not exceeding one hundred feet, from the boundaries of the land or of any part of the land in respect of which such licence is granted.

(2) An order made in accordance with the provisions of this section shall be deemed to be part of the licence to which it is ancillary and the provisions of this Ordinance shall apply accordingly, and in the event of an application for such an order being made after the grant of the licence to which it is ancillary the provisions of sections 8, 9 and 10 shall apply as though the application were for a new licence.

Deviations.

13. (1) The right to make a deviation from the route specified in the licence may be granted at any time by the Governor-General either by amendment of the licence or by a new licence.

(2) Sections 8, 9 and 10 of this Ordinance shall apply to an application in respect of a deviation from the route specified in the licence as though it were an application for a new licence. Provided that where the Minister

thinks fit the Minister may approve in respect of minor deviations an agreement reached between the holder of the licence and any person or persons whose land or interest in land may be injuriously affected by such minor deviations.

(3) The grant of the right to make a deviation under this section shall not invalidate or make illegal any act done by the holder of the licence prior to such grant, nor prejudice the rights of any person under this Ordinance with reference to any act done by the holder prior to such grant.

Restrictions in respect of certain public facilities.

14. A licence shall not, except so far as may be expressly permitted by the terms of the licence, authorise the holder to—

(*a*) construct any works upon any land which is the site of or is within fifty yards of any public road, dam, reservoir or building belonging to or occupied by the Federal or a Regional Government or by any native authority or local government council, or upon any land appropriated for any railway or situate within one hundred yards of any railway, or

(*b*) make such alteration in the flow of water in any navigable waterway, or construct such works in, under or over any navigable waterway, as might obstruct or interfere with the free and safe passage of vessels, canoes or other craft, or

(*c*) construct such works in under or over, or deposit such material in or make such alteration in the flow of water required for domestic industrial or irrigational use as would diminish or restrict the quantity of water available for such purpose, or construct such works or make such deposit in any waterway as would cause flooding or erosion,

without the prior permission in writing of the Minister or of such officer as may be nominated by the Minister: Provided that such permission shall not be unreasonably withheld and that if the holder of a licence is aggrieved by the decision of the Minister or of such officer he may appeal from such decision to the Governor-General whose decision shall be final.

Restrictions upon entry, etc., in respect of venerated land.

15. (1) A licence shall not authorise any person to enter upon, take possession of or use any of the following lands unless the owners or occupiers or the persons in charge thereof have given their prior assent—

(*a*) any land occupied by any burial ground or cemetery,

(*b*) any land containing any grave, grotto, area, tree or thing held to be sacred or the object of veneration.

(2) If any doubt shall arise whether any lands fall within those described in this section, or who the owners or occupiers or persons in charge thereof are, the decision of the Minister shall be final.

Obligations in respect of accommodation works.

16. (1) The holder of a licence shall make and maintain for the accommodation of the owners or occupiers of any land in respect of which the licence has been granted or of the owners or occupiers of adjoining land or for the accommodation of the users of any customary track or path such crossings, bridges, culverts, drains or passages as may be necessary for the purpose of making good any interruption to the use of such land or the amenities thereof or to the use of such customary track or path caused by the exercise of the powers granted in accordance with this Ordinance: Provided that it shall not be necessary to make good any interruption in respect of which compensation under this Ordinance has been paid: Provided further that upon accommodation works being provided in accordance with the provisions of this section no further accommodation works shall be

necessary in respect of any change of use of any land or deviation of any track or path or any other act or omission of any person not being the holder of the licence or his agent, workman or servant.

(2) The holder of a licence may for the purpose of exercising the powers conferred upon him alter the level or position of any pipe, conduit, water-course, drain, or electric, telephone or telegraph wire or post, but shall give reasonable notice of his intention so to do to the person in control thereof and shall execute the work to the reasonable satisfaction of that person.

(3) Where there is a danger that a tree standing near an oil pipeline may fall and damage such pipeline or an ancillary installation the holder of the licence may after giving notice to an administrative officer having responsibility in the area fell the tree or otherwise deal with it, and in such event shall upon application by any person interested in the tree pay such compensation as such officer shall consider necessary.

Terms and conditions of licences.

17. (1) A licence may be granted for such period not exceeding ninety-nine years as the Governor-General may direct : Provided that such period shall not be less than the unexpired period of the oil prospecting licence or oil mining lease referred to in subsection (1) of section 4, together with

(*a*) the period or periods of any renewal of such oil prospecting licence or oil mining lease and

(*b*) the period of any oil mining lease to which such oil prospecting licence gives a right, and the period or periods of any renewal of such lease.

(2) The holder of a licence may at any time during the term of the licence determine the licence in respect of all or any part of the land included therein by giving to the Governor-General not less than three months previous notice in writing to that effect.

(3) Every licence shall be subject to the provisions contained in this Ordinance as in force at the date of its grant and to such regulations concerning public safety, the avoidance of interference with works of public utility in over and under the land included in the licence and the prevention of pollution of such land or any waters as may from time to time be in force.

(4) In the absence of express provision to the contrary, a licence shall be deemed to include the following conditions to be performed and observed by the holder—

(*a*) to commence the construction of an oil pipeline within a period to be specified by the Minister and to complete the same and all necessary ancillary installations with reasonable despatch, and to maintain the same during the currency of the licence ;

(*b*) to allow free access to any public officer authorised by or on behalf of the Minister in writing to enter and inspect any work, structure or thing made or done in accordance with the licence ;

(*c*) to indemnify the Governor-General against any claims arising from injury to any person or damage to any public or private property as a result of any act or thing done by the holder of the licence or his agents servants or workmen in accordance with the licence ;

(*d*) not to assign, sublet, mortgage or otherwise part with the licence or any right or interest thereunder without the previous consent in writing of the Governor-General.

(5) Every licence shall be deemed to include a provision that any question or dispute arising between the Governor-General or the Minister and the holder of the licence regarding the licence or any matter connected therewith shall if it cannot be resolved by agreement be referred to arbitration.

Part IV—COMPENSATION

Court having jurisdiction as to compensation.

18. If there be any dispute as to whether any compensation is payable under any provision of this Ordinance or if so as to the amount thereof, or as to the persons to whom such compensation should be paid, such dispute shall be determined by a magistrate exercising civil jurisdiction in the area concerned if such magistrate has in respect of any other civil matter monetary jurisdiction of at least as much as the amount of compensation claimed and if there be no such magistrate by the High Court exercising jurisdiction in the area concerned and, notwithstanding the provisions of any other Ordinance or law, in respect of the decision of a magistrate in accordance with this section there shall be an appeal to the High Court of the Region and in respect of a decision of the High Court of the Region under this section whether original or appellate there shall be an appeal to the Federal Supreme Court.

Basis of assessment of compensation.

19. (1) If a claim is made under subsection (3) of section 6 the court shall award such compensation as it considers just in respect of any damage done to any buildings, crops or profitable trees by the holder of the permit in the exercise of his rights thereunder and in addition may award such sum in respect of disturbance (if any) as it may consider just.

(2) If a claim is made under subsection (5) of section 11 the court shall award such compensation as it considers just, having regard to—

(*a*) any damage done to any buildings, crops or profitable trees by the holder of the licence in the exercise of the rights conferred by the licence; and

(*b*) any disturbance caused by the holder in the exercise of such rights; and

(*c*) any damage suffered by any person by reason of any neglect on the part of the holder or his agents, servants or workmen to protect, maintain or repair any work structure or thing executed under the licence; and

(*d*) any damage suffered by any person (other than as stated in such subsection (5)) as a consequence of any breakage of or leakage from the pipeline or an ancillary installation; and

(*e*) loss (if any) in value of the land or interests in land by reason of the exercise of the rights as aforesaid,

and also having regard to any compensation already awarded in accordance with subsection (1) of this section.

(3) In determining the loss in value of the land or interests in land of a claimant the court shall assess the value of the land or the interests injuriously affected at the date immediately before the grant of the licence and shall assess the residual value to the claimant of the same land or interests consequent upon and at the date of the grant of the licence and shall determine the loss suffered by the claimant as the difference between the values so found, if such residual value is a lesser sum.

(4) No compensation shall be awarded in respect of unoccupied land as defined in section 13 of the Public Lands Acquisition Ordinance, except to the extent and in the circumstances specified in that section.

Cap. 185.

(5) In determining compensation in accordance with the provisions of this section the court shall apply the provisions of section 15 of the Public Lands Acquisition Ordinance so far as they are applicable and not in conflict with anything in this Ordinance as if the land or interests concerned were land or interests acquired by the Governor-General for a public purpose.

(6) If the total sum awarded by the court in accordance with this section exceeds an amount already offered to the claimant by the holder of the licence the court may order such holder to pay the costs of the proceedings. If the sum so awarded does not exceed the amount offered by such holder the court shall either order the claimant to pay the cost of the proceedings or order each side to bear its own costs.

(7) Compensation awarded by the court in accordance with this section (if any), shall be a sum of money payable forthwith or shall consist of periodical instalments or partly one and partly the other: Provided that nothing contained in this subsection shall preclude the court awarding additional compensation upon subsequent application if loss or damage from the operation of the oil pipeline be proved and the court is of opinion that such loss or damage is loss or damage not contemplated at the date of the original award.

Compensation where native community interested.

20. Where the interests injuriously affected are those of a native community the court may order the compensation to be paid to any chief headman or member of that community or that it be paid in accordance with a scheme of distribution approved by the court or that it be paid into a fund to be administered by a person approved by the court on trust for application to the general, social or educational benefit and advancement of that community or any section thereof.

Parties in possession as owners to be deemed entitled to lands.

21. If any question arises respecting the title to the lands affected under this Ordinance, the parties in possession as being the owners thereof, or in receipt of the rents of such lands as being entitled thereto at the time of service of notice under section 6 or section 8 as the case may be, shall be deemed to have been lawfully entitled to such lands, unless the contrary be shown to the satisfaction of the court, and they and all parties claiming under them or consistently with their possession shall be deemed entitled to any compensation payable under this Ordinance, but without prejudice to any subsequent proceedings against such parties at the instance of any person claiming to have a better right thereto.

Exoneration upon payment.

22. The payment to any person to whom any compensation shall be paid or the payment into court of any compensation upon a decision of the court shall effectually discharge the person making such payment from seeing to the application or being answerable for the misapplication thereof: Provided that where any person is in possession of any land affected by the provisions of this Ordinance by virtue of any estate less than an estate of inheritance, or where any person is in possession thereof in any fiduciary or representative character, the compensation may be paid to such person and in such proportions and instalments and after such notices as the court may direct.

Part V—MISCELLANEOUS

Proceedings where possession of land withheld.

23. If any person hinders or obstructs any person duly authorised in accordance with the provisions of this Ordinance from entering upon taking possession of or using any lands in pursuance of this Ordinance, the person so hindered or obstructed may apply *ex parte* at any time to the High Court exercising juridiction in the area for a writ of possession and such court may issue a writ of possession addressed to the sheriff under which any officer of the sheriff or police officer may forthwith eject any person so with holding possession.

Penalty for hindering the taking possession of lands, etc.

24. (1) Every person who shall wilfully hinder or obstruct any person duly authorised from entering upon or taking possession of or using any land in pursuance of the provisions of this Ordinance, or who shall molest, hinder or obstruct such person when in possession of such lands, or shall hinder or obstruct any officer of the sheriff or police officer when executing a writ of possession, shall be liable on summary conviction to a fine of twenty-five pounds or to imprisonment for three months.

(2) Any person who shall wilfully and without the authority of the holder of the licence interfere with any oil pipeline or installation ancillary thereto or who shall cause damage to such pipeline or installation shall be liable on summary conviction to a fine of twenty-five pounds or imprisonment for three months.

Deviation in respect of land required for public purposes.

25. It shall be lawful for the Governor-General to require deviation of the route of an oil pipeline so far as it affects any land required for a public purpose by the Government of the Federation or the Government of a Region upon such terms as to compensation, or otherwise, as shall be agreed with the holder or failing such agreement as may be arrived at by arbitration.

Effect of breach of terms or conditions.

26. (1) If there shall be a breach of any of the terms or conditions upon which a licence has been granted the Minister may by notice in writing require the holder of the licence to remedy such breach within such period being not less than three months as may be specified in such notice.

(2) If the holder of the licence shall fail within the period so specified to remedy such breach the Governor-General may by notice to the holder revoke the said licence, without prejudice to anything lawfully done thereunder and without prejudice to any claims for compensation against the holder made in accordance with the provisions of this Ordinance.

Disposal of pipeline and installations on termination of licence.

27. (1) Upon the expiration or sooner determination of a licence the holder of the licence shall before or within three months after the termination of such licence be at liberty upon giving three weeks notice to the Minister to remove such pipeline and any ancillary installation to the extent that the Minister does not elect to purchase such pipeline or any such installation or any part thereof. In the event of the Minister and the holder of the licence not agreeing as to the purchase price the same shall be determined by arbitration.

(2) The holder of a licence shall make good any damage done to the land included in the licence by removal of a pipeline or ancillary installation.

Sale of licence by court to be approved by Governor-General

28. No licence granted under this Ordinance shall be sold by or under the orders of a court in execution of a decree or otherwise howsoever, save to a purchaser approved in writing by the Governor-General and under terms to be approved by the Governor-General.

Effect of this Ordinance upon other enactments.

Cap. 108.

29. (1) A copy of any permit to survey and of any licence granted under this Ordinance, certified by the Permanent Secretary having supervision over the department of the Federal Government carrying out the provisions of this Ordinance to be a true copy, together with any plans or documents that may be prescribed by regulations made under this Ordinance, shall be delivered by the holder of such permit or licence to the registry established under the Land Registration Ordinance for each Region to which such permit or licence relates.

(2) The provisions of the Land Registration Ordinance shall not apply to any such permit or licence, but any such permit or licence shall in so far

as it affects any land take effect as against other instruments affecting the same land as though it had been registered under that Ordinance upon the date of the grant of such permit or licence.

(3) The grant of a permit or licence under this Ordinance shall not be invalid by reason of any provision of the Land and Native Rights Ordinance nor shall such a permit or licence be subject to any provision of that Ordinance. Cap. 105.

Fees.

30. The applicant for a permit to survey shall pay a fee of ten pounds upon submitting his application and a fee of twenty-five pounds upon the grant of such permit. The applicant for a licence shall pay a fee of ten pounds upon submitting his application and a fee of such amount as the Minister shall determine not exceeding one hundred pounds upon the grant of such licence. The holder of a permit or licence shall pay a fee of ten pounds in respect of any variation in such permit or licence.

The holder of a licence shall pay a fee of such amount as the Minister shall determine not exceeding fifty pounds upon making an application for a restriction order under section 12 and a fee of such amount as the Minister shall determine not exceeding two hundred pounds upon such order being made.

Regulations.

31. The Governor-General may by regulation prescribe—

(*a*) the manner in which any application in accordance with the provisions of this Ordinance shall be made and the forms to be used ;

(*b*) the manner in which the holders of exclusive prospecting licences, mining rights and mining leases granted under the Minerals Ordinance or a licence granted under the Nigerian Coal Corporation Ordinance, 1950, or licences or leases granted under the Mineral Oils Ordinance may operate over an area subject to an oil pipeline licence and the manner in which the area covered by an oil pipeline licence may infringe on the area subject to an exclusive prospecting licence, mining right or mining lease or other licence or lease so granted ; Cap. 134. (29 of 1950). Cap. 135.

(*c*) measures in respect of public safety, the avoidance of interference with works of public utility in over and under any land and the prevention of pollution of any land or water ;

(*d*) generally for carrying into effect the purposes and provisions of this Ordinance.

Miscellaneous consequential amendments.

32. The Ordinances specified in the first column of the Schedule, and the parts thereof specified in the second column thereof, are amended in the manner specified in the third column of such Schedule.

SCHEDULE (*Section 32*)

Consequential Amendments of Ordinances

	Short Title	*Section*	*Amendment*
1.	Registration of Titles Ordinance (Chapter 197)	52	After paragraph (*c*) insert a new paragraph—"(*cc*) any permit to survey or oil pipeline licence granted under the Oil Pipelines Ordinance, 1956 ;"
2.	Minerals Ordinance (Chapter 134)	14	After paragraph (*a*) of subsection (1) in each case insert a new paragraph—"(*aa*) land included within the area of an oil pipeline licence granted under the Oil Pipelines Ordinance, 1956, without the consent of the Minister as defined in section 2 of that Ordinance ;"
	Nigerian Coal Corporation Ordinance, 1950	17	

Objects and Reasons

The purpose of this Bill is to enable rights in the nature of a wayleave to be granted for the installation of a pipeline for the pumping of oil from wellhead to the place of shipment or place of utilisation within Nigeria. It is necessary, to avoid delay, to have the procedure for the installation of such a pipeline settled at this early stage.

A main principle upon which the Bill is based is that, in view of the extremely heavy capital investment already made and yet to be made in exploration for oil, the discoverer of oil in commercial quantity should be entitled to facilities for the installation of a pipeline for the conveyance of such oil.

Clause 3 provides that a grant may be made of a permit to survey the route for a pipeline and subsequently of a licence to establish and maintain the pipeline itself. *Clauses* 4, 5 *and* 6 (Part II) deal with the permit to survey and provide that the Minister will approve the grant only if he approves the route. The subsequent procedure is that seven days notice is given in respect of any building or cultivated land and consent is to be obtained in respect of venerated land, but subject thereto entry may be made upon the proposed route for the purpose of survey, and for the purpose of cutting vegetation and investigation of the nature of the soil. No unnecessary damage must be done and compensation is to be paid for any damage not made good.

Part III deals with the licence itself, and while *Clause* 7 confers the entitlement to which reference has been made, the route has to be approved by the Minister. There is provision (*Clauses* 8 *and* 9) for the hearing of objections (other than in respect of the amount of any compensation payable) and for the wide publication of particulars of the application, and if objections are made verbally to any public officer it is his duty to commit the objection to writing.

Clause 11 is of importance as it enables the holder of a licence to enter and take possession of the strip of land specified in the licence (a width of 200 feet or such other width as may be specified) and to construct and operate thereon a pipeline and such ancillary installations as roadways, telephone lines, tower cables, storage tanks and pumping stations. Mineral oils and natural gas are the normal substances to be conveyed, but the right extends to their derivatives and components and to steam and water so far as that is incidental to the main purpose. Under *Clause* 12 certain restrictions may be placed on the use of adjoining land if that is necessary, and *Clause* 13 provides a procedure for deviation. *Clause* 14 prohibits interference with public works or rights of navigation or water supplies without prior permission, and *Clauses* 15 *and* 16 give protection in respect of venerated land and for those whose rights of way and similar rights may be interfered with, and also permit the movement of pipes, watercourses and wires and the removal of trees. A licence is to be held for any period up to 99 years, or during the currency of the relevant oil prospecting licence or oil mining lease, may be given up upon three months' notice, and will contain conditions compelling the construction and maintenance of a pipeline, to permit access to it for inspection, indemnifying Government against claims and forbidding disposal without consent. There is provision for arbitration in the event of dispute. (*Clause* 17).

Part IV deals with compensation, which will be a matter for the magistrate having jurisdiction in the area, and on appeal for the Regional High Court and Federal Supreme Court. (*Clause* 18).

Provision is made in *Clause* 19 for assessment of compensation to be paid to any whose lands or interests in lands are injuriously affected, for disturbance, for damage suffered on account of negligence, or any damage suffered by innocent persons by any breakage or leakage of the pipe unless maliciously caused by a third party. *Clauses* 20, 21 *and* 22 are usual clauses relating to compensation and similar to those contained in the Public Lands Acquisition Ordinance.

There are miscellaneous minor provisions in Part V and *Clause* 29 provides that, as what is intended is a licence which will convey no title to land, the Federal and Regional legislation relating to title to land will not apply, except to a limited extent, in respect of any such licence. There are formal provisions in this Part for procedure upon termination of a licence and prohibiting alienation by the court except with the Minister's approval. Fees are prescribed by *Clause* 30. *Clause* 31 enables regulations to be made, amongst other matters for the purpose of adjusting rights between the holders of a licence and mining operators, and to provide for safety requirements, avoidance of interference with public utilities and prevention of pollution.

Clause 32 effects minor consequential amendments to three existing Ordinances.

L. BRETT,
Acting Attorney-General of the Federation

Lagos.

NIGERIAN BROADCASTING CORPORATION ORDINANCE

PART I.—PRELIMINARY

Section

1. Short title, commencement and application.
2. Interpretation.
3. Functions of Corporation may be discharged by servants.

PART II.—ESTABLISHMENT AND INCORPORATION OF THE CORPORATION

4. Establishment and incorporation of the Nigerian Broadcasting Corporation.
5. Constitution.
6. Temporary appointments.
7. Remuneration of members of Corporation.
8. Conduct of Chairman. First Schedule.
9. Further provisions as to the Corporation. Second Schedule.

PART III.—DUTIES AND POWERS

10. General duties of the Corporation.
11. Particular duties of the Corporation.
12. Power of Corporation to lay down standards.
13. General powers of the Corporation.
14. Restriction on commercial or sponsored broadcasting.
15. Advisory committees.
16. Director-General.
17. Regional controllers.
18. Duty to train Nigerians.

PART IV.—REGIONAL BOARDS

19. Establishment of Regional Boards.
20. Constitution of Regional Boards.
21. Remuneration of members of Regional Boards.
22. Conduct of Chairman of Regional Boards. First Schedule.
23. Further provisions as to Regional Boards. Second Schedule.
24. General functions of Regional Boards.
25. Particular duties of Regional Boards.
26. Regional advisory committees.

PART V.—BROADCASTING

27. Duty to comply with terms of licence.
28. Items to be relayed from Regional Transmitters.
29. Duty to broadcast Government announcements.
30. Matter to be broadcast in External Services.
31. Provision of programmes for distribution from radio distribution station.

PART VI.—LAND

32. Construction for purposes of Cap. 105.
33. Compulsory acquisition of land.
34. Restriction on alienation.

35. Power to enter on land.
36. Notice of entry on land.
37. Compensation for damage.

PART VII.—TRANSFER OF ASSETS AND LIABILITIES

38. Transfer of assets. Third Schedule.
39. Governor-General in Council may add assets to Schedule.
40. Advance account for working capital.
41. Compensation for assets transferred. Debenture Stock.
42. Transfer of rights and liabilities under contracts. Fourth Schedule.
43. Pending Proceedings and cause of action.

PART VIII.—FINANCIAL PROVISIONS

44. Power to receive funds.
45. Application of revenue.
46. Allocation to Regional Boards.
47. General Reserve.
48. Power to borrow money.
49. Investment of moneys.

PART IX.—ACCOUNTS AND REPORTS

50. Accounts and audit.
51. Annual report and periodical returns.
52. Financial Year.

PART X.—STAFF

53. Employment of servants and agents.
54. Employment of aliens by Corporation.
55. Power to make regulations relating to staff.
56. Selection and administration of staff by Regional Boards.
57. Officers seconded from Government of the Federation to be employed.
58. Offers of employment with Corporation to seconded officers.
59. Application of sections 57 and 58 to officers employed on Regional Boards.
60. Exercise of powers of Governor-General.

PART XI.—LEGAL PROCEEDINGS

61. Limitation of suits against the Corporation.
62. Service of documents.
63. Restriction on Execution.
64. Representation of Corporation at hearing of suit.

PART XII.—EMERGENCY POWERS

65. Provisions applicable on an occasion of emergency.

SCHEDULES

First Schedule—Provisions relating to conduct of Chairman.
Second Schedule— Provisions as to the Corporation.
Third Schedule—Transfer of Assets.
Fourth Schedule—Transfer of Contracts.

A BILL

FOR

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF A CORPORATION TO BE KNOWN AS THE NIGERIAN BROADCASTING CORPORATION, FOR THE TRANSFER TO THE CORPORATION OF THE BROADCASTING SERVICES NOW UNDERTAKEN BY THE GOVERNMENT OF THE FEDERATION, FOR THE FUNCTIONS OF THE CORPORATION AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID. Title.

[*By Notice, see Section* 1] Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :— Enactment.

PART I—PRELIMINARY

1. (1) This Ordinance may be cited as the Nigerian Broadcasting Corporation Ordinance, 1956, and shall have effect throughout the Federation of Nigeria. Short title, application and commencement.

(2) This Ordinance shall come into operation on a day to be appointed by the Governor-General by notice in the *Gazette* : Provided that the Governor-General may, if he thinks fit, appoint different days for the coming into operation of different provisions of this Ordinance.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

"broadcasting services" means services by which matter is sent by wireless telegraphy for general reception or is distributed through a radio distribution service, either in sound or in visual images with sound ;

"the Chairman" means the Chairman of the Corporation, or the Chairman of a Regional Board, as the case may require ;

"the Corporation" means the Nigerian Broadcasting Corporation established under this Ordinance ;

"Federal programme" means a programme broadcast from a Federal transmitting station ;

"Federal transmitting station" means any transmitting station operated by the Corporation other than a Regional transmitting station ;

"functions" includes powers and duties ;

"Gazette" means the *Official Gazette* of the Federation of Nigeria ;

"installations" includes aerials, masts, overhead wires, underground cables and fixed apparatus for wireless telegraphy, electrical generation and radio distribution services ;

"magistrate" means a person appointed a magistrate under any Ordinance or Law ;

"the Minister" means the member of the Council of Ministers for the time being charged under section 98 of the Nigeria (Constitution) Order in Council, 1954, with responsibility for broadcasting ;

L.N. 102 of 1954.

"native lands" means land declared as such under the Land and Native Rights Ordinance ;

Cap. 105.

"part of the Federation" means Lagos or the Southern Cameroons ;

"public office" means any office which is a public office for the purposes of the Nigeria (Constitution) Order in Council, 1954 ;

L.N. 102 of 1954.

"radio distribution services" means services by means of which matter received from transmitting stations or other matter is distributed from a receiving station for general reception over wires to the premises of subscribers ;

"receiving station" means a station for the receipt of messages or other matter, including matter sent by television, transmitted from a transmitting station ;

"Regional Board" means a Regional Broadcasting Board established under this Ordinance ;

"Regional programme" means a programme broadcast by the Corporation of which the general policy is controlled by a Regional Board ;

"Regional transmitting station" means a transmitting station operated by the Corporation for the transmission of Regional programmes and the relaying of Federal programmes ;

"sponsored programme" means any matter which is provided at the expense of any sponsor, that is to say, any person other than the Corporation or the performers, for the purposes of being broadcast and is the subject of a broadcast announcement mentioning the sponsor or his goods or services ;

"station" means a station for the transmission or receipt by means of wireless telegraphy of messages or other matter, including matter sent by television ;

"television" means the transmission or representation by wireless telegraphy of images of objects in movement or at rest ;

"transmitting station" means a station for the transmission by wireless telegraphy of messages or other matter, including matter sent by television ;

"wireless telegraphy" means any system of communication by telegraph as defined in the Telegraphs Ordinance without the aid of any wires connecting the points from and at which the messages or other matter including matter sent by television are sent and received. Cap. 213.

Functions of the Corporation may be discharged by its servants.

3. Where powers are conferred or duties imposed by or under this Ordinance on the Corporation, such powers or duties may be exercised or performed by or through any servant or agent of the Corporation authorised in that behalf by the Corporation.

Part II—Establishment and Constitution of the Corporation

Establishment and incorporation of the Nigerian Broadcasting Corporation.

4. (1) There is hereby established for the purposes of this Ordinance a corporation to be known as the Nigerian Broadcasting Corporation.

(2) The Corporation shall be a body corporate with perpetual succession and a common seal and shall have power to sue and be sued in its corporate name and to acquire, hold and dispose of movable and immovable property for the purpose of its functions under this Ordinance.

Constitution.

5. The Corporation shall consist of the following members—

(*a*) a Chairman, who shall be appointed by the Governor-General in Council ;

(*b*) the Chairmen of the three Regional Boards ;

(*c*) ten other members to be appointed by the Governor-General in Council, of whom—

(*i*) one shall be a person recommended for appointment by the Governor in Council of the Northern Region in virtue of his knowledge of the culture, characteristics and affairs of the people of the Northern Region and his close touch with opinion in the Northern Region ;

(*ii*) one shall be a person recommended for appointment by the Governor in Council of the Eastern Region in virtue of his knowledge of the culture, characteristics and affairs of the people of the Eastern Region and his close touch with opinion in the Eastern Region ;

(*iii*) one shall be a person recommended for appointment by the Governor in Council of the Western Region in virtue of his knowledge of the culture, characteristics and affairs of the people of the Western Region and his close touch with opinion in the Western Region ;

(*iv*) one shall be a person recommended for appointment by the Commissioner of the Cameroons, after consultation with the Executive Council of the Southern Cameroons, in virtue of his knowledge of the culture, characteristics and affairs of the people of the Southern Cameroons and his close touch with 8pinion in the Southern Cameroons ;

(*v*) one shall be a person appearing to the Governor-General in Council to be qualified as having had experience of, and shown capacity in, telecommunications ;

(*vi*) one shall be a person appearing to the Governor-General in Council to be qualified as having had experience of, and shown capacity in, public finance ;

(*vii*) four shall be persons recommended for appointment by a committee consisting of the members of the Privy Council of the Federation and shall be persons chosen for their individual qualities who are broadly representative of the general public of Nigeria as a whole, or of any particular section or class of people of Nigeria ;

(*d*) the Director-General, who shall be a member of the Corporation *ex officio* but shall not have the right to vote on any question falling to be decided by the Corporation.

Temporary appointments.

6. (1) The Governor-General in Council may appoint a person (hereinafter referred to as the temporary Chairman) to act in the place of the Chairman during the temporary incapacity from illness, or absence from Nigeria, of the Chairman.

(2) A person appointed to be a temporary Chairman shall, while the appointment subsists, be deemed for all purposes of this Ordinance to be the Chairman.

(3) During the temporary incapacity from illness or absence from Nigeria of any member of the Corporation appointed under the provisions of paragraph (*c*) of section 5, the Governor-General in Council may, on the recommendation of the Governor in Council, Commissioner or committee on whose recommendation such member was appointed, appoint a person to be a temporary member of the Corporation.

(4) A person appointed to be a temporary member of the Corporation may, while the appointment subsists, exercise and perform all the functions of a member of the Corporation (other than the Chairman) under this Ordinance.

(5) The Governor-General in Council may at any time, by notice in writing given to the Corporation, terminate any appointment made under this section.

Remuneration of members of the Corporation.

7. The Corporation shall pay to the members thereof any remuneration, fees or allowances for expenses that may be determined by the Governor-General in Council :

Provided that no remuneration, fees or allowances, except such allowances for expenses as may be expressly authorised by the Governor-General in Council, shall be paid to any person who holds a public office.

Conduct of Chairman. First Schedule.

8. The provisions of the First Schedule to this Ordinance shall apply to the conduct of the Chairman of the Corporation.

Further provisions as to the Corporation. Second Schedule.

9. The provisions of the Second Schedule to this Ordinance shall have effect with respect to the constitution and organisation of the Corporation and otherwise in relation thereto.

PART III—DUTIES AND POWERS OF THE CORPORATION

General duties of the Corporation.

10. (1) It shall be the duty of the Corporation to provide, as a public service, independent and impartial broadcasting services by means of wireless telegraphy and by television for general reception within Nigeria.

(2) If at any time the Governor-General in Council so requires, it shall be the duty of the Corporation to provide like services for general reception in countries and places outside Nigeria, and any services so provided shall be called External Services.

(3) The Corporation shall ensure that the services which it provides, when considered as a whole, reflect the unity of Nigeria as a Federation and at the same time give adequate expression to the culture, characteristics, affairs and opinions of the people of each Region or part of the Federation.

Cap. 213

(4) Nothing in section 4 of the Telegraphs Ordinance shall apply to the broadcasting services provided by the Corporation in accordance with the provisions of this Ordinance.

Particular duties of the Corporation.

11. (1) Without prejudice to the generality of section 10, the Corporation shall provide such facilities as may appear to the Corporation to be desirable in the public interest for the broadcasting of—

(*a*) ministerial speeches, that is to say, speeches by members of the Council of Ministers and of the Executive Council of each Region and of the Southern Cameroons which consist wholly of statements of fact, or which explain the policy and actions of the Governments of which they are members ;

(*b*) party political speeches, that is to say, speeches which seek to explain the views and policies of the various political parties ;

(*c*) speeches expressing different points of view on matters of controversy other than political matters ;

(*d*) matter of any kind (including religious services or ceremonies) representing the main streams of religious thought or belief in the Federation.

(2) In apportioning the facilities provided in accordance with paragraphs (*b*), (*c*) and (*d*) of subsection (1) between the representatives of different political parties or the holders of different points of view on matters of controversy or different religious beliefs, the Corporation shall distribute them in such a manner as may appear to the Corporation equitably to represent their respective claims upon the interest of members of the public in Nigeria.

Power of Corporation to lay down standards.

12. (1) The Corporation shall have power by directions in writing to lay down general standards of taste, impartiality and accuracy for the contents of all programmes broadcast by the Corporation from any source within its control.

(2) It shall be the duty of all officers and servants of the Corporation and in particular of the Director-General and the Regional Controllers to ensure that any standards so laid down are maintained.

General powers of Corporation.

13. The Corporation shall have power to carry on all such activities as may appear to the Corporation to be requisite, advantageous or convenient for it to carry on for or in connection with the discharge of its duties and in particular and without prejudice to the generality of the foregoing shall have power—

(*a*) to erect, maintain and operate transmitting and receiving stations ;

(*b*) to install and operate wired radio distribution services ;

(*c*) to enter into arrangements with the Federal or a Regional Government or any other public body for the purpose of obtaining licences, rights, privileges and concessions ;

(*d*) to produce, manufacture, purchase or otherwise acquire films, gramophone and other mechanical records and materials and apparatus for use in connection with films and records and to use them in connection with the broadcasting services ;

(*e*) to provide to and to receive from other persons matter to be broadcast ;

(*f*) to organise, provide and subsidise public entertainment for the purpose of broadcasting ;

(*g*) to collect news and information in any part of the world and in any manner that may be thought fit and to establish and subscribe to news agencies ;

(*h*) to acquire copyrights ;

(*i*) to publish printed matter that may be conducive to the performance of any of the duties of the Corporation ;

(*j*) to do anything for the purpose of advancing the skill of persons employed by the Corporation, or the efficiency of the equipment of the Corporation, or the manner in which that equipment is operated, including the provision by the Corporation and the assistance of the provision by others, of facilities for training, education and research.

Restriction on commercial or sponsored broadcasting.

14. The Corporation shall not without the consent of the Governor-General in Council receive money or any valuable consideration from any person in respect of the sending or emitting, or the refraining from sending or emitting, of any matter whatsoever and shall not send or emit any commercial advertisement or sponsored programme :

Provided that nothing in this section shall be construed as precluding the Corporation from using for broadcasting purposes without payment or for a reduced payment any concert or theatrical entertainment or any other performance of whatsoever kind given in public, or as precluding the Corporation from announcing the place of performance thereof or the name and description of the performers or from announcing the number and description of any record broadcast or from acknowledging any permission granted for so using such matter.

Advisory committees.

15. (1) The Corporation shall appoint advisory committees, to be known as the Educational Broadcasting Advisory Committee and the Religious Broadcasting Advisory Committee, which shall advise the Corporation on matters concerning the broadcasting of programmes designed for the use of schools and other educational institutions and of religious services and other programmes relating to religious matters respectively.

(2) The Corporation may appoint one or more other advisory committees to advise the Corporation on any other matter concerning the broadcasting services and other business of the Corporation.

(3) If at any time the Corporation establishes a transmitting station in the Southern Cameroons it shall establish an advisory committee, to be known as the Southern Cameroons Broadcasting Advisory Committee, which shall advise the Corporation on matters concerning the programmes to be broadcast from the transmitting station in the Southern Cameroons. The Committee shall be appointed from among persons nominated by the Commissioner of the Cameroons after consultation with the Executive Council of the Southern Cameroons.

(4) A committee appointed under the provisions of this section shall consist of as many persons, whether or not members of the Corporation, as the Corporation may think fit.

(5) The Corporation shall make provision for a chairman or other presiding member of each such committee and for the quorum thereof, and may lay down rules for the frequency of meetings, the summoning of meetings, the procedure at meetings and the manner in which matters shall be referred to the committee for advice by the Corporation and the advice of the committee transmitted to the Corporation, and subject to any such rules a committee shall regulate its own procedure.

(6) The Corporation shall provide such secretarial or other assistance to a committee as the Corporation may think fit.

(7) The Corporation shall pay to the members of a committee who are not members of the Corporation such allowances for expenses as the Corporation may determine :

Provided that no allowances, except such allowances for expenses as may be expressly authorised by the Governor-General in Council, shall be paid to any person who holds a public office.

Director-General.

16. (1) There shall be an officer of the Corporation, to be known as the Director-General, who shall be the chief executive officer of the Corporation and shall be responsible for the execution of the policy of the Corporation and the administration of its day-to-day business.

(2) The Corporation shall delegate to the Director-General such of its functions under this Ordinance as are necessary to enable him to transact effectively the day-to-day business of the Corporation of every kind whatsoever, and in particular, and without prejudice to the generality of the foregoing, the Corporation shall delegate to the Director-General the power, subject to any general instructions or regulations given or made by the Corporation,—

(*a*) to exercise supervision and control over the acts of all servants of the Corporation in matters of executive administration in the whole field of broadcasting and in matters concerning the accounts and records of the Corporation ; and

(*b*) to dispose of all questions relating to the service of the servants of the Corporation and their pay, privileges and allowances.

(3) The first appointment to the office of Director-General shall be made by the Governor-General in Council and any subsequent appointment shall be made by the Corporation.

Regional controllers.

17. (1) There shall be for each Region an officer of the Corporation, to be known as the Regional Controller, who shall be appointed by the Corporation.

(2) In each Region, the Regional Controller—

(*a*) shall, subject to any directions given to him by the Director-General, be responsible for the execution of the policy of the Corporation and the administration of its day-to-day business ; and

(*b*) shall be the chief executive officer of the Regional Board and shall, in matters within the competence of the Regional Board, be responsible for giving effect to the decisions of the Board.

Duty to train Nigerians.

18. It shall be the duty of the Corporation to provide, to the satisfaction of the Governor-General in Council, such facilities for the training of Nigerians as are designed to enhance their suitability for promotion in the service of the Corporation.

PART IV—REGIONAL BOARDS

Establishment and Constitution of Regional Boards

Establishment of Regional Boards.

19. As soon as may be after the commencement of this Ordinance there shall be established in each Region a Board, to be known as the Regional Broadcasting Board.

Constitution of Regional Boards.

20. (1) A Regional Board shall consist of the following members—

(*a*) a Chairman, to be appointed by the Governor in Council of the Region ;

(*b*) not less than six or more than eight other members to be appointed by the Governor in Council of the Region, of whom

(*i*) one shall be a person nominated by the Minister of Education in virtue of his knowledge of and experience in educational matters in the Region ;

(*ii*) one shall be a person nominated by the Minister of Local Government in virtue of his knowledge of and experience in local government affairs in the Region ;

(*iii*) not less than four or more than six shall be persons nominated by bodies appearing to the Governor in Council to have knowledge of the cultural, economic and religious interests of the Region ;

(*c*) the Regional Controller who shall be a member of the Regional Board *ex officio* but shall not have the right to vote on any question falling to be decided by the Board.

(2) In this section "Minister of Education" and "Minister of Local Government" mean the members of the Executive Council of the Region for the time being charged under section 119 of the Nigeria (Constitution) Order in Council, 1954, with responsibility for education and local government respectively.

Remuneration of members of Regional Boards.

21. The Corporation shall pay to the members of a Regional Board any remuneration, fees, or allowances for expenses that may be determined by the Governor-General in Council :

Provided that no remuneration, fees or allowances, except such allowances for expenses as may be expressly authorised by the Governor-General in Council, shall be paid to any person who holds a public office.

Conduct of Chairman. First Schedule.

22. The provisions of the First Schedule to this Ordinance shall apply to the conduct of the Chairman of a Regional Board as they do to the conduct of the Chairman of the Corporation.

Further provisions as to Regional Boards. Second Schedule.

23. The provisions of the Second Schedule shall, so far as applicable, have effect with respect to the constitution and organisation of a Regional Board and otherwise in relation thereto.

Duties and powers of Regional Boards

General functions of Regional Boards.

24. (1) It shall be the function of a Regional Board—

(*a*) to control the general policy of the Regional programmes in such a manner as to ensure that all Regional programmes are selected with due regard to the distinctive culture, interests and tastes of the people of the Region, and conform to any standards laid down by the Corporation ;

(*b*) to advise the Corporation on any matters relating to the services provided by the Corporation so far as they affect the Region for which the Board is established ;

(*c*) to perform such other functions as the Corporation may from time to time delegate to it.

(2) In the exercise of its functions a Regional Board—

(*a*) shall operate in accordance with the obligations and duties imposed on the Corporation or the Regional Board by this or any other Ordinance and with any conditions with which the Corporation is required to comply ; and

(*b*) except as otherwise provided in this Ordinance, shall be subject only to such directions as may appear to the Corporation to be necessary on financial grounds or in the interests of co-ordination and the efficient administration of the operations and affairs of the Corporation, and the Corporation is hereby empowered to issue such directions from time to time.

Particular duties of Regional Boards.

25. (1) Without prejudice to the generality of section 24, a Regional Board shall ensure that in the Regional programmes broadcast in the Region such facilities are provided as may appear to the Regional Board to be desirable in the public interest for the broadcasting of—

(*a*) ministerial speeches, that is to say, speeches by members of the Executive Council of the Region which consist wholly of statements of fact or which explain the policy and actions of the Executive Council of the Region ;

(*b*) party political speeches, that is to say, speeches which seek to explain the views and policies of the various political parties on matters within the competence of the Government of the Region ;

(*c*) speeches expressing different points of view on matters of controversy other than political matters ;

(*d*) matter of any kind (including religious services or ceremonies) representing the main streams of religious thought or belief in the Region.

(2) In apportioning the facilities provided in accordance with paragraphs (*b*), (*c*) and (*d*) of subsection (1) between the representatives of different political parties or the holders of different points of view on matters of controversy or different religious beliefs, a Regional Board shall distribute them in such a manner as may appear to the Regional Board equitably to represent their respective claims on the interest of members of the public in the Region, and in particular

shall ensure that adequate opportunity is given for the expression of the views of substantial minorities on any matter, whether religious, political or of general controversy.

(3) A Regional Board shall ensure that Regional programmes designed for the use of schools or other educational institutions shall have regard to the educational policy of the Government of the Region.

Regional advisory committees.

26. (1) A Regional Board shall appoint advisory committees, to be known as the Regional Educational Broadcasting Advisory Committee and the Regional Religious Broadcasting Advisory Committee, which shall advise the Regional Boards on matters concerning the broadcasting in Regional programmes of items designed for the use of schools and other educational institutions and of religious services and other items relating to religious matters respectively.

(2) The Board may appoint one or more other advisory committees to advise the Board on any other matters concerning the broadcasting services and other business of the Board.

(3) A committee appointed under the provisions of this section shall consist of as many persons, whether or not members of the Board, as the Board may think fit.

(4) The Board shall make provision for a chairman or other presiding member of each such committee and for the quorum thereof, and may lay down rules for the frequency of meetings, the summoning of meetings, the procedure at meetings and the manner in which matters shall be referred to the committee for advice by the Board and the advice of the committee transmitted to the Board, and subject to any such rules a committee shall regulate its own procedure.

(5) The Corporation shall provide such secretarial or other assistance to a committee as the Board may think fit.

(6) The Corporation shall pay to the members of a committee appointed by a Regional Board who are not members of a Regional Board such allowances for expenses as the Regional Board with the approval of the Corporation shall determine :

Provided that no allowances, except such allowances for expenses as may be expressly authorised by the Governor-General in Council, shall be paid to any person who holds a public office.

Part V—BROADCASTING

Duty to comply with terms, etc., of licence. Cap. 233.

27. The Corporation shall operate all the broadcasting services provided by it in accordance with the terms, conditions and restrictions of a licence or licences granted under the Wireless Telegraphy Ordinance, which the Director of Posts and Telegraphs is hereby authorised and required to grant.

Items to be relayed from Regional transmitters.

28. (1) News bulletins broadcast in the Federal programme in English and in any vernacular language which the Corporation may specify for the purpose shall be relayed from Regional transmitting stations, but without prejudice to the right of a Regional Board to cause items of news of Regional interest to be broadcast in English or

any vernacular language in the Regional programme or to cause a translation into any vernacular language of a news bulletin broadcast in the Federal programme to be broadcast in the Regional programme.

(2) When any of the following items is broadcast in the Federal programme it shall be relayed from Regional transmitting stations—

(*a*) speeches made by the Governor-General;

(*b*) ministerial speeches, as defined in paragraph (*a*) of subsection (1) of section 11, made by members of the Council of Ministers;

(*c*) other matters of national interest or importance which the Corporation requires to be so relayed.

Duty to broadcast Government announcements.

29. (1) The Corporation shall, whenever so requested by an authorised officer in the public service of the Federation or any authorised police officer, send in a Federal programme, at the Corporation's own expense, any announcement (with a visual image of any picture or object mentioned in the announcement if it is sent from any television station operated by the Corporation) which the officer may request the Corporation to broadcast; and shall also, whenever so requested by any such officer in whose opinion an emergency has arisen or continues, at the like expense, send as aforesaid any other matter which the authorised officer may request the Corporation to broadcast:

Provided that the Corporation when sending such an announcement or other matter may at its discretion announce or refrain from announcing that it is sent at the request of an officer of any named department or Ministry.

(2) The provisions of subsection (1) shall apply in like manner to the sending in a Regional programme of any announcement or other matter which the Corporation may be requested to send by an authorised officer in the public service of the Region or by an authorised police officer.

(3) In this section "authorised officer in the public service of the Federation" and "authorised officer in the public service of the Region" mean any officer declared to be such by the Governor-General or the Governor of the Region as the case may be and "authorised police officer" means any officer of the Nigeria Police not below the rank of Deputy Commissioner.

(4) The Governor-General in Council may from time to time by notice in writing require the Corporation to refrain at any specified time or at all times from sending any matter or matter of any class specified in such notice; and the Governor-General in Council may at any time or times vary or revoke any such notice. The Corporation may in its discretion announce or refrain from announcing that such a notice has been given or has been varied or revoked.

Matter to be broadcast in External Services.

30. Where, in accordance with subsection (2) of section 10, the Governor-General in Council has required the Corporation to provide any External Services, the following provisions shall have effect—

(*a*) the Corporation shall send programmes in the External Services to such countries, in such language and at such times as

after consultation with the Corporation, may from time to time be prescribed by the Governor-General in Council ;

(*b*) The Corporation shall consult and collaborate with such Federal Ministries and Departments of the Government of the Federation as may be specified in writing by the Governor-General in Council and shall obtain and accept from them such information regarding conditions in, and the policies of Her Majesty's Government in the United Kingdom or the Government of the Federation towards, the countries so prescribed and other countries as will enable the Corporation to plan and prepare its programmes in the External Services in the interest of the Federation.

Provision of programmes for distribution from radio distribution station. Cap. 233.

31. (1) Where in any Region or part of the Federation any person other than the Corporation is operating a radio distribution station in accordance with the Wireless Telegraphy Ordinance the Corporation shall, as and when directed by the Governor-General in Council, provide programmes for distribution from such radio distribution station and shall make available an adequate supply of recorded programmes for distribution from any such station on occasions when for local atmospheric or other reasons the programmes broadcast by the Corporation are incapable of good reproduction.

(2) Unless the Governor-General in Council otherwise directs, programmes or other matter provided by the Corporation under the provisions of subsection (1) shall be provided free of charge and the Corporation shall have no claim against the person operating the radio distribution station in respect of the distribution of copyright material.

(3) Where the Corporation is providing programmes for distribution in the manner referred to in subsection (1) it shall permit the installation of telegraph lines for the transmission of programmes between any transmitting station belonging to the Corporation and an amplifying and control point belonging to the person who operates the radio distribution station.

Part VI—LAND

Construction for purposes of Cap. 105.

32. For the purposes of paragraph (*c*) of subsection (1) of section 12 of the Land and Native Rights Ordinance, a requirement of land by the Government of the Federation for public purposes of the Federation shall be deemed to include a requirement of land by the Corporation for the purposes of the Corporation.

Compulsory acquisition of land.

33. (1) Whenever there is any hindrance to acquisition by the Corporation of any land required for any purposes of the Corporation, including any failure by the Corporation to reach agreement as to the amount to be paid in respect of such acquisition, the Governor-General, upon the application of the Corporation and after such inquiry as he may think fit, may declare that the land is required for the service of the Corporation.

(2) Upon such declaration being made, the land to which it relates shall be deemed to be land required for a public purpose of the Federation within the meaning of the Public Lands Acquisition Ordinance or the Native Rights Ordinance, as the case may be and the Governor-General—

Cap. 185.
Cap. 105.

(*a*) may cause action to be taken under the Public Lands Acquisition Ordinance for acquiring the land for the Government of the Federation or (as the case may require)

(*b*) (*i*) if the land is native land in the Southern Cameroons, may revoke, in accordance with the provisions of the Land and Native Rights Ordinance, any rights relating thereto ; or

(*ii*) if the land is native land in the Northern Region, may issue a requisition in accordance with the provisions of subsection (2) of section 12 of the Land and Native Rights Ordinance for the revocation of any such rights.

(3) When any land which has been the subject of a declaration under subsection (1) has been acquired, or the rights relating thereto have been revoked, in pursuance of the provisions of subsection (2), or the Governor-General is satisfied that there are no rights relating to that land, the Governor-General may—

(*a*) vest the land in the Corporation by means of a certificate under the hand and seal of the Chief Federal Land Officer ; or (as the case may require)

(*b*) grant a right of occupancy in respect thereof to the Corporation on such terms and conditions as he may think fit.

(4) The compensation, if any, payable under the Public Lands Acquisition Ordinance for the acquisition of any land under this section or (as the case may be) payable under the Land and Native Rights Ordinance for the revocation of any rights relating to land in pursuance of this section shall in the first instance be paid by the Government of the Federation, but the Corporation shall refund to that Government any compensation so paid and all incidental expenses incurred by that Government.

(5) A plan of any land referred to in subsection (1), containing measurements of the boundaries of the land and showing the relationship of the land to any sufficient identifying mark, and signed by the Director-General or person for the time being discharging the functions of the Director-General, shall be a sufficient description of the land for the purposes of an application under that subsection.

Restriction on alienation.

34. The Corporation shall not, without the approval in writing of the Governor-General in Council, alienate, mortgage, charge or demise any immovable property which has been vested in the Corporation under any of the provisions of this Ordinance or in respect of which a right of occupancy has been granted to the Corporation.

Power to enter on land.

35. The Corporation shall have power—

(*a*) to enter on any lands for the purpose of erecting, maintaining and inspecting any installations belonging to the Corporation or

of repairing, altering or removing any such installations and to remain there for such reasonable time and execute and do all such works as may be necessary for the purposes of this Ordinance ;

(*b*) to cut and remove on each side of any proposed or existing installation all such trees and underwood as may interfere or be likely to interfere with the construction or proper working of any installation.

Notice of entry on land.

36. (1) Subject to the provisions of this section, before entering on any lands for the purposes defined in section 35 the Corporation shall give notice to the occupier of the land.

(2) The notice may be served either personally or by delivery of the same at the place of abode of the person to be served.

(3) Where the condition of any installation is such as to endanger life or property, the Corporation may enter on the land on which it is situated for any of the purposes defined in section 35 without notice.

Compensation for damage.

37. (1) In the exercise of the powers conferred by section 35 the Corporation shall do as little damage as may be, and the Corporation shall pay compensation for any damage done to any buildings, crops or economic trees.

(2) In case of dispute as to the amount of the compensation payable under this section the amount of the compensation may be determined—

(*a*) in the case of native lands, in the manner provided by the Land and Native Rights Ordinance for determining the compensation payable where a right of occupancy is revoked ; or Cap. 105.

(*b*) in any other case, by a magistrate having jurisdiction in respect of the place where the land is situated.

PART VII—TRANSFER OF ASSETS AND LIABILITIES

Transfer of assets.

Third Schedule.

38. Upon a day to be appointed by the Governor-General by notice in the *Gazette* (hereinafter referred to as the vesting day) the assets described in the Third Schedule shall vest in the Corporation by virtue of this section and without further assurance.

Governor-General in Council may add assets to Schedule.

39. The Governor-General in Council may at any time and from time to time, within a period of two years from the vesting day, by order add any assets to the assets described in the Third Schedule and any assets so added by an order made under this section shall be deemed to vest in the Corporation by virtue of this section, and without further assurance from the date the order comes into force.

Advance Account for working capital.

40. (1) So soon as may be after the vesting day the Corporation shall, in respect of any moneys advanced by the Government to the Corporation to provide for working capital, create an advance account in favour of the Government equivalent to the total amount of such advances.

(2) The advance account created under subsection (1) shall be subject to such conditions as to interest and repayment as the Governor-General in Council may from time to time determine.

Compensation for assets transferred by issue of Debenture stock.

41. So soon as may be after any assets are transferred to the Corporation by the Government under the provisions of this Ordinance, the Corporation shall create in respect of the value of the assets so transferred Debenture Stock to be known as Broadcasting Debenture Stock A of an amount to be agreed upon by and between the Government and the Corporation. Such stock shall be issued upon such terms as may from time to time be approved by the Governor-General in Council and such stock and the interest and any other charges payable thereon shall be charged upon all the property, undertakings and revenue of the Corporation.

Provided that no Debenture Stock shall be created under this section in respect of the value of any assets which were purchased by the Government with moneys provided by Her Majesty's Government in the United Kingdom under the Colonial Development and Welfare Acts, 1940 and 1945 and transferred by the Government to the Corporation under the provisions of this Ordinance.

8 & 9 Geo. 6, Ch. 20.

Transfer of rights and liabilities under contracts. Fourth Schedule.

42. Contracts to which the provisions of the Fourth Schedule apply shall have effect in favour of and against the Corporation as therein mentioned and to the extent therein mentioned as if instead of the Government the Corporation had been named therein or had been a party thereto.

Pending proceeding and cause of action.

43. Any proceedings or cause of action pending or existing immediately before the vesting day by or against the Government in respect of assets transferred under the provisions of this Ordinance, may be continued or enforced by or against the Government as if this Ordinance had not been enacted.

PART VIII—FINANCIAL PROVISIONS

Power to receive funds.

44. The Corporation is hereby empowered—

(*a*) to receive all funds which may from time to time be appropriated by the legislature of the Federation therefor and to apply and administer such funds in accordance with the terms and conditions which may be attached to the grant thereof and with the provisions of this Ordinance ;

(*b*) to receive all other moneys which may be obtained or given to the Corporation or derived from any source not hereinbefore mentioned and to apply and administer such moneys exclusively in furtherance of the purpose of this Ordinance and in accordance with any terms and conditions upon which such moneys may have been obtained, given or derived :

Provided that moneys borrowed in exercise of the power hereinafter conferred for the purpose of defraying capital expenditure (including moneys so borrowed for repayment of moneys borrowed for that purpose) shall be applied to that purpose alone.

45. The receipts of the Corporation on revenue account in any year shall be applied in payment of the following charges—

Application of revenue.

(*a*) the salaries, gratuities and allowances of and any pensions, superannuation allowances or gratuities payable to members of the Corporation ;

(*b*) the salaries, fees or other remuneration and pensions, superannuation allowances and gratuities, of the servants, agents and technical or other advisers of the Corporation ;

(*c*) working, programme and establishment expenses and expenditure in the maintenance of any property vested in the Corporation.

(*d*) provision for the depreciation or the renewal of any assets vested in the Corporation ;

(*e*) interest due on any Debenture Stock or other stock issued or any temporary loan raised by the Corporation ;

(*f*) the sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the repayment of Debenture Stock or the repayment of other borrowed moneys ;

(*g*) such allocation to any general reserve established under section 47 and to contingencies or other reserve as may, in the opinion of the Corporation, be appropriate ;

(*h*) grants for purposes conducive to the welfare of persons employed by the Corporation ;

(*i*) such contributions to such charitable objects as the Corporation with the approval of the Minister may determine ;

and the balance, if any, shall be applied to such purposes and in such manner as the Minister may direct.

Allocation to Regional Boards.

46. (1) The Corporation shall allocate to each Regional Board such sums of money which the Regional Board, in the exercise of its functions under this Ordinance, is authorised to expend during the course of that financial year.

(2) Any money expended by a Regional Board under the provisions of this section shall be expended solely on charges to which the receipts of the Corporation on revenue account may be applied under the provisions of section 45, and in accordance with any directions issued by the Corporation under the provisions of paragraph (*b*) of subsection (2) of section 24.

(3) The Corporation shall require each Regional Board to keep, and to submit to the Corporation, such accounts as may enable the Corporation to comply with the requirements of section 50.

General reserve.

47. (1) Without prejudice to the power of the Corporation to set aside from revenue appropriate amounts for replacements, contingencies or other purposes, the Corporation may establish and maintain a general reserve.

(2) The management of the general reserve, the sums to be carried from time to time to the credit thereof, the charges to be made against the general reserve and any other application of the moneys comprised therein shall be as the Corporation may, with the approval of the Minister determine :

Provided that no part of the moneys comprised in the general reserve shall be applied otherwise than for the purposes of the Corporation.

Power to borrow money.

48. The Corporation may, with the consent of or in accordance with any general authority given by the Governor-General in Council, borrow by way of loan from the Government of the Federation or by way of temporary overdraft approved by the Minister such sums as the Corporation may require for meeting its obligations and discharging its functions under this Ordinance.

Investment of moneys.

49. The Corporation may invest all or any portion of the moneys of the Corporation in such manner as may be approved by the Minister.

PART IX—ACCOUNTS AND REPORTS

Accounts and audit.

50. (1) The Corporation shall keep proper accounts and other records in relation thereto and shall prepare in respect of each financial year a statement of accounts in such form as the Minister may require.

(2) The accounts of the Corporation shall be audited by auditors to be appointed annually by the Corporation with the approval of the Minister.

(3) As soon as the accounts of the Corporation have been audited, the Corporation shall furnish a copy of the statement of accounts to the Minister, together with a copy of any report made by the auditors on that statement or on the accounts of the Corporation.

(4) The Minister shall lay a copy of every such statement of accounts and report before the House of Representatives.

Annual report and periodical returns.

51. (1) The Corporation shall, as soon as possible after the end of each financial year, make to the Minister a report dealing with the activities of the Corporation during that year.

(2) The Minister shall lay a copy of every such annual report before the House of Representatives.

(3) The Corporation shall furnish to the Minister such financial and statistical returns as he may from time to time require.

Financial year.

52. The financial year of the Corporation shall coincide with that of the Government of the Federation ;

Provided that the period between the vesting day and the end of the financial year then current shall be deemed to be a financial year.

PART X—STAFF

Employment of servants and agents.

53. Subject to the other provisions of this Part, the Corporation may appoint and employ such servants and agents as it deems necessary for the discharge of its functions under this Ordinance upon such terms and conditions of service as it may determine.

Employment of aliens by Corporation.

54. (1) Persons employed by the Corporation who are not, or are not deemed to be, British subjects or British protected persons, shall be so employed on and subject to such conditions as may from time to time be prescribed in writing by the Principal Immigration Officer.

(2) Any person who is employed and is not subject to any restriction under the Immigration Ordinance as to the period of his stay or the employment in which he may engage in the Federation may, if the Corporation thinks fit, be employed by the Corporation on its established staff. Cap. 89.

Power to make regulations relating to staff.

55. (1) The Corporation may make regulations generally relating to the conditions of service of servants of the Corporation and in particular, but without prejudice to the generality of the foregoing, may make regulations relating to—

(*a*) the appointment, dismissal, discipline, pay and leave of, and the security to be given by, such servants ;

(*b*) appeals by such servants against dismissal or other disciplinary measures ;

(*c*) the grant of pensions, gratuities and other retiring allowances to such servants and their dependants ; and the grant of gratuities to the estates or dependants of deceased servants of the Corporation ;

(*d*) the establishment and maintenance of medical benefit funds, superannuation funds and provident funds, and the contributions payable thereto and the benefits receivable therefrom.

(2) Any pension scheme established by regulations made under paragraph (*c*) of subsection (1) of this section shall be such as to make it possible for service with the Corporation to be declared public service under the provisions of the Pensions Ordinance, 1951 ; and no regulations establishing such pension scheme shall come into force unless the Federal Public Service Commission shall, by notice in the *Gazette*, declare that such regulations comply with the provisions of this subsection. No. 29 of 1951.

Selection and administration of staff by Regional Boards.

56. (1) Subject to the provisions of this section, a Regional Board may select and nominate for employment by the Corporation such servants to serve on the affairs of the Regional Board (including the affairs of any advisory committee appointed by the Regional Board) as may appear to the Regional Board to be requisite for the proper exercise and discharge of its functions and the Corporation shall employ the servants so nominated and shall not without the concurrence of the Regional Board terminate the employment of any such servants :

Provided that the Corporation may decline to employ, or may terminate the employment of any such servant if he is unwilling to accept the rates of remuneration or conditions of service applicable to servants of the Corporation of his class, or if in the opinion of the Corporation it would be detrimental to the administration of the Corporation to employ or to continue to employ him.

(2) The number of servants selected and nominated by a Regional Board under the provisions of subsection (1) shall not exceed the establishment approved by the Corporation for the Regional Board.

(3) Servants employed on the affairs of a Regional Board shall be deemed to include—

(*a*) servants primarily employed on the planning and operation of Regional programmes ;

(*b*) clerical and daily paid servants of a rank not above that of Chief Clerk,

but shall be deemed not to include the Regional Controller, any member of the engineering staff or any servant employed in the office of the Regional Controller.

(4) Any servant selected and nominated by a Regional Board under the provisions of subsection (1) may, notwithstanding that he is deemed to be employed on the affairs of the Regional Board, be called upon to perform duties not concerned with the affairs of the Regional Board if the general interests of the Corporation so require :

Provided that such a servant shall, while he is employed on the affairs of a Regional Board, not be required to perform any duties outside the Region concerned except in case of emergency.

(5) In the selection and nomination of servants and in the administration of staff, a Regional Board shall conform to any regulations made by the Corporation under the provisions of section 55 and shall not, without the consent of the Corporation, depart from the methods of selection, rates of pay or grading system approved by the Corporation or from the official designations and titles prescribed by the Corporation.

Officers seconded from Government of the Federation to be employed.

57. (1) The Corporation shall, subject to the provisions of this section, employ such officers, being officers on the established staff of the Government of the Federation, as may be seconded by the Governor-General from the service of the Government of the Federation on the vesting day.

(2) The Governor-General may at any time determine the secondment of an officer who has been seconded to the service of the Corporation under the provisions of this section, but no request by the Corporation to the Governor-General for the determination of the secondment of any such officer shall be made unless the Corporation shall first have given to the officer written notice of the intention to make such request.

Offers of employment with Corporation to seconded officers.

58. (1) Within a period of one year and three months, but not before the expiration of a period of one year next following the vesting day, the Corporation shall offer, to every officer seconded to the Corporation from the service of the Government of the Federation on the vesting day, employment by the Corporation upon such terms and such conditions as may be agreed between the Governor-General and the Corporation.

Provided that nothing in this Ordinance shall prevent the Corporation from informing such officers of proposed terms and conditions of service before the expiration of the period of one year next following the vesting day.

(2) The Corporation shall not offer employment to any officer so seconded to the service of the Corporation except upon terms and conditions certified under the hand of the Chairman of the Federal Public Service Commission to be, in the opinion of the Federal Public Service Commission, not less favourable than those enjoyed by such officer at the date of such offer.

(3) The Federal Public Service Commission shall not decline so to certify the terms and conditions comprised in any offer merely because they are not in all respects identical with or superior to the terms enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Commission offer substantially equivalent or greater benefits.

(4) Any officer who fails within one year to accept in writing an offer made to him by the Corporation in accordance with this section shall be deemed to have refused such offer.

(5) If an officer refuses an offer of employment made to him by the Corporation in pursuance of this section, the obligation imposed by subsection (1) of section 57 on the Corporation to employ the officer shall thereupon determine.

(6) If no offer in pursuance of this section is made by the Corporation to an officer seconded to its service then the obligation imposed by subsection (1) of section 57 on the Corporation to employ the officer shall determine on the expiration of the period of two years and three months next following the vesting day.

(7) When an officer accepts an offer of employment made in pursuance of this section, his service with the Corporation shall be deemed to have commenced, and his service with the Government of the Federation to have ceased, upon the expiration of the period of one year and three months next following the vesting day.

Application of sections 57 and 58 to seconded officers employed wholly on affairs of Regional Boards.

59. The provisions of sections 57 and 58 shall apply in relation to an officer seconded to an office in the service of the Corporation in which he is deemed, under the provisions of subsection (3) of section 56, to be employed in the affairs of a Regional Board, as they do to any other officer seconded to the service of the Corporation.

Exercise of powers of Governor-General.

60. The Governor-General shall not be obliged to consult with the Council of Ministers in the exercise of any of the powers conferred upon him by this Part.

Part XI—Legal Proceedings

Limitation of suits against the Corporation.

61. (1) No suit against the Corporation or any servant of the Corporation for any act done in pursuance or execution or intended execution of any Ordinance or Law, or of any public duty or authority, or in respect of any alleged neglect or default in the execution of such Ordinance or Law, duty or authority, shall lie or be instituted in any court unless it is commenced within twelve months next after the act, neglect or default complained of or, in the case of a continuance of damage or injury, within twelve months next after the ceasing thereof.

(2) No suit shall be commenced against the Corporation until one month at least after written notice of intention to commence the same shall have been served upon the Corporation by the intending plaintiff

or his agent ; and such notice shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

Service of documents.

62. The notice referred to in the last preceding section and any summons, notice or other document required or authorised to be served upon the Corporation under the provisions of this Ordinance or any other law may, unless in any case there is express provision to the contrary, be served by delivering the same to the Chairman or Director-General of the Corporation, or by sending it by registered post addressed to the Director-General of the Corporation at the principal office of the Corporation.

Restriction on execution.

63. In any suit against the Corporation no execution or attachment or process in the nature thereof shall be issued against the Corporation, but any sums of money which may by the judgment of the court be awarded against the Corporation shall, subject to any directions given by the court where notice of appeal has been given by the Corporation in respect of the said judgment, be paid by the Corporation from the funds of the Corporation.

Representation of the Corporation at hearing of suit.

64. (1) In any suit the Corporation may be represented in court at any stage of the proceedings by any servant of the Corporation who shall satisfy the court that he is duly authorised in writing by the Corporation in that behalf.

(2) For the purposes of this Part—

"suit" includes action, means a civil proceeding commenced by writ of summons or in such other manner as may be prescribed by rules of court and does not include a criminal proceeding.

PART XII—EMERGENCY POWERS

Provisions applicable on an occasion of emergency.

65. (1) If at any time, in the opinion of the Governor-General in Council, an emergency has arisen in which it is expedient in the public interest that the Government of the Federation should have control over the transmission of messages or any other matter whatsoever by means of the broadcasting stations owned or operated by the Corporation, the Governor-General in Council may declare that the provisions of this section shall come into operation and thereupon the Minister shall in relation to the broadcasting stations owned or operated by the Corporation have all the powers conferred upon the Director of Posts and Telegraphs by paragraph (*b*) of section 9 of the Wireless Telegraphy Ordinance in relation to apparatus for wireless telegraphy installed on any licensed station.

Cap. 233.

(2) If and whenever the Governor-General in Council exercises the powers conferred upon him by subsection (1) the Corporation shall be entitled to receive from the Government of the Federation—

(*a*) compensation for any damage done to the property of the Corporation, being damage directly attributable to the exercise of any such powers ; and

(*b*) such sums as are required to defray any expenses which, regard being had to the nature of the emergency, have been properly and necessarily incurred by the Corporation.

(3) In case of dispute as to the amount of compensation payable under this section, the amount of the compensation shall be determined in the manner provided by the Arbitration Ordinance. Cap. 13.

FIRST SCHEDULE

Sections 8 and 22.

PROVISIONS RELATING TO CONDUCT OF CHAIRMAN

1. The Chairman shall not, while he holds the office of Chairman—

(*a*) hold any office, whether paid or unpaid, permanent or temporary, in or be a member of any committee of any political organisation ;

(*b*) offer himself, or nominate any other person, as a candidate at any election, or at any stage of an election, of members to the House of Representatives or a House of Assembly ;

(*c*) indicate publicly his support of, or opposition to, any political party or candidate or the political programme of any such party or candidate ;

(*d*) engage in canvassing on behalf of political candidates ;

(*e*) contribute to, whether anonymously or otherwise, or publish in any newspaper, magazine or periodical, publication, or otherwise publish or cause to be published in any manner, any article or other matter of a political nature ;

(*f*) speak in public or for broadcasting on any subject of a political nature ;

(*g*) allow himself to be interviewed or express any opinion for publication on any subject of a political nature.

2. The Chairman shall not be required to render whole time service to the Corporation and subject to the foregoing provisions of this Schedule and to the terms of the instrument appointing him to be Chairman he shall be at liberty to accept other employment.

SECOND SCHEDULE

Sections 9 and 23.

PROVISIONS AS TO THE CORPORATION

Tenure of office of Chairman of Corporation.

1. The Chairman of the Corporation shall, subject to the other provisions of this Schedule, hold and vacate his office in accordance with the terms of the instrument appointing him to be Chairman.

Tenure of office of Chairmen of Regional Boards.

2. The Chairman of a Regional Board shall hold office as a member of the Corporation for so long as he remains Chairman of the Regional Board.

Tenure of office of other members.

3. Members of the Corporation other than the Chairman of the Corporation and the Chairmen of Regional Boards shall, subject to the other provisions of this Schedule, hold office for a period of three years from their respective appointments :

Provided that the members first appointed under the provisions of paragraph (*c*) of section 5 of the Ordinance shall hold office for such periods as the Governor-General in Council, with a view to ensuring that the terms of their appointments do not all expire on or about the same date, may prescribe.

Eligibility for re-appointment.

4. A person who has ceased to be a member of the Corporation shall be eligible for re-appointment as such.

Resignation.

5. A member of the Corporation may at any time, by notice in writing to the Governor-General in Council, resign his membership.

Vacation of office.

6. If the Governor-General in Council is satisfied that any member of the Corporation (other than the Chairman of the Corporation or the Chairman of a Regional Board)—

(*a*) has been absent from three consecutive meetings of the Corporation without the permission of the Corporation ;

(*b*) is incapacitated by prolonged physical or mental illness ; or

(*c*) is otherwise unable or unfit to discharge the functions of a member,

the Governor-General in Council may declare the office of such member vacant, and shall notify the declaration in such manner as he thinks fit ; and upon such notification being made the office shall become vacant.

Corporation may transact business notwithstanding vacancies, etc.

7. The validity of any act or proceeding of the Corporation shall not be affected by any vacancy among the members thereof, or by any defect in the appointment of a member thereof, or by reason that some person who was not entitled to do so took part therein.

Meetings.

8. (1) The Corporation shall ordinarily meet for the despatch of business at such times and places as the Chairman shall from time to time appoint, but not less than three times a year.

(2) Where not less than eight members of the Corporation request the Chairman, by notice in writing signed by them, to convene an extraordinary meeting of the Corporation for the purposes specified in such notice, the Chairman shall, upon receipt of such notice, convene an extraordinary meeting for those purposes at the earliest convenient date.

(3) At any meeting of the Corporation five members, including the Chairman or any temporary Chairman, but not including more than one temporary member appointed under subsection (3) of section 6 of the Ordinance, shall form a quorum.

(4) At every meeting of the Corporation the Chairman or temporary Chairman shall preside.

(5) Every question which comes before the Corporation at any meeting shall be decided by a majority of the votes of the members (other than the Director-General) present and voting.

(6) The Chairman or temporary Chairman shall have an original vote and, in the case of an equality of votes, a casting vote.

(7) The Corporation may make standing orders, not inconsistent with the provisions of this Schedule, with respect to the holding of meetings of the Corporation, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

Procedure.

9. Subject to the provisions of this Schedule, and of any standing orders made under the last preceding paragraph the procedure of the Corporation shall be such as the Corporation may determine.

Application to Regional Boards.

10. The preceding paragraphs of this Schedule, other than paragraph 2, shall apply to a Regional Board as they do to the Corporation, and for the purpose of this application—

(*a*) any reference to the Governor-General in Council shall mean the Governor in Council ;

(*b*) any reference to the Chairman of the Corporation shall mean the Chairman of the Regional Board and any reference to the Chairman of the Corporation jointly with or in the alternative to the Chairman or Chairmen of a Regional Board or Regional Boards, shall mean the Chairman of the Regional Board ;

(*c*) the proviso to paragraph 3 shall be read as if for the reference to paragraph (*c*) of section 5 of the Ordinance there were substituted a reference to paragraph (*b*) of section 20 of the Ordinance ; and

(*d*) sub-paragraphs (2) and (3) of paragraph 3 shall be read as if for the words "eight" and "five" appearing therein there were substituted the words "five" and "four" respectively.

Disclosure of interest.

11. (1) A member of the Corporation who is directly or indirectly interested in a contract made or proposed to be made by the Corporation—

(*a*) shall disclose the nature of his interest at a meeting of the Corporation ; and

(*b*) shall not take part in any deliberation or decision of the Corporation with respect to that contract.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

Common seal.

12. The affixing of the seal of the Corporation shall be authenticated by the signatures of the Chairman or some other member of the Corporation authorised, either generally or specially, by the Corporation to act in his stead for the purpose, and of the Director-General or some other person, authorised, either generally or specially, by the Corporation to act in his stead for the purpose.

Contracts and instruments.

13. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Corporation by any person generally or specially authorised by it for that purpose.

Proof of documents.

14. Any document purporting to be a document duly executed or issued under the seal of the Corporation or on behalf of the Corporation shall be received in evidence and be deemed to be a document so executed or issued (as the case may be) without further proof unless the contrary is shown.

THIRD SCHEDULE

Section 38.

TRANSFER OF ASSETS

1. The interests of the Crown in all those parcels of land together with all improvements and hereditaments corporeal and incorporeal attached or pertaining thereto described in plans signed by the Director-General and by the Governor-General or a person authorised by the Governor-General in that behalf and deposited in the Land Registry at Lagos and

2. The interests of the Crown in the following dwelling houses together with all improvements and hereditaments corporeal and incorporeal attached or pertaining thereto :—

6 Flats Nos. 19-24 Webb Road, Ikoyi, Lagos
6 Flats Nos. 7-12 Glover Road, Ikoyi, Lagos
6 Flats Nos. 7A-7F Moseley Road, Ikoyi, Lagos
No. 24 Cooper Road, Ikoyi, Lagos
No. 52 Bourdillon Road, Ikoyi, Lagos
No. 10 Second Avenue, Ikoyi, Lagos
No. 16 Ruxton Road, Ikoyi, Lagos
No. 8 Milverton Road, Ikoyi, Lagos
6 Flats No. 39A Glover Road, Ikoyi, Lagos
No. 4 Richards Avenue, Ikeja
No. 33 Colby Avenue, Ikeja
No. 3 Park Crescent, Enugu
No. 6 Park Crescent, Enugu
No. 11 Park Avenue, Enugu
No. 1 Residency Drive, Onitsha
No. 12 Queen Victoria Way, Kaduna
No. 6 Cunliffe Close, Kaduna
No. 7 Cunliffe Close, Kaduna
No. 11A Lugard Road, Kaduna
No. 6A W.A.F.F. Road, Kaduna
No. 13A W.A.F.F. Road, Kaduna
No. 12 Park Lane, Kano
No. 14 Park Lane, Kano
No. 7 Foley Road, Jos
No. 2 Battery Road, Kaduna
No. 4 Battery Road, Kaduna
No. 10 Doka Crescent, Kaduna
No. 11 Zaria Road, Kaduna
No. 4 Rimi Road, Kaduna
No. 6 Rimi Road, Kaduna
No. 8 Rimi Road, Kaduna

Onitsha N.R.S. site	PWD Onitsha drawing No. 484c
Calabar N.R.S. site	PWD Calabar drawing No. 1613
Calabar Senior Service Quarters	Plot No. 5 Old Barracks Layout

Section 42.

FOURTH SCHEDULE

TRANSFER OF CONTRACTS

Contracts vesting in the Corporation to be listed.

1. The provisions of this Schedule shall apply to the contracts to which the Government is a party which appear on a list prepared and agreed between the Government and the Corporation prior to the vesting day.

2. (1) The list of contracts so agreed between the Government and the Corporation shall be signed by the Minister and published in the *Gazette*.

(2) The Corporation shall, as soon as may be after the list of contracts is signed by the Minister under sub-paragraph (1), inform in writing the parties, other than the Government, to any contract which appears on the list of contracts so signed that, under the provisions of this Ordinance the contract shall have effect in favour of and against the Corporation so far as the performance thereto is due under the contract on or after the vesting day as if the Corporation had been a party to the contract instead of the Government.

Application of vested contracts to Corporation.

3. The provisions of a contract being provisions to which this Schedule applies, shall have effect in favour of and against the Corporation so far as the performance thereto is due under the contract on or after the vesting day as if the Corporation had been a party to the contract instead of the Government.

Objects and Reasons

The object of this Bill is to establish a Corporation to be known as the Nigerian Broadcasting Corporation which will operate the services at present provided by the Nigerian Broadcasting Service. The proposal was approved in principle by the House of Representatives when a white paper was placed before it in August, 1955.

Part II provides for the establishment and constitution of the Corporation. The Corporation will consist of a Chairman to be appointed by the Governor-General in Council, the Chairmen of the three Regional Boards and ten other members, of whom one will be appointed on the recommendation of the Governor in Council of each Region and the Commissioner of the Cameroons, making four in all, two will be experienced in telecommunications and public finance respectively and four will be chosen as broadly representative of the general public of Nigeria.

Part IV provides for the establishment and constitution in each Region of a Regional Board consisting of a Chairman and between six and eight other members.

Part III deals with the duties and powers of the Corporation. *Clause* 10 lays down a general duty for the Corporation to provide as a public service, independent and impartial broadcasting services by means of wireless telegraphy and by television for general reception within Nigeria and provision is also made by *clause* 10 (2) and *clause* 30 for external services if the Governor-General in Council so requires.

Clause 11 directs the Corporation to provide certain facilities and *clause* 12 empowers it to lay down general standards of taste, impartiality and accuracy for the content of all programmes broadcast by the Corporation. Commercial or sponsored broadcasting is prohibited except with the consent of the Governor-General in Council by *clause* 14. *Clause* 15 provides for advisory committees to advise the Corporation of the content of programmes of particular kind. *Clause* 16 provides that the Chief Executive Officer of the Corporation shall be the Director-General and that the powers necessary for managing the day to day concerns of the Corporation shall be delegated to him.

Clauses 24 *and* 25 lay down the powers of Regional Boards. They are under an obligation to relay certain matter broadcast in the Federal programme (*clause* 28) but otherwise will have a free hand in controlling the general policy of Regional programmes as long as they comply with the standards laid down by the Corporation.

Clause 29 imposes a duty on the Corporation to broadcast government announcements on being requested by an authorised officer and *clause* 65 enables the Minister to take over control of the transmission of messages in an emergency.

The remaining parts of the Bill are in common form. The First Schedule lays down certain rules for the conduct of the Chairman of the Corporation and the Chairmen of the Regional Boards with a view to ensuring that during their tenure of office they abstain from any form of political activity. This Schedule also makes it clear that subject to these restrictions they will be permitted to engage in other employment and will not be required to give full-time service to the Corporation.

L. BRETT,
Acting Attorney-General of the Federation

Lagos.

NIGERIAN NAVY ORDINANCE, 1956

Arrangement of Sections

Preamble

1. Short title and commencement.
2. Interpretation.
3. Establishment and functions of Navy.
4. General direction and control ; command of Navy.
5. Composition of Navy ; appointment of officers and other members.
6. Civilian employees.
7. Terms and conditions of service. Pensions provisions.
8. Provisions for secondment from Government service.
9. Transfer to Navy from Government service.
10. Provisions for death or injury.
11. Liability for service anywhere.
12. Discipline.
13. Prohibition of trade unions.
14. Settlement of complaints.
15. Offences.
16. Offences by officers and other members of the Navy.
17. Arms and explosives.
18. Regulations and rules.
19. Consent to delegation necessary.

Schedule

Adaptations to and modifications of the Naval Discipline Act etc.

A BILL

FOR

AN ORDINANCE TO MAKE PROVISION FOR ESTABLISHING AND MAINTAINING A NAVY TO BE KNOWN AS THE NIGERIAN NAVY AND FOR PURPOSES ANCILLARY THERETO.

[*By Notice, vide s. 1 (2)*] Commencement.

Preamble. WHEREAS by the Colonial Naval Defence Acts, 1931 and 1949, it is provided that the legislatures of colonies and of certain other territories in which Her Majesty has jurisdiction may, with the approval of Her Majesty in Council, make provision for maintaining vessels of war ; and that where such a legislature has made provision for raising a force for naval defence within its territorial waters that legislature may with the approval of Her Majesty in Council make such provision regarding the discipline and service of officers and men of that force as is contained in this Ordinance and *inter alia* may provide for service of such officers and men outside the limits of such colony or other territory ;

AND WHEREAS it is provided by the said Acts that no provision so made by a legislature shall have effect until it is approved by Her Majesty in Council ;

Enactment.

BE IT THEREFORE ENACTED by the Legislature of the Federation of Nigeria as follows —

Short title and commencement.

1. (1) This Ordinance may be cited as the Nigerian Navy Ordinance, 1956.

(2) This Ordinance shall not come into operation until a day to be appointed by the Governor-General by notice in the Gazette after Her Majesty in Council has been pleased to approve the provisions hereof.

Interpretation.

2. (1) In this Ordinance, except where the context otherwise requires—

"Director" means the person for the time being appointed to be Director of Naval Services and to be in command of the Navy ;

"Navy" means the Nigerian Navy established pursuant to the provisions of section 3 ;

"member", in relation to the Navy, means any officer, warrant officer, non-commissioned officer or rating who has been commissioned in or has entered into an engagement to serve in the Navy ;

"officer" means an officer appointed by commission pursuant to subsection (2) of section 5 ;

(2) The Governor-General shall consult with the Council of Ministers in the exercise of any power conferred on him by this Ordinance, other than a power which he is by this Ordinance empowered to exercise in his discretion.

Establishment and functions of Navy.

3. (1) The Governor-General may by notice in the Gazette, and with effect from a date to be specified in such notice, establish a force for the purposes specified in subsection (2) and such force shall be known as the Nigerian Navy.

(2) The purposes of the Navy shall be to perform such naval services and to carry out such functions and duties as shall be defined by instructions given in writing from time to time by the Governor-General to the Director and subject to such instructions shall in particular be—

(*a*) the naval defence of Nigeria within its territorial waters ;

(*b*) hydrographic survey to the extent that the Government of the Federation may require ;

(*c*) maintenance of the customs laws of Nigeria ;

(*d*) training in maritime and naval duties.

(3) For the purposes specified in paragraphs (*a*), (*c*) and (*d*) of subsection (2) the Navy may, subject to the instructions of the Governor-General, use and maintain vessels of war.

General direction and control ; command of the Navy.

4. (1) The Navy shall be under the supreme command, general direction and control of the Governor-General, and under the command of the Director, who shall be responsible to the Governor-General in such manner as the Governor-General may specify for organisation and efficiency.

(2) Disciplinary control over the officers and other members of the Navy shall be exercised by the Governor-General, acting in his discretion, who may delegate powers in relation to such disciplinary control to the Director.

(3) The Governor-General may, subject to the concurrence of the Admiralty, by order place the Navy, or any part thereof, under the control of the Admiralty, subject to such conditions, if any, as may be specified in such

order, and thereupon the Navy or such part thereof shall, subject to the said conditions, if any, be under the control and subject to the orders and general direction of the Admiralty until the Governor-General shall revoke such order.

Composition of Navy ; appointment of officers and members.

5. (1) The Navy shall be part of the public service of the Federation and shall consist of such numbers of officers and other members as the Governor-General may prescribe.

(2) The officers of the Navy shall be appointed by commission of the Governor-General, acting in his discretion.

(3) The members of the Navy, other than officers, shall be engaged by the Governor-General acting in his discretion, or by the Director to the extent that such power is delegated to him, and shall be required to enter into such form of engagement as the Governor-General may determine.

(4) The Governor-General, acting in his discretion, may, without assigning any reason therefor, at any time terminate the commission of an officer or dispense with the services of any other member of the Navy, and the Director to the extent that such power is delegated to him by the Governor-General, may at any time discharge any member other than an officer if he is of the opinion that he is unlikely to become an efficient member of the Navy.

Civilian employees.

6. The Director, to the extent that such power is delegated to him by the Governor-General, may engage civilian employees upon such terms as the Governor-General may approve.

Terms and conditions of service. Pensions provisions.

7. (1) The terms and conditions of service of officers and other members and civilian employees of the Navy shall be prescribed by the Governor-General under section 18 hereof.

Ordinance 29 of 1951.

(2) For the purpose of the Pensions Ordinance, 1951, service with the Navy shall be deemed to be service in a civil capacity, and the provisions of such Ordinance shall apply in respect of members of the Navy subject to such modifications as may be prescribed by regulations made under section 18.

Cap. 231.

(3) Service with the Navy shall be service in the Government of the Federation for the purposes of the Widows' and Orphans' Pension Ordinance, notwithstanding the provisions of paragraph (*c*) of subsection (1) of section 4 of that Ordinance.

Provisions for secondment from Government service.

8. (1) The Governor-General may at any time before the expiration of the period of nine months referred to in subsection (1) of section 9 second to service with the Navy persons who are in the public service of the Federation and any such person shall for the period of secondment be appointed to act as an officer, a warrant officer, non-commissioned officer or as a rating, as may be determined by the Governor-General :

(2) The provisions of sections 12 and 16 shall not apply in respect of a person so seconded unless and until in accordance with the provisions of section 9 he shall become a member of the Navy, but during the period of secondment the provisions of sections 10, 11, and 17 and the provisions of section 18 (except paragraphs (*b*) and (*c*) of subsection (2) of such section) shall apply as though he were such a member.

Transfer from Government service.

9. (1) Before the expiration of a period of nine months next following the date of establishment of the Navy the Governor-General shall, by notice in writing which may be sent by post or otherwise, cause to be offered to every

person who shall remain seconded to service with the Navy an offer of service with the Navy upon such terms and such conditions as may be approved by the Governor-General in Council.

(2) Before an offer of service with the Navy is made to any person or to any class of persons in accordance with subsection (1), the Governor-General shall refer the terms and conditions thereof to the Public Service Commission of the Federation who shall advise the Governor-General whether such terms and conditions are in the opinion of such Commission no less favourable than those enjoyed by such person or class of persons immediately prior to secondment to the Navy taking into account any increment earned between the date of such secondment and the date of the offer, and a reference to the effect of the advice so given shall be contained in any such offer.

(3) In considering their advice the Federal Public Service Commission shall not only consider whether the terms and conditions comprised in any offer are identical with or superior to the terms and conditions enjoyed by such person or class of persons immediately prior to secondment taking into account any increment as aforesaid, but shall also consider whether such terms and conditions, taken as a whole, in the opinion of the Commission offer substantially equivalent or greater benefits.

(4) Unless the Director with the approval of the Governor-General in any particular case extends the period for acceptance, any person to whom an offer of service with the Navy is made in pursuance of this section and who fails within one month of the receipt of such offer to give an unqualified acceptance in writing of the offer shall be deemed to have refused the offer.

(5) If a person refuses an offer of service with the Navy made in pursuance of this section, the acting commission or engagement referred to in subsection (1) of section 8 may be determined then or at any time thereafter.

(6) Without prejudice to any regulations relating to seniority in the Navy, a person shall become a member of the Navy upon accepting an offer of service with the Navy made in pursuance of this section.

(7) The powers conferred by section 8 and by this section upon the Governor-General shall be exercised by him in his discretion.

Provisions for death or injury.

10. (1) Every officer or other member of the Navy who in the actual discharge of his duty and without his own default may have received wounds or injuries or suffered illness in such circumstances as may be prescribed shall be entitled to such benefits under the Pensions Ordinance, 1951 as may be prescribed by regulations made under section 18.

(2) The family of any member of the Navy who may have been killed or have died of wounds received on actual service, or who may have died through illness directly traceable to fatigue or exposure incidental to such service, shall be entitled to such benefits under the Pensions Ordinance, 1951 as may be prescribed by regulations made under section 18.

(3) For the purpose of this section "family" and "actual service" shall bear the meanings assigned thereto by regulations made under section 18.

Liability for service anywhere.

11. Officers and other members of the Navy shall be liable for service in any ship, establishment or other place whether within or outside the limits of Nigeria.

Discipline.

12. Every officer and other member of the Navy shall be subject to the provisions, as adapted and modified in accordance with the provisions of the Schedule, of the Naval Discipline Act and all other laws and regulations for the time being in force for the government of Her Majesty's ships, vessels and naval forces to the same extent as if he were a member of the Royal Navy. The Governor-General may by order amend the provisions of the Schedule.

Schedule 29 and 30 Vict. c. 109.

Prohibition of trade unions.

13. (1) It shall not be lawful for an officer or other member of the Navy to become, or after the expiration of one month from the acceptance by him of an offer under section 9 to be, a member of any trade union or of any association having for one of its objects the control or influencing of the pay, pensions or conditions of service of the Navy, and the commission or engagement of any officer or other member of the Navy who contravenes this provision shall be subject to immediate termination without notice.

(2) If any question arises as to whether any body is a trade union or an association to which this section applies the question shall be determined by the member of the Council of Ministers charged under section 98 of the Nigeria (Constitution) Order in Council, 1954, with responsibility for matters relating to labour.

L. N. 102 of 1954.

Settlement of complaints.

14. Any officer or other member of the Navy who considers that he has a just cause for complaint in any matter relative to the Navy may require his complaint to be presented to the Director with a right of appeal to the Governor-General, whose decision shall be final.

Offences.

15. (1) Any person who—

(*a*) knowingly obstructs any portion of the Navy or any officer or other member thereof, or any civilian employee, in the performance of any service or duty under this Ordinance ; or

(*b*) knowingly induces, or aids or abets, any officer or other member of the Navy or civilian employee to neglect, or to act in conflict with his duty as an officer or other member of the Navy or civilian employee, as the case may be ; or

(*c*) knowingly incites, or aids or abets, any officer or other member of the Navy to commit any act of indiscipline, or any act whereby any lawful order given to any officer or other member of the Navy or any law or regulation with which it is the duty of any officer or other member of the Navy to comply, may be evaded or infringed ; or

(*d*) knowingly supplies, or aids or abets in supplying, any officer or other member of the Navy with intoxicating liquor when such officer or other member is on duty and prohibited from receiving or taking intoxicating liquor ; or

(*e*) without lawful authority wears the uniform, or part of the uniform, or any badge, or emblem, of the Navy or falsely represents himself as entitled to wear such uniform, badge or emblem,

shall be guilty of an offence against this Ordinance and shall, on conviction therefor, be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(2) For the purposes of sections 44, 45 and 46 of the Criminal Code, the Navy shall be deemed to be part of the military forces of Nigeria.

Offences by officers and other members of the Navy.

16. (1) Any officer or other member of the Navy who—

(*a*) fails without just cause (the proof whereof shall lie upon him) to attend at any time or place lawfully appointed by proper authority for instruction, training or exercise ;

(*b*) when in uniform or on duty or under instruction, training, or exercise, is drunk or is guilty of insubordinate conduct ;

(*c*) without proper authority, gives, sells, pledges, lends, or otherwise disposes of, or loses by neglect, or causes damage to, any arms, ammunition, accoutrements, clothing, supplies, or any other article or thing, entrusted to or held by him or in his charge for the service of the Navy, or fails to deliver up such property when so required by the Director ; or

(*d*) does any act to hazard or to cause any stranding, loss, or damage to, any ship or vessel used for the purposes of the Royal Navy or of the Navy,

shall be guilty of an offence against this Ordinance and shall, on conviction thereof be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(2) Any officer or other member of the Navy convicted of an offence against paragraph (*c*) of subsection (1) shall, in addition to any other punishment, be liable to be ordered to pay to the Government of the Federation a sum of money not exceeding the cost of replacement or repair of the article disposed of, lost, damaged or not delivered up, and in default of payment thereof he shall be liable to imprisonment for a further term not exceeding three months.

(3) Nothing in this section shall be construed as derogating from the provisions of section 12, or prejudicing in any way any action which may be taken against any officer or other member of the Navy by virtue of the provisions of that section or of any regulations made under this Ordinance: Provided that no officer or other member of the Navy shall be liable to be punished for any offence under the provisions of this Ordinance as well as under the provisions of the Naval Discipline Act, and no such officer or other member who has been convicted or acquitted of any offence pursuant to the provisions of this Ordinance or of the Naval Discipline Act shall be liable to be tried again for the same offence.

Arms and explosives.

17. The officers and other members of the Navy shall, in relation to the Navy, be exempt from the provisions of any Ordinance or Law relating to the storage, possession or transmission of firearms, explosives, gunpowder or munitions of war to the same extent and in the same manner as members of any other of Her Majesty's armed forces are exempt.

Regulations and rules.

18. (1) The Governor-General may make regulations generally for the better carrying into effect of the provisions of this Ordinance and for the government, control, organisation and administration of the Navy, and to the extent that such regulations relate to the appointment (including appointment on promotion or transfer) or dismissal of or the exercise of disciplinary control over any officer or other member, or the grant of a pension, gratuity or other like benefit to any such officer or other member or his widow, children, dependants or personal representatives they may be made in the discretion of the Governor-General.

(2) Without prejudice to the generality of subsection (1), such regulations may provide for—

(*a*) the numerical establishment of the Navy and the division of the Navy into units, including training and cadet units ;

(*b*) appointment, emoluments, period of service, seniority, dismissal, discipline, hours of employment, salary, pay, allowances and leave ;

(*c*) appeals against dismissal or other disciplinary measures ;

(*d*) the modification, with the approval of the Secretary of State, of the provisions of the Pensions Ordinance, 1951, and of the Widows' and Orphans' Pension Ordinance, in the application of the same to members of the Navy and their dependants ; Cap. 231.

(*e*) training and inspection of the Navy, the formation of training establishments and other depots and stations and the holding of exercises ;

(*f*) attendance at courses of instruction of officers and other members of the Navy whether in Nigeria or elsewhere ;

(*g*) the uniform which may be worn by officers and other members together with any necessary distinctive marks or badges ;

(*h*) requisitioning of goods or accommodation in time of emergency ;

(*i*) the issue, care and use of arms, ammunition, accoutrements, clothing and equipment for officers and other members of the Navy ;

(*j*) deduction from salary or wages of sums owing to the Government of the Federation in respect of—

(*i*) rent for quarters or other accommodation ;

(*ii*) repayment of money lent together with any interest ;

(*iii*) payment for electricity or water ;

(*k*) recovery, otherwise than by way of deduction from the pay of a member or civilian employee who performs manual labour, of the value of property of the Government of the Federation which he has caused to be damaged, lost or destroyed.

(3) The Director may, with the approval of the Governor-General, make rules for the internal management of the Navy in so far as they are not inconsistent with the regulations made in pursuance of subsections (1) and (2) of this section.

19. Any delegation to the Director of the powers of the Governor-General which the Governor-General is by this Ordinance authorised to make shall only be effective with the prior consent of the Secretary of State. Consent to delegation necessary.

SCHEDULE (section 12)

APPLICATION OF THE NAVAL DISCIPLINE ACT, QUEEN'S REGULATIONS AND ADMIRALTY INSTRUCTIONS

Part I.—The following provisions of the Act shall not apply :—
Sections 1, 56 (3), 57, 57A, 58, 59, 65, 90A and 98A.

Part II.—When not inconsistent with other provisions of the Act and other laws and regulations in force for the time being for Her Majesty's

ships, for the expressions in the first column there shall be substituted in such Act, laws and regulations the expressions in the second column—

First Column	*Second Column*
(*a*) Admiralty	Governor-General
(*b*) Commanding officer	Director
(*c*) Court martial or Court	Court constituted under paragraph (6) of Part III of this Schedule.
(*d*) His or Her Majesty's naval forces or His or Her Majesty's Navy	the Navy
(*e*) His or Her Majesty's pleasure ..	the pleasure of the Governor-General
(*f*) His or Her Majesty's service ..	the service of the Navy
(*g*) the United Kingdom	Nigeria
(*h*) ship of His or Her Majesty.. ..	ship acquired, maintained or used under the Ordinance.

Part III.—The following modifications of the Naval Discipline Act shall be deemed to be made in its application to the Navy—

(1) Section 52 should have effect as though there were an additional paragraph as follows—

"(12) a fine not exceeding £5 which in default of payment shall be recovered by summary process and applied as the Governor-General may direct."

(2) The power of summary trial referred to in subsection (2) of section 56 shall be exercised by the Governor-General acting in his discretion, and to the extent that power shall be delegated by the Governor-General, by the Director, and subsection (3) of that section shall not apply.

(3) Sentence of death, or imprisonment for a period exceeding twelve months, shall not be imposed by a court constituted in accordance with the provisions of this Part.

(4) Any sentence of dismissal with disgrace, or imprisonment exceeding six months imposed by a court constituted in accordance with the provisions of this Part shall be subject to comfirmation by the Governor-General.

(5) Where any member of the Navy is alleged to have committed any offence against the Act, then subject to section 101 of that Act in the case of an officer, the charge shall, and in the case of any other member of the Navy, the charge may, subject to paragraph (2) of this Part, be determined by a court constituted and regulated as follows—

(*a*) the Governor-General, and to the extent that such power shall be delegated by the Governor-General, the Director shall have power to order a court to be held for the trial of offences ;

(*b*) the court shall consist of three officers who shall be officers of the Navy or of the Royal Navy ;

(*c*) the president and members of the court shall be named by the authority ordering the court.

(6) The proceedings, copy proceedings and sentence referred to in section 69 shall be transmitted to the Governor-General in lieu of the authorities therein mentioned.

(7) Section 90B of the Act shall apply in relation to the Navy and the ships of the Navy as it does in respect of the ships and naval forces of a self-governing Dominion.

(8) The provisions of Parts I, II and III of this Schedule shall not apply to any member of the Navy placed, in accordance with the provisions of section 4 of the Ordinance, under the control of the Admiralty, whilst under such control.

Objects and Reasons

The object of this Bill is in accordance with the contents of the White Paper upon the subject to make provision for the constitution of the Nigerian Navy. The Navy will be established under *Clause* 1 of the Bill immediately the consent of Her Majesty in Council has been received and the Ordinance is brought into operation.

The purposes of the Navy are defined in *Clause* 2 and comprise the naval defence of Nigeria, hydrographic survey (which will be to the extent that such is not performed by the Ports Authority), maintenance of the customs laws, and the training of Nigerians in maritime and naval matters. For certain of such purposes the maintenance of vessels of war may be authorised.

Clause 4 provides for command and control of the Navy by the Governor-General (and through him by the Council of Ministers) to whom the Director of Naval Services will be responsible. There are provisions for placing the Navy under the control of the Admiralty when that is desirable.

Officers and other members of the Navy will remain members of the public service of the Federation (*Clauses* 5 *and* 7), and *Clause* 8 provides that, since transfer to the Navy will not be compulsory, secondment may take place in an acting capacity, and the provisions of the Bill relating to the Navy as a disciplined force shall not apply until individual acceptance is given to offers of transfer. It is expected that such terms will be offered immediately after establishment, although a period of nine months is permitted therefor, and offers will remain open for a month. In respect of any public servants who do not wish to accept transfer secondment may be terminated but it does not necessarily follow that their substantive posts are abolished (*Clause* 9). Offers of transfer are subject to the scrutiny of the Public Service Commission to ensure that they are equitable.

There are provisions for benefits in respect of death or injury (*Clause* 10), liability for service outside Nigeria (*Clause* 11), and application of the Naval Discipline Act (*Clause* 12). *Clause* 13 prohibits membership of trade unions since this is incompatible with membership of a disciplined service, and *Clause* 14 provides for a channel of complaints.

Clauses 15 *and* 16 provide for certain offences in relation to the Navy, and *Clause* 18 enables regulations to be made for a number of purposes including modification of the Pensions Ordinance which may be necessary if a different method of remuneration is made effective.

Clause 19 provides, in accordance with the Constitution, that powers relating to appointment, discipline and dismissal, which in some cases may be delegated to the Director, may only be so delegated with the sanction of the Secretary of State.

L. BRETT,
Acting Attorney-General of the Federation

Lagos.

A BILL
FOR

Title. AN ORDINANCE TO AMEND THE PEACE PRESERVATION ORDINANCE (CHAPTER 166).

Commencement. [ ]

Enactment. BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :—

Short title. **1.** This Ordinance may be cited as the Peace Preservation (Amendment) Ordinance, 1956.

Amendment of section 3 (Cap. 166). **2.** Section 3 of the Peace Preservation Ordinance (hereinafter referred to as the principal Ordinance) is amended by the addition after the word "Protectorate" in the second line of subsection (1) of the following—

"or in any area of the Colony (excluding Lagos)".

Amendment of section 12. **3.** Section 12 of the principal Ordinance is amended by the insertion before "Attorney-General" where the expression occurs in the penultimate and in the last lines of the following—

"Regional".

Addition of new section 14. **4.** The principal Ordinance is amended by the addition at the end thereof of the following new section—

"Southern Cameroons. 14. This Ordinance shall apply to and in respect of the Southern Cameroons as though it were a Region".

Objects and Reasons

The Peace Preservation Ordinance has always applied to the Protectorate only and not to the Colony. It is now considered appropriate to apply the Ordinance to the portion of the Colony which is part of the Western Region. The amendment is effected at the request of the Government of the Western Region.

The final Adaptation Order under the Constitution Order reflected the devolution of powers under this Ordinance to the Governors of Regions, but as a corollary to such devolution the references in section 12 to the Attorney-General should be applicable to Regional Attorneys-General and the Ordinance should be made to apply to the Southern Cameroons as though that were a Region. This amending Ordinance effects these two further purposes.

L. BRETT,
Acting Attorney-General of the Federation

Lagos.

A BILL
FOR

AN ORDINANCE TO AMEND THE HIGH COURT OF LAGOS ORDINANCE, 1955

Title.

[ ]

Commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :—

Enactment.

1. This Ordinance may be cited as the High Court of Lagos (Amendment) Ordinance, 1956.

Short title.

2. In section 10 of the High Court of Lagos Ordinance, 1955 (hereinafter referred to as the principal Ordinance) for the words "Without prejudice to the generality of section 9, the" there shall be substituted the word "The".

Amendment of s. 10 of principal Ordinance. No. 25 of 1955.

3. Section 37 of the principal Ordinance shall be amended by the deletion in the last three lines of the words ", and the provisions of the Criminal Procedure Ordinance shall apply to such service".

Amendment of s. 37 of principal

Amendment of 39 of principal Ordinance.

4. In section 39 of the principal Ordinance the following paragraph shall be inserted after paragraph (*c*) thereof—

"(*cc*) on an appeal on the ground of a failure to impose a minimum sentence or make an order prescribed by a written law, affirm the sentence or order (if any) imposed or made by the magistrate's court or substitute, or impose or make, a sentence or order prescribed as aforesaid, which shall take effect from such date as the High Court may direct ;".

Amendment of s. 47 of principal Ordinance.
Ordinance 24 of 1955.

5. In subsection (4) of section 47 of the principal Ordinance, for the word "Where" there shall be substituted the words "Subject to the provisions of paragraph (*d*) of subsection (2) of section 58 of the Magistrates' Court (Lagos) Ordinance, 1955, where".

Amendment of s. 49 of principal Ordinance.

6. The following subsections shall be added to section 49 of the principal Ordinance—

"(4) Where an appeal to the Federal Supreme Court is entered, or leave to appeal is granted, under subsection (2) of this section against a conviction in respect of which the appellant has been sentenced to imprisonment, or against a sentence of imprisonment, the High Court, or where leave to appeal has been granted the Federal Supreme Court, may, in its discretion, admit the appellant to bail pending the determination of the appeal ; and any time during which the appellant is so admitted to bail shall not count as part of the term of imprisonment to which he was sentenced.

(5) Subject to the provisions of subsection (4) of this section, an appeal under this section shall not operate as a stay of execution, but the High Court or the Federal Supreme Court may order a stay of execution either unconditionally or upon the performance of such conditions as may be imposed in accordance with rules of court."

Objects and Reasons

Clause 2 removes certain words from section 10 which have been held to bear a different meaning from what the legislature intended when the principal Ordinance was enacted.

Clause 3 removes a provision as to service of notice of time and place of hearing of an appeal which is considered too rigid, and leaves it open for the method of such service to be prescribed by rules of court.

Clause 4 makes an amendment consequential upon a provision in the Magistrates' Court (Lagos) (Amendment) Bill, published in this Gazette, relating to the power of a prosecutor to appeal where the magistrate has failed to impose a sentence which the law obliges him to impose.

Clause 5. This amendment is also consequential upon the Bill relating to the magistrates' court of Lagos. It brings section 47 (4) of the principal Ordinance (which deals with imprisonment pending appeal) into line with section 58 (2) (*d*) of the Magistrates' Court (Lagos) Ordinance, 1955, as proposed to be enacted by the above mentioned Bill relating to the magistrates' court.

Clause 6. There is provision in the existing law for a person who has appealed to the High Court against a decision of a magistrate to enter a further appeal in certain circumstances to the Federal Supreme Court. This clause will give the High Court and Federal Supreme Court power, at present lacking, to release on bail in an appropriate case a person whom the magistrate has sentenced to imprisonment, pending the hearing of the appeal by the Federal Supreme Court.

L. BRETT,
Acting Attorney-General of the Federation

Lagos.

A BILL

FOR

AN ORDINANCE TO AMEND THE LAGOS TOWN PLANNING ORDINANCE (CHAPTER 103).

Title.

[ ]

Date of commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows :—

Enactment.

1. This Ordinance may be cited as the Lagos Town Planning (Amendment, Ordinance, 1956.

Short title.

2. Section 24A of the Lagos Town Planning Ordinance (hereinafter referred to as the principal Ordinance) is amended—

Amendment of section 24A Cap. 103.

(*a*) by the addition at the end of subsection (1) of the following proviso—

": Provided that no such approval shall be given unless a period of one month shall have elapsed from the date of publication in the Gazette of a notification by the Board of its intention to apply for such approval, and such notification shall state the purpose of such amendment and either specify details thereof or state where inspection may be made of plans or other documents specifying such details."

(*b*) by the addition after subsection (3) of the following two new subsections—

"(4) The approval of any amendment made under subsection (1) shall be notified in the Gazette.

(5) Any person whose property is injuriously affected by the amendment of a scheme made in accordance with subsection (1) shall be entitled to compensation in respect thereof from the board, and Part IV (other than subsection (3) of section 38) of this Ordinance shall apply for such purposes as though such amendment were a scheme and as though the notification of approval of such amendment in the Gazette were notification of approval of a scheme."

Amendment of section 51.

3. Section 51 of the principal Ordinance is amended—

(*a*) by the insertion after the words "section 20", in the fourth line of paragraph (*a*) of subsection (1) of the following—

"or, if a later date shall have been appointed in relation to that scheme under the provisions of subsection (1A), at that later date," :

(*b*) by the addition after subsection (1) of the following new subsection —

"(1A) If it appears to the Governor-General in Council that, in relation to any scheme, it would be just that the market value of lands or interests in land referred to in paragraph (*a*) of subsection (1) should be estimated at a date later than that on which the scheme was published, the Governor-General in Council may, by notice in the Gazette, appoint such later date as he may think fit for that purpose."

Objects and Reasons

The amendments in clause 2 relate to amendments made in 1955 which were aimed at simplifying the procedure whereby a town planning scheme could be amended. The intention of these amendments is to ensure that approval is not given unless a period of one month shall have elapsed from the date of publication of a Gazette notification stating the scope of the amendment, and to make it clear that anybody whose property is injuriously affected by the amendment of a scheme is eligible for compensation under section 38 of the Ordinance.

In view of the long interval that has elapsed between the publication of the Lagos Town Planning Scheme on the 15th March, 1951, and its coming into operation on the 1st October, 1955, during which time land values in central Lagos have risen, it may be equitable to fix a later date than the date of the publication of the scheme as the effective date for the assessment of compensation. Clause 3 gives power to the Governor-General in Council to appoint such a later date.

L. BRETT,
Acting Attorney-General of the Federation

Lagos.

Extraordinary

Federation of Nigeria
Official Gazette

No. 41 **LAGOS - 30th June, 1956** **Vol. 43**

Government Notice No. 1230

Civil Aviation (Investigation of Accidents) Regulations, 1953

It is notified for general information that in exercise of the powers vested in him by regulation 7 of the Civil Aviation (Investigation of Accidents) Regulations, 1953, the Honourable the Minister of Communications and Aviation has been pleased to appoint the persons named hereunder to carry out investigations into the causes and circumstances of the accident which occurred to the British Overseas Airways Corporation's ARGONAUT aircraft G-ALHE at Kano Airport on Sunday the 24th of June, 1956 :—

Chairman :

E. H. Coleman, Esq., Director of Civil Aviation, Nigeria.

Members :

R. P. Garnons-Williams, Esq., Senior Inspector of Accidents, Ministry of Transport and Civil Aviation, London.

C. B. Houlder, Esq., Senior Training Captain, Argonaut Fleet, British Overseas Airways Corporation.

S. H. Nicholson, Esq., Senior Operations Officer, Department of Civil Aviation, Nigeria.

2. Any person who may desire to make representations concerning the circumstances or causes of the accident may do so in writing, such representations being addressed to the Director of Civil Aviation, Lagos, Nigeria.

D. J. PARKINSON,
Acting Permanent Secretary,
Ministry of Communications and Aviation

Lagos, 29th June, 1956.

Printed and Published by the Federal Government Printer, Nigeria. 1569/656/4,800
Annual Subscription : Nigeria, £3. Overseas, £3-10*s* post free. Present issue 4*d* per copy

Extraordinary

20 JUL 1956

Federation of Nigeria Official Gazette

No. 45 **LAGOS - 17th July, 1956** **Vol. 43**

Government Notice No. 1316

The following are published in the Supplement to this Gazette :—

L.N. 80 of 1956—Antiquities (Monuments) Declaration (No. 3) Notice, 1956.

L.N. 81 of 1956—Minerals Ordinance—Delegation (Survey Requirements) (Western Region) Notice, 1956.

By His Excellency's Command,

A. G. H. GARDNER-BROWN,
Acting Chief Secretary of the Federation

Lagos, 17th July, 1956.

Printed and Published by the Federal Government Printer, Nigeria. 1655/756/4,800
Annual Subscription : Nigeria, £3. Overseas, £3-10*s* post free. Present issue (including Supplement) 4*d* per copy.

Supplement to Official Gazette Extraordinary No. 45, Vol. 43, 17th July, 1956
—Part B

L.N. 80 of 1956

20 JUL 1956
20 JUL 1956

ANTIQUITIES ORDINANCE

(No. 17 OF 1953)

Antiquities (Monuments) Declaration (No. 3) Notice, 1956

Date of Commencement : 17th July, 1956

WHEREAS the Antiquities Commission has submitted an application in accordance with section 14 (4) of the Antiquities Ordinance, 1953, for the declaration as a monument of the antiquity specified in the Schedule hereto :

AND WHEREAS the application has received the consideration of the Governor-General in Council :

NOW, THEREFORE, in exercise of the powers conferred by section 14 (5) of the Ordinance the Governor-General, after consultation with the Council of Ministers, gives the following notice—

1. This notice may be cited as the Antiquities (Monuments) Declaration (No. 3) Notice, 1956. **Citation.**

2. The antiquity specified in the Schedule is declared to be a monument. **Declaration of Monuments.**

SCHEDULE

The Hills known as Kufena near Zaria and an area of farmland within 300 feet of the foot of the hills.

MADE at Lagos this 10th day of July, 1956.

M. L. PARKER,
Acting Deputy Secretary to the Council of Ministers

W0166/S. 1

B 150

L.N. 81 of 1956

MINERALS ORDINANCE (CHAPTER 134)

Delegation (Survey Requirements) (Western Region) Notice, 1956

Date of Commencement : 17th July, 1956

In exercise of the powers conferred by section 33 of the Interpretation Ordinance the Officer Administering the Government of the Federation has in respect of the Western Region and with the consent of the Governor of the Western Region, made the following delegation of powers vested in him under the Minerals Ordinance—

Powers delegated	*To whom delegated*
(*a*) to require a survey under section 62 before grant of a water licence.	Senior Inspector of Mines, Ibadan.
(*b*) to exempt from survey under section 62 in respect of an exclusive prospecting licence.	Senior Inspector of Mines, Ibadan.

2. These delegations are supplementary to those specified in Public Notice 47 of 1940, as amended, and Public Notice 61 of 1949.

Vol. VIII, p. 253 and 1948/49 Suppl., p. 508.

MADE at Lagos this 6th July, 1956.

P. H. G. STALLARD,
Acting Secretary to the Governor-General

Lagos.

Extraordinary

Federation of Nigeria Official Gazette

No. 71 **LAGOS - 21st December, 1956** **Vol. 43**

Government Notice No. 2329

The following are published in the Supplement to this Gazette :—

L.N. 172 of 1956—Lagos Local Government (Rules relating to the Preparation of List of Voters) (Amendment No. 2) Order, 1956.

L.N. 173 of 1956—Variation of Election Regulations Order, 1956.

By His Excellency's Command,

R. F. A. GREY,
Chief Secretary of the Federation

Lagos, 21st December, 1956.

Printed and Published by The Federal Government Printer, Nigeria. 2853/1256/4,900

Supplement to Official Gazette Extraordinary No. 71, Vol. 43, 21st December, 1956—Part B

L.N. 172 of 1956

LAGOS LOCAL GOVERNMENT LAW, 1953

(W.R. Law No. 4 of 1953 Amended by Ordinance 35 of 1956)

Lagos Local Government (rules Relating to the Preparation of List of Voters) (Amendment No. 2) Order, 1956

Date of Commencement : 21st December, 1956

In exercise of the powers conferred by section 183 of the Lagos Local Government Law, 1953, the Governor-General, after consultation with the Council of Ministers, has made the following Order—

Citation.

1. This Order may be cited as the Lagos Local Government (Rules relating to the Preparation of List of Voters) (Amendment No. 2) Order, 1956.

Amendment of Rule 9. 1953 W.R. ann. vol. p. A150.

2. Rule 9 contained in the First Schedule of the Lagos Local Government Law, 1953, is amended—

(*a*) by the deletion of paragraph (4) and the substitution therefor of the following—

"Not less than 80 days before the date appointed for the holding of any election, the Chief Electoral Officer shall send to the Returning Officer copies of the preliminary list relating to each ward and the Returning Officer shall cause the same to be published and revised in accordance with the provisions of these Rules." ;

(*b*) by the insertion in paragraph (6) immediately before the words "constitute the official list of voters" of the words—

", subject to the provisions of Rule 10,".

Addition of a new Rule.

3. Such First Schedule is further amended by the addition at the end thereof of the following new Rule—

"Correction of errors as to determination of Revising Officer.

10. (1) The determination of a Revising Officer as to the inclusion or exclusion of any name in the list shall be final and shall not be questioned in any proceedings.

(2) Without prejudice to the provisions of paragraph (1), if the final list of voters is at any time not less than 7 days before the date of an election found to be incorrect, in that it does not correctly record the determination of a Revising Officer under Rule 7 in respect of any name struck out or inserted by such determination or in respect of any mistake or omission corrected by such determination, a person who duly appeared before the Revising Officer at the time of such determination in person or by his representative may make summary *ex parte* application to a magistrate who shall give priority to such application and to any subsequent hearing and who shall have power to order the rectification of such list upon such evidence as he may consider necessary, and to record the correct determination of such

Revising Officer, and the Returning Officer shall thereupon correct or cause to be corrected all material copies of such list and such list as amended shall be deemed to be the certified list for the purpose of paragraph (6) of Rule 9.

(3) Upon a hearing under paragraph (2) the magistrate shall have power to award costs against an applicant who in the opinion of the magistrate has no adequate grounds for disputing the record of a Revising Officer's determination."

MADE at Lagos this 7th day of December, 1956.

C. E. H. TUCK,
Acting Deputy Secretary to the Council of Ministers

EXPLANATORY NOTE

It has been reported that occasional errors have occurred in the official list of voters with the result that the list does not correctly represent the determination of the Revising Officers. It is essential that the decision of any such Revising Officer shall be final and these Rules do not provide for an appeal against a decision of a Revising Officer ; they do, however, provide a method for correcting clerical and similar errors. It is relevant to note that costs may be awarded against applicants who make frivolous applications under the new Rule 10 (2).

L.N. 173 of 1956

LAGOS LOCAL GOVERNMENT LAW, 1953
(W.R. LAW 4 OF 1953)

Variation of Election Regulations Order, 1956

Date of Commencement : 21st December, 1956

In exercise of the powers conferred by section 183 of the Lagos Local Government Law, 1953, the Governor-General, after consultation with the Council of Ministers, has made the following Order—

Citation. 1. This Order may be cited as the Variation of Election Regulations Order, 1956.

Variation of electoral regulations. 1953 W.R. Ann. Vol. p. A152. 2. The regulations contained in the Second Schedule to the Law are varied in the manner specified in the Schedule hereto.

SCHEDULE

Regulation Varied	*Manner of Variation*
1.	In the first line of paragraph (*a*) after the word "election" insert— "and of the number of vacancies in the ward".
2.	(1) In the second line of paragraph (1) for "three persons" substitute— "two persons",

Regulation as Varied	*Manner of Variation*

(2) After paragraph (4) insert the following paragraph—

"(4A) Upon the delivery of a nomination to the Returning Officer each candidate shall supply such number of photographs of himself not more than six inches long or six inches wide as may be specified by the Returning Officer.".

(3) In the third line of paragraph (5) for "thirty pounds" substitute—

"five pounds".

(4) At the end of paragraph (6) add the following—

"(*d*) the candidate is successful or polls at least one eighth of the total number of votes cast for all candidates in the ward".

(5) Delete paragraph (7).

4. (1) Re-number as regulation 4 (1).

(2) In the third line for the words "and in such other manner" substitute—

"at such place or places and in such other manner".

(3) Add at the end thereof the following new paragraph—

"(2) With each statement referred to in paragraph (1) there shall be displayed in each case a copy of the photograph of each candidate supplied in accordance with regulation 2.".

6. (1) Delete paragraph (1) and substitute—

"(1) If the number of persons remaining nominated exceeds the number of vacancies the ballot shall be taken but if the number is the same or less than the number of vacancies those persons shall be deemed to be elected.".

(2) Delete paragraph (3) and substitute—

"(3) If there are still vacancies in the number of persons to be elected in the ward the Chief Electoral Officer shall appoint some other convenient day of election to fill the remaining vacancies.".

8. (1) Delete paragraph (1) (*b*) and substitute—

"(*b*) the number of vacancies to be filled :".

(2) At the end of paragraph (1) (*c*) insert—

"together with a photograph of each such candidate supplied in accordance with regulation 2".

(3) In the second line of paragraph (2) delete "two hours" and substitute—

"six hours".

11. At the end thereof add the following new paragraph—

"(8) An agent may act for more than one candidate but no candidate may have more than one agent.".

13. In the third line after the words "candidate's name" insert—

"and with a copy of his photograph supplied in accordance with regulation 2",

Regulation Varied	*Manner of Variation*
15.	(1) In the last line of paragraph (*a*) delete the words "a ballot paper" and substitute—

"as many ballot papers as there are vacancies for election in the ward".

(2) Delete paragraphs (*d*) and (*e*) and substitute—

"(*d*) a voter on receiving the appropriate number of ballot papers shall go immediately into one of the screened compartments in the polling station and shall there secretly record his vote by placing a ballot paper in each of the ballot boxes of his choice;

(*e*) A voter shall not vote for more candidates than the number of persons required to be elected nor record more than one vote in favour of any candidate :

Provided that a voter may, if he so wishes, vote for fewer candidates than the number of persons required to be elected, in which case he shall deliver up to the Presiding Officer any ballot paper in respect of which he has not exercised his vote and such ballot paper, hereinafter called a returned ballot paper, shall be set aside in a separate packet ;".

(3) Delete paragraph (*h*) and substitute—

"(*h*) A voter who is unable to distinguish symbols or who suffers from blindness or any other physical disability preventing his voting may call the Presiding Officer aside and may tell him no other person being present within hearing, the name or symbol of each of the candidates for whom he wishes to vote, and the Presiding Officer shall, in the presence of the voter, place a ballot paper in the ballot boxes of the voter's choice".

21. (1) Delete paragraph (1) (*b*) and substitute—

"(1) (*b*) The unused, spoilt and returned ballot papers placed together";.

(2) In paragraph (2) (*a*) after (*iii*) add—

"(*iv*) the number of returned ballot papers ; and".

22. At the end thereof add the following new paragraph—

"(4) A counting agent may act for more than one candidate but no candidate may appoint more than one counting agent.".

25. Delete paragraph (1) and substitute—

"(1) The Returning Officer shall in the presence of the counting agents open each ballot box one by one and after taking out the ballot papers shall examine the serial numbers on the back to ensure that no two papers bear identical numbers. Should two or more ballot papers bear the same number one only of each ballot paper so duplicated shall be counted and the other or others shall be set aside and dealt with in accordance with regulation 26.",

Regulation Varied	*Manner of Variation*
26.	Delete and substitute—
"Votes not to be counted.	26. Any ballot paper— (*a*) which does not bear the official mark ; or (*b*) on which anything is written or marked by which a voter can be identified, other than the printed or stamped serial number ; or (*c*) set aside under regulation 25 as being a duplicate of another paper similarly numbered, shall be deemed invalid and shall not be counted, but the total number of each category shall be recorded. All other ballot papers shall be deemed valid and shall be counted.".
30.	In paragraph (1) and paragraph (3) for "unused and spoilt papers" substitute in both cases— "unused, returned and spoilt papers".
32.	In paragraph (*f*) delete "Regional Gazette" and substitute— "Gazette of the Federation".
39.	In the second line of paragraph (1) after "regulations" insert— "and any variation thereof duly made".
Form A	Paragraph 2 of Form A of the Appendix to the Regulations is varied by deletion of the figures "1952" and the substitution therefor of the following— "1953 (and, in particular, as the same has been amended by the Lagos Local Government (Amendment) Ordinance, 1956).".

MADE at Lagos this 20th December, 1956.

C. E. H. TUCK,
Acting Deputy Secretary to the Council of Ministers

EXPLANATORY NOTE

The use of multi-member constituencies for the purpose of election to the Lagos Town Council necessitates considerable amendment to the Election Regulations. These amendments are effected by the Schedule of Variations attached to this Order. It is also provided that the deposit payable shall be £5 in lieu of £30, that such deposit shall be wholly returnable to a successful candidate and that the hours of polling shall be a minimum of six hours instead of two hours as previously.