

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

A BILL
FOR

AN ORDINANCE FURTHER TO AMEND THE INCOME TAX ORDINANCE

Title.

[]

Commence-
ment.

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

Enactment.

1. This Ordinance may be cited as the Income Tax (Amendment) Ordinance, 1958, and, subject as hereinafter provided, shall have effect with respect to tax chargeable for the year of assessment commencing on the 1st day of April, 1958, and to the tax thereafter chargeable for each succeeding year of assessment.

Short title
and appli-
cation.

Amendment
of section 9
Cap. 92.

2. (1) Section 9 of the Income Tax Ordinance (hereinafter referred to as the principal Ordinance) is amended by the addition at the end of paragraph (c) of subsection (1) of the following—

“(other than the emoluments of members of the armed forces of the Federation)”

(2) Section 9 is further amended by the repeal of subsection (4) and the substitution therefor of the following—

“(4) The Governor-General may exempt—

(a) any person or class of persons from all or any of the provisions of this Ordinance, or

(b) from tax all or any income of any person or class of persons from any source,
on any ground which appears to him sufficient.”

Amendment
of section 10.

3. (1) Section 10 of the principal Ordinance is amended by the deletion at the commencement of paragraph (h) of subsection (1) of the words “any contribution” and the substitution therefor of the following—

“any regular contribution”.

(2) Section 10 is further amended by the deletion of the further proviso to paragraph (h) of subsection (1), inserted by the Income Tax (Amendment) (No. 2) Ordinance, 1955, and by the substitution therefor of the following—

“Provided further that where any employment ceases before an employee has completed five years' employment with an employer, if the total value of any benefits (other than sums paid by way of a pension) received by the employee from any such society or fund exceeds a sum calculated at the rate of one hundred and fifty pounds per annum for the period of such employment, the amount of any such excess shall be apportioned evenly over such period as if it had accrued from day to day, and as so apportioned shall be treated as income of the employee: For the purpose of this proviso, where any person has had employment or successive employments with any one or more Governments established in Nigeria (including in such expression the former Government of Nigeria) and his next employment is with any body directly incorporated by, or any unincorporate body established by, an Ordinance or Law of any Legislature in Nigeria, then his employment or successive employments with any such Government or Governments and his next employment with any such body shall be treated as one continuing employment.”

(3) Section 10 is further amended by the addition at the end of paragraph (h) of subsection (1), (after the provisos) of the following—

“Where in respect of any society or fund approved under this paragraph the employer becomes entitled to any benefit whatsoever, the value of that benefit shall for the purposes of this Ordinance be treated as a receipt of the trade, business, profession or vocation in connection with which such society or fund was approved, at the date when the right to such benefit first arose;”

Amendment
of section 18.

4. Subsection (8) of section 18 of the principal Ordinance is amended by the insertion after the word “income” in each case except where the word first occurs of the words—

“or loss”.

5. (1) Section 20 of the principal Ordinance is amended by the deletion in paragraph (a) of subsection (2) of the words "which, if it had been a profit, would have been assessable under this Ordinance". Amendment of section 20.

(2) Section 20 is further amended by the deletion at the commencement of paragraph (b) of subsection (2) of all the words preceding the provisoes and the substitution therefor of the following—

"the amount of a loss which the Commissioner is satisfied has been incurred by him in any such trade, business, profession or vocation during any year preceding the year of assessment which has not been allowed against his assessable income of a preceding year:"

(3) Section 20 is further amended by the addition after subsection (4) (inserted by the Income Tax (Amendment) Ordinance, 1952) of the following—

No. 11 of 1952.

"(5) For the purpose of subsection (2)—

(a) the amount of a loss in respect of which any deduction is to be made or allowed shall not include any part of a loss which fall to be given in aggregation in arriving at the income of that person under subsection (8) of section 18 or would fall to be so given if it were necessary to apply that subsection notwithstanding that, with respect to the income and loss for aggregation, the amount of the income is less than the amount of the loss;

(b) subject to paragraph (a) of this subsection, whenever necessary the amount of a loss shall be arrived at under the provisions of subsection (8) of section 18, but as if there were substituted for the words "income of any year of assessment" the words "loss during the year of assessment or any preceding year."

6. The Third Schedule to the principal Ordinance (added by the Income Tax (Amendment) Ordinance, 1949) is amended by the deletion of the words "nine shillings" and the substitution therefor of the following—"eight shillings". Amendment of Third Schedule, No. 16 of 1949.

7. (1) The Fourth Schedule to the principal Ordinance (inserted by the Income Tax (Amendment) Ordinance, 1952) is amended by the insertion after paragraph 5 of the following new paragraph— Amendment of Fourth Schedule, No. 11 of 1952.

"5A. For the purposes of this Schedule—

(a) where but for this paragraph a person is entitled to an annual allowance in respect of qualifying building expenditure in respect of an asset in use, for the purposes of a trade or business carried on by him, at the end of his basis period for any year of assessment commencing on or after the 1st April, 1958, if that asset is an industrial building or structure in use as such at the end of his basis period for any such year then, in lieu of such allowance and qualifying building expenditure, the qualifying expenditure in respect of that asset shall be taken to mean "qualifying industrial building expenditure" for any allowances to be made to such person, in respect of that qualifying expenditure, for that year; and

(b) "industrial building or structure" means any building or structure in regular use—

(i) as a mill, factory, mechanical workshop, or other similar building, or as a structure used in connection with any such buildings;

(ii) as a dock, port, wharf, pier, jetty or other similar building or structure ;

(iii) as an hotel having a minimum of twenty bedrooms for guests ;

(iv) as a store-house or for any plant and in either case used wholly and exclusively for or in connection with either any building or structure mentioned in provisions (i), (ii) or (iii) of this definition or any office or dwelling mentioned in provision (vii) of this definition ;

(v) for the operation of a railway for public use or of a water or electricity undertaking for the supply of water or electricity for public consumption ;

(vi) for the running of a plantation or for the working of a mine or other source of mineral deposits of a wasting nature ;

(vii) as an office or dwelling wholly, exclusively and regularly in use by employees of the owner of such office or dwelling whose duties are solely concerned either with the trade or business operations carried on in or directly connected with the regular use of any building or structure falling within provisions (i), (ii), (iii) or (iv) of this definition or with the operation, running or working of any such railway, undertaking, plantation or mine ;

(viii) as a warehouse, whether refrigerated or not, wholly, exclusively and regularly in use for the hire of storage space to the public, and any office or dwelling wholly, exclusively and regularly in use by employees of the owner of such office or dwelling whose duties are solely concerned with the running of any such warehouse".

(ix) for the purpose of carrying on at such building the business of banking".

(2) The Fourth Schedule is further amended by the deletion of subparagraph (2) (i) of paragraph 7, and the substitution therefor of the following—

"(i) qualifying building expenditure, or qualifying industrial building expenditure, be at the rate specified in respect thereof in the Second Table to this Schedule".

(3) The Fourth Schedule is further amended by the deletion of the First and Second Tables thereto and the substitution therefor of the following—

"FIRST TABLE (PARAGRAPH 6)

<i>Qualifying Expenditure in respect of</i>	<i>Rate per centum</i>
Qualifying Building expenditure	Nil
Qualifying Industrial Building Expenditure	20
Qualifying Mining Expenditure	25
Qualifying Plant Expenditure	40
Qualifying Plantation Expenditure	25

SECOND TABLE (PARAGRAPH 7)

<i>Residue of qualifying Expenditure in respect of</i>	<i>Rate per centum</i>
Qualifying Building Expenditure	5
Qualifying Industrial Building Expenditure	10

8. (1) The replacement of subsection (4) of section 9 of the principal Ordinance effected by this Ordinance shall be deemed always to have had effect with respect to tax chargeable for any year of assessment ending prior to the 1st day of April, 1958.

Retrospective effect of certain provisions of this Ordinance.

(2) The amendments to paragraph (h) of subsection (1) of section 10 of the principal Ordinance effected by subsections (1) and (3) of section 3 of this Ordinance shall be deemed always to have had effect with respect to tax chargeable for any year of assessment ending prior to the 1st day of April, 1958.

(3) The amendment to paragraph (h) of subsection (1) of section 10 of the principal Ordinance effected by subsection (2) of section 3 of this Ordinance shall be deemed always to have had effect with respect to tax chargeable for any year of assessment ending after the 31st day of March, 1955.

(4) The amendment of subsection (8) of section 18 and the amendments of section 20 of the principal Ordinance effected by this Ordinance shall be deemed always to have had effect with respect to tax chargeable for any year of assessment ending prior to the 1st day of April, 1958, except in relation to any objection, appeal or claim which has been determined prior to the date of the publication of this Ordinance in the Gazette.

9. Subject to the provisions of section 8 of this Ordinance, notwithstanding the replacement or amendment of any of the provisions of the principal Ordinance effected by this Ordinance, the provisions so replaced or amended shall, as they existed prior to the 1st day of April, 1958, continue to be operative for the purpose of ascertaining the chargeable income of any person and the tax thereon for any year of assessment ending prior to the 1st day of April, 1958.

Saving.

Objects and Reasons

The objects of the amendments proposed by this Bill are as follows—

Clause 2—(1) to remove a tax exemption which might be interpreted as being applicable to armed forces of the Federation;

(2) to add to the present power of total exemption of income of a person or class of persons a power of partial exemption of any income.

Clause 3 contains minor amendments to correct anomalies or regulate practice in the approval of pension and provident funds.

Clauses 4 and 5 are designed to clarify the present provisions for the deduction of losses.

Clause 6 reduces the rate of tax for companies from nine shillings to eight shillings in the pound.

Clause 7 makes a general reduction in capital allowances given in respect of capital expenditure upon buildings for trades, but gives higher allowances for certain industrial buildings and hotels.

A BILL

FOR

Title. AN ORDINANCE FURTHER TO AMEND THE MAGISTRATES' COURT (LAGOS) ORDINANCE, 1955 (No. 24 OF 1955),

Commencement.

[By Notice, see Section 1]

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 Magistrates' Court (Lagos) (Amendment) Ordinance, 1958, and shall come into operation on a date to be appointed by the Governor-General by notice in the Gazette.

Amendment of Section 15 of No. 24 of 1955. No. 22 of 1957.

2. Section 15 of the Magistrates' Court (Lagos) Ordinance, 1955, as the same has been amended by the Magistrates' Court (Lagos) (Amendment) Ordinance, 1957, is further amended—

(a) by the deletion of the words in subsection (4) "and in no cause shall the aggregate of fines imposed by a magistrate grade III exceed twenty-five pounds", and the substitution therefor of the following—

"and in no cause shall the aggregate of fines imposed by any magistrate exceed the sum specified above or such sum as may be substituted therefor, in respect of that magistrate, by notice under subsection (2) of section 17" ; and

(b) by the deletion of the words in subsection (5)—"and in no cause shall the aggregate term of imprisonment in respect of two or more consecutive terms of imprisonment imposed by any magistrate grade III exceed three months", and the substitution therefor of the following—

"and in no cause shall the aggregate term of imprisonment in respect of two or more consecutive terms of imprisonment imposed in that cause by any magistrate exceed the term specified above or such term as may be substituted therefor, in respect of that magistrate, by notice under subsection (2) of section 17".

Objects and Reasons

To limit any magistrate's power of imposing sentences in respect of two or more offences tried jointly to the maximum fine or term of imprisonment which he has power to impose in respect of a single offence. Such a limitation only applies at present to a magistrate grade III.

(Bills 547)

S. L. AKINTOLA,
*Minister of Communications and
Aviation, Federation of Nigeria*

A BILL FOR

AN ORDINANCE TO PROVIDE FOR THE JURISDICTION OF REGIONAL COURTS IN MATTERS WHICH ARE WITHIN THE LEGISLATIVE COMPETENCE OF THE FEDERATION, AND, TO THE EXTENT THAT THAT JURISDICTION DEALS WITH MATRIMONIAL CAUSES, TO PROVIDE FOR THE LAW THAT IS TO BE ADMINISTERED BY THE HIGH COURT OF A REGION IN RESPECT THEREOF, AND TO PROVIDE FOR THE APPOINTMENT OF QUEEN'S PROCTOR.

[By Notice, see section 1]

WHEREAS in accordance with the constitution of Nigeria the courts of a Region shall have such jurisdiction in respect of matters of exclusively Federal legislative competence as may be conferred upon them by the Federal Legislature, and it is desired that such jurisdiction shall be conferred by this Ordinance in substitution for provision previously made :

AND WHEREAS by amendment to the constitution of Nigeria matters relating to certain matrimonial causes have been made a subject of exclusively Federal legislative competence and it is further desired to make provision for the law to be applied in the exercise of jurisdiction by Regional courts in respect of such causes :

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

1. This Ordinance may be cited as the Regional Courts (Federal Jurisdiction) Ordinance, 1958, and shall come into operation upon such date as the Governor-General may appoint by notification in the Gazette after the signification of Her Majesty's pleasure thereon.

Title.

Commencement.

Preamble.

Enactment.

Short title and commencement.

Interpreta-
tion.

2. In this Ordinance, except where the context otherwise requires—
 "cause" includes a matter ;
 "marriage" means a marriage other than a marriage under Moslem law or other customary law ;
 "matrimonial cause" means a matrimonial cause other than one relating to a marriage under Moslem law or other customary law.

Jurisdiction
of Regional
courts in
respect of
Federal
matters.

3. Where by the law of a Region jurisdiction is conferred upon a High Court or a magistrate's 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 matters within the exclusive legislative competence of the Federal Legislature, and of appeals arising out of such causes.

Probate,
divorce and
matrimonial
causes.

4. The jurisdiction of the High Court of a Region in relation to marriages, and the annulment and dissolution of marriages and in relation to other matrimonial causes shall, subject to the provision of any laws of a Region so far as practice and procedure are concerned, be exercised by the court in conformity with the law and practice for the time being in force in England.

Continuance
of pending
proceedings.

5. Any proceedings commenced or taken in any court of a Region on or after the 1st day of September, 1957, and before the coming into operation of this Ordinance, in relation to a marriage or the annulment or dissolution thereof or in relation to any other matrimonial cause, and commenced or taken in accordance with the rules or practice of that court, shall be as valid and effectual as if they had been commenced or taken after the coming into operation of this Ordinance.

Appointment
of Queen's
Proctor in
Regions.

6. The Governor-General may, with any necessary consent of the Governor of a Region, appoint a Queen's Proctor in respect of the Region, who shall have such powers and duties as the Queen's Proctor may possess in accordance with the law and practice for the time being in force in England.

Southern
Cameroons.

7. This Ordinance shall apply to and in respect of the Southern Cameroons as though it were a Region.

Repeal.
Cap. 94 (re-
printed
1956).

8. Section 36B of the Interpretation Ordinance is repealed.

Objects and Reasons

Regional courts have such jurisdiction in respect of matters within the competence of the Federal Legislature as may be conferred upon them by that Legislature. As a consequence of the constitutional amendments made in 1957 marriages and matrimonial causes (other than those relating to marriages under Moslem or other customary law) became a matter for Federal Legislation.

The reason for this Ordinance is to provide for the law to be applied by Regional courts in the exercise of jurisdiction in matrimonial matters, and to provide for the appointment of a Queen's Proctor in each Region for that purpose. The opportunity has also been taken to re-enact the provisions of section 36B of the Interpretation Ordinance, which deal with the civil jurisdiction of Regional courts in respect of Federal matters. The re-enactment does not in any way alter the existing powers of the Regional Courts in these matters.

(Bills 548)

S. L. AKINTOLA,
Minister of Communications and Aviation,
Federation of Nigeria