

L.N. 65 of 1958

NIGERIA (CONSTITUTION) ORDERS IN COUNCIL
1954 TO 1958Adaptation of Laws (Conduct of Criminal
Proceedings) Order, 1958*Date of Commencement : 1st April, 1958*

In exercise of the powers conferred by section 110 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and every other power him enabling, the Governor-General, after consultation with the Council of Ministers, has made the following Order—

1. This Order may be cited as the Adaptation of Laws (Conduct of Criminal Proceedings) Order, 1958, and shall come into operation on the 1st April, 1958.

Citation and commencement.

2. Wherever in any Ordinance or Law or instrument made thereunder there is contained a reference to law officers such expression, in respect of the initiation, conduct and discontinuance of criminal proceedings in the Western or Eastern Region, shall not be construed as including the Attorney-General or Solicitor-General of the Region, and such expression and the expression Attorney-General of the Region and Solicitor-General of the Region shall, in respect of the initiation, conduct and discontinuance of criminal proceedings in either such Region, be construed as meaning the Director of Public Prosecutions of the Region.

Provision for Directors of Public Prosecutions.

3. The existing laws specified in the Schedule shall be read and construed with the adaptations and modifications specified in that Schedule.

Various adaptations. Schedule.

4. Without prejudice to the operation of section 7 of this Order, provisions of this Order which alter the manner in which or the authority by which or the law under which or in accordance with which any powers are exercisable, shall not render invalid any licence, approval, direction, notification, order, bye-law, rule, regulation or delegation duly made or issued, or anything duly done before the commencement of this Order. Any such licence, approval, direction, notification, order, bye-law, rule, regulation, delegation or thing may be revoked, varied or undone to the like extent and in the like circumstances as if it had been made, issued or done after the commencement of this Order by the appropriate authority.

Saving of past matters.

5. Where a party to proceedings commenced in a court in Nigeria before the commencement of this Order is an officer whose functions are altered or are divested by the provisions of this Order, it shall not be necessary to amend the title of those proceedings or to change the parties thereto on account of this Order, and the court may for the purpose of those proceedings assume the continuance of the functions of that person unaltered: Provided however that a person to whom such functions have been transferred by this Order shall have all the powers of that officer in relation to those proceedings and may take all the steps that would be available to that officer in those proceedings.

Saving of proceedings commenced.

6. Nothing in this Order shall affect the operation of or shall affect anything duly done or suffered under any existing instrument or any right, privilege, operation or liability already acquired, accrued or incurred under any law, or any penalty, forfeiture or punishment incurred in respect of any offence already committed against any law.

Saving of rights and liabilities accrued.

7. Legal Notices 28 and 29 of 1956 and all other delegations of powers effected under the provisions of sections 76 and 76A of the Criminal Procedure Ordinance are revoked without prejudice to anything lawfully done thereunder before the coming into operation of this Order.

SCHEDULE

(Section 3)

CRIMINAL CODE ORDINANCE (CHAPTER 42)

Section 1 of the Schedule (comprising the Criminal Code)

After subsection (2) of section 1, which was inserted by the Adaptation of Laws (Judicial Provisions) Order, 1955, add the following subsection—

"(3) In the application of this Ordinance to the Western Region and the Eastern Region a reference to the Attorney-General of the Region or the Solicitor-General of the Region shall mean the Director of Public Prosecutions of the Region."

CRIMINAL PROCEDURE ORDINANCE (CHAPTER 43)

Sections 76 and 76A

Delete the sections.

Section 487.

After Part LII, which was added by the Adaptation of Laws (Judicial Provisions) Order, 1955, add the following Part and section—

"PART LIII

Provision
for Direc-
tors of
Public
Prosecu-
tions.

487. In the application of this Ordinance and any instrument made under this Ordinance to the Western Region and the Eastern Region a reference to the Attorney-General of the Region or the Solicitor-General of the Region shall mean the Director of Public Prosecutions of the Region, and a reference to the law officers of the Region shall not include the Attorney-General or the Solicitor-General of the Region but shall mean the Director of Public Prosecutions."

INTERPRETATION ORDINANCE (CHAPTER 94)

Part A of section 3

At the end of the definition of "law officers" insert—

" : Provided that in respect of the initiation, conduct and discontinuance of criminal proceedings in the Western and Eastern Regions such expression shall not include the Attorney-General or Solicitor-General of these Regions, but shall be construed as meaning the Director of Public Prosecutions of the Region ;"

LAW OFFICERS ORDINANCE (CHAPTER 109)

Sections 3 and 5 (as adapted by the Adaptation of Laws Order, 1954).

After "Attorney-General or Solicitor-General of a Region" insert—

" , the Director of Public Prosecutions of the Western Region or the Eastern Region ,"

MADE at Lagos the 26th day of March, 1958.

MAURICE JENKINS,

Acting Deputy Secretary of the Council of Minister

EXPLANATORY NOTE

The amendment to the Constitution Order which comes into effect on the 1st April, 1958, provides for the posts of Director of Public Prosecutions in the Western Region and in the Eastern Region. This Adaptation Order vests the powers of the Attorney-General in each of those Regions in respect of criminal proceedings in the Director of Public Prosecutions in each case.

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Annex I to CD (58) 249