

L.N. 70 of 1958

LAGOS TOWN PLANNING ORDINANCE (CHAPTER 103)

Lagos Central Planning Scheme, 1951 (Amendment) Order, 1958

Commencement : 3rd April, 1958

In exercise of the powers conferred by section 24A of the Lagos Town Planning Ordinance, the Lagos Executive Development Board, with the approval of the Governor-General in Council, has made the following order—

1. This Order may be cited as the Lagos Central Planning Scheme, 1951 (Amendment) Order, 1958.

Citation.

2. The Third Schedule to the Lagos Central Planning Scheme set out in the Schedule to the Lagos Central Planning Scheme (Approval) Order in Council, 1952, is deleted and the following substituted therefor—

Substitution
of new
Third
Schedule
1952 ann.
vol. p. B37.

"THIRD SCHEDULE

Schedule showing the division of the Scheme into Sub-Areas for progressive execution of the Scheme and the date of vesting of each sub-area.

*Identification number of each
Sub-area as defined on
Plan No. L.T.P. 840*

Vesting date

1	1st November, 1955
2	1st April, 1956
3	1st August, 1956
4	1st November, 1956
5	1st June, 1957
6	1st November, 1957
7	1st June, 1959
8	1st March, 1956
9	1st January, 1960
10	1st June, 1960
11	1st January, 1961
12	1st June, 1961."

MADE by the Lagos Executive Development Board this 13th day of December, 1957.

G. M. L. BLACKBURNE-KANE,
Chairman,
Lagos Executive Development Board

APPROVED this 27th day of March, 1958.

MAURICE JENKINS,
*Acting Deputy Secretary to the
Council of Ministers*

EXPLANATORY NOTE

The amendment postpones the vesting dates of the remaining five sub-areas to which the Central Planning Scheme relates. Opportunity has been taken to correct the vesting dates in respect of the seven sub-areas which have already been vested into the actual dates of vesting instead of specifying the number of months from the date of commencement of the scheme.

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L.N. 71 of 1958

TOWNSHIPS ORDINANCE (CHAPTER 216)

Alapafuja Street, Lagos (Closure) Order, 1958

Commencement : 3rd April, 1958

WHEREAS it is provided by section 53 of the Townships Ordinance that where it shall appear to the local authority that any street is unnecessary the local authority may cause to be fixed at each end of the said street a notice to the effect that such street is unnecessary and that on a day not less than four weeks from the date of the said notice application will be made to the Governor-General in Council to close the said street;

AND WHEREAS sections 53, 54, and 55 of the Townships Ordinance have been modified and applied to Lagos by the Lagos Local Government Law, 1953 (as amended by section 3 of the Lagos Local Government (Amendment) Ordinance, 1955):

AND WHEREAS it appears to the Lagos Town Council (hereinafter referred to as the Council), in the exercise of the functions conferred upon the local authority under section 53 of the Townships Ordinance, that the whole of Alapafuja Street from its junction with Aibu Street to Elegbata Square in the town of Lagos is unnecessary:

AND WHEREAS the Council have complied with the provisions of section 53 of the Townships Ordinance:

AND WHEREAS a report from the Council has been laid before and considered by the Governor-General in Council:

NOW, THEREFORE in exercise of the powers conferred by section 55 of the Townships Ordinance, the Governor-General, after consultation with the Council of Ministers, has made the following order—

1. This Order may be cited as the Alapafuja Lagos (Closure) Order, 1958.
2. The whole of Alapafuja Street from its junction with Aibu Street to Elegbata Square shall be closed unconditionally on the grounds that it is unnecessary.

MADE at Lagos this 27th day of March, 1958.

MAURICE JENKINS,
Acting Deputy Secretary to the
Council of Ministers

L.N. 72 of 1958

CUSTOMS ORDINANCE (CHAPTER 48)

Customs (Drawback) Regulations, 1958

Commencement : 3rd April, 1958

In exercise of the powers conferred by sections 45 and 262 of the Customs Ordinance, the Governor-General, after consultation with the Council of Ministers, has made the following regulations—

PART I—GENERAL

1. (1) These regulations may be cited as the Customs (Drawback) Regulations, 1958.

(2) Part I of these regulations shall apply in relation to the grant of a drawback of customs duties paid on the importation of any goods, Part II in relation to the grant of a drawback of customs duties paid on the importation of goods which are subsequently exported in the same state as that in which they were imported, and Part III in relation to the grant of a drawback of customs duties paid on the importation of goods which are used in any process of manufacture in Nigeria.

Citation and application.

2. (1) In these regulations—

"exportation" includes putting on board a foreign-going ship or aircraft for use as stores ;

"imported in bulk" in its application to aviation and motor spirit and refined petroleum illuminating oil means imported in receptacles having capacities not less than those specified in any regulations made from time to time under the Petroleum Ordinance relating to the importation of petroleum in bulk ;

"manufacture" includes processing and assembly.

(2) For the purpose of these regulations goods shall be regarded as having been used in manufacture if they have formed part of the raw material on which the process of manufacture has been carried out, and not otherwise.

Interpretation.

Cap. 168.

3. (1) It shall be a condition of the granting of any drawback in respect of any goods—

(a) that at the time of importation the goods are completely enclosed in packages to the satisfaction of the proper officer or if not so enclosed consist of identifiable single units or if in bulk are capable of measurement or identification ;

(b) that if in regard to any particular description of goods or any particular consignment the Comptroller so directs each package or unit on importation shall prior to delivery be marked or secured by the importer and shall be kept so marked and secured ;

(c) that the person presenting the goods for examination shall furnish the proper officer with such samples as he requires for purposes of test or otherwise and duly assist such officer in examining and taking an account of such goods ; and

(d) that the person claiming the drawback shall prove to the satisfaction of the Comptroller the payment of duty upon the goods in respect of which drawback is claimed and the fulfilment of all the other conditions prescribed for the grant of the drawback.

Conditions of granting of drawback.

(2) It shall be a further condition of the granting of any drawback on any goods, where the drawback is claimed on the exportation of such goods:—

(a) that the goods are not prohibited by law from being exported;

(b) that perfect entry of the goods shall have been made at importation and that such other documents shall have been submitted with the entry as the Comptroller may from time to time direct;

(c) that the goods shall have been duly produced to the proper officer at the approved place of examination prior to loading and also, if the proper officer so requires, on board the aircraft, ship or vehicle on which they were to be exported;

(d) that the goods shall have been conveyed direct and without delay from the place of examination on to the aircraft, ship or vehicle in which they were to be exported: Provided that in his discretion the proper officer may allow goods to remain in official custody for a reasonable period at the risk and expense of the exporter in which case drawback shall not be allowed unless thereafter the goods are conveyed direct and without delay after receiving the permission of the proper officer from the place of deposit on to the aforementioned aircraft, ship or vehicle;

(e) that the person claiming drawback shall have given due notice of his intention to ship the goods and shall ship them under the direction of an officer after entering them in accordance with form C. 2; and

(f) that if the proper officer so requires the person claiming drawback shall produce within the time allowed by the Comptroller a certificate in respect of the landing of such goods as are entered for exportation issued by the competent authority at the port or place of discharge.

Cases where
no drawback
payable.

4. (1) No drawback shall be paid in respect of any goods —

(a) where in his discretion the Comptroller considers that the value of the goods has on account of deterioration or any other cause whatsoever substantially depreciated since the importation thereof; or

(b) where goods other than aviation spirit, motor spirit and refined petroleum illuminating oil imported in bulk are exported or used as prescribed in column 2 of the Schedule to these Regulations after the expiration of two years from the date of the inward report of the aircraft, vessel or vehicle at the port or place where such goods were first imported into Nigeria.

Schedule.

(2) No drawback shall be paid in respect of any goods exported —

(a) where the goods are exported by inland water or overland otherwise than by air: Provided that drawback may be allowed on goods exported overland by such routes as the Comptroller may by notice in the Gazette direct; or

(b) where in his discretion the Comptroller rules that the goods are exported with a view to re-importation.

Claim for
drawback on
goods
exported.
Form C.3.

5. All claims for drawback on goods exported shall be made in the Form C.3.

**PART II—DRAWBACK ON GOODS EXPORTED IN THE SAME STATE
AS THAT IN WHICH THEY WERE IMPORTED**

6. Subject to the provisions of these regulations and any other provisions of the customs laws a drawback amounting to one hundred per cent of the import duties paid on any goods shall be granted on the same being exported in the same state as that in which they were imported.

Amount of drawback.

7. No drawback shall be paid under this Part —

(a) where the amount of the drawback claimed in respect of the goods entered on any one export entry is less than two pounds; or

(b) unless the proper officer is satisfied that the goods in respect of which drawback is claimed were imported by the person intending to export them and are identical with the particulars thereof contained in the entries, invoices or other documents relating to such goods and that the packages containing the goods have not (except as permitted by law) been opened and that the packages or the goods have not been tampered with or used while in Nigeria.

Conditions of granting of drawback.

8. Without derogating from the generality of regulation 7 no drawback under this Part shall be paid on any goods exported where goods imported in packages other than aviation and motor spirit and refined petroleum illuminating oil imported in bulk are not exported in the original packages in which they were imported: Provided that goods shall be deemed to be in the original packages in which they were imported if the packages have been opened and the contents repacked in such manner as the Comptroller has directed or approved either generally or in any particular case.

Goods to be exported in original packages.

9. In any case where the amount of import duty payable on the like goods on the date when any goods exported or put on board an aircraft, ship or vehicle as stores is less than the amount of import duty actually paid thereon then in such case the amount of the drawback shall not exceed the amount of the duty then payable on the like goods as aforesaid.

Amount of drawback where rate of duty reduced.

**PART III—DRAWBACK ON IMPORTED GOODS USED IN
MANUFACTURE IN NIGERIA**

10. Subject to the provisions of these regulations, a drawback of import duty may be allowed in respect of the goods specified in column 1 of the Schedule where such goods have been used in manufacture in Nigeria and the manufacturer has fulfilled the conditions specified in column 2 of the said Schedule. The amount of drawback allowed shall be that specified in column 3 of the said Schedule: Provided that where a repayment has been authorised in respect of any goods under the provisions of the Industrial Development (Import Duties Relief) Ordinance, 1957, the amount of drawback which shall be allowed shall be limited to a sum which, together with the repayment so authorised, shall not exceed the amount of import duty paid.

Amount of drawback. Schedule.

No. 27 of 1957.

11. It shall be a condition of the granting of any drawback under this Part —

(a) that a person intending to claim drawback shall give notice or cause notice to be given to the Comptroller at the time when import entry is made of the goods that he intends to claim drawback;

Conditions of granting drawback.

(b) that the imported goods shall have been imported by the person claiming drawback or for sale to him in pursuance of a written agreement made prior to importation, that the person claiming drawback shall have manufactured the manufactured goods and, where the duty is claimed on the export of manufactured goods, shall be the person who exports the manufactured goods.

Claims for drawback and records.

12. (a) All claims for drawback shall be supported by a certificate in such form and setting out such details as the Comptroller may require;

(b) in the case of goods other than exported goods claims for drawback shall be made in such form and in such manner as the Comptroller may direct and shall be made at intervals of not less than one month;

(c) the manufacturer shall maintain such records of the receipt and disposal of the materials as the Comptroller may require; and

(d) such records shall be kept in the English language and be open to inspection by the proper officer at all reasonable times for the purpose of verifying the manufacturer's claim to drawback.

13. No claim for a drawback of less than fifty pounds shall be granted.

Minimum claim.

PART IV—REVOCATION

14. Part V of the Customs Regulations is hereby revoked.

Revocation. (Vol. VII p. 389).

SCHEDULE

(Regs. 4 and 10)

DRAWBACK ON IMPORTED GOODS USED IN MANUFACTURE IN NIGERIA

<i>Imported material</i>	<i>Conditions for grant of drawback</i>	<i>Amount of drawback</i>
1. All imported goods	To have been used in the manufacture of goods exported from Nigeria.	100 per cent of the import duty paid.
2. Paper	To have been used in the manufacture of goods supplied for educational purposes to educational establishments recognised by the Chief Federal Adviser on Education.	100 per cent of the import duty paid.
3. Imported manufactured tobacco in respect of which there has been paid an import duty of not less than 20s per pound weight.	To have been used in the manufacture of cigarettes by a person licensed under the Excise Ordinance (Cap. 65).	4s.9d per pound weight.

MADE at Lagos this 21st day of March, 1958.

MAURICE JENKINS,
Acting Deputy Secretary to the
Council of Ministers

L.N. 73 of 1958

NIGERIA (CONSTITUTION) ORDERS IN COUNCIL,
1954 TO 1958

Attorney-General of the Federation (Exercise of Powers
in Regions) Notice, 1958

Commencement : 1st April, 1958

In exercise of the powers conferred by section 231 of the above mentioned Orders, as enacted by the Nigeria (Constitution) (Amendment) Order in Council, 1958, the Attorney-General of the Federation has conferred a general authority as follows—

1. (1) This Notice may be cited as the Attorney-General of the Federation (Exercise of Powers in Regions) Notice, 1958.
- (2) This authority is granted with effect from the 1st April, 1958.

Citation and
commence-
ment.

2. Subject to such general or special exceptions and conditions as may be communicated in writing by the Attorney-General of the Federation from time to time, the Attorney-General of the Northern Region, the Director of Public Prosecutions of the Eastern Region, and the Legal Secretary of the Southern Cameroons, are hereby generally authorised to exercise the powers conferred by paragraphs (a), (c) and (d) of subsection (1) of section 231 of the above-mentioned Orders in relation to prosecutions before the courts of their respective Regions, or before the courts of the Southern Cameroons as the case may be.

General
authority.

DATED this 1st April, 1958.

L. BRETT,

Acting Attorney-General of the Federation

Lagos.
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