

L.N. 74 of 1958

ADDITIONAL INSTRUCTIONS TO OUR GOVERNOR-GENERAL AND
COMMANDER-IN-CHIEF OF THE FEDERATION OF NIGERIA AND HIGH
COMMISSIONER FOR THE SOUTHERN CAMEROONS OR OTHER OFFICER
FOR THE TIME BEING ADMINISTERING THE GOVERNMENT OF THE
FEDERATION AND DISCHARGING THE FUNCTIONS OF THE OFFICE OF
HIGH COMMISSIONER.

ELIZABETH R.

We do hereby direct and enjoin and declare Our will and pleasure
as follows :—

1. These Instructions shall be construed as one with the Instructions
under Our Sign Manual and Signet to the Governor-General and Com-
mander-in-Chief of the Federation bearing date the third day of September,
1954 (which Instructions, as amended by the Additional Instructions under
Our Sign Manual and Signet bearing date the thirtieth day of August, 1957,
are hereinafter called "the principal Instructions").

Construc-
tion.

2. The principal Instructions are amended by the insertion after clause
4 of the following clause :—

Insertion of
clause 4A in
Instructions
of 1954.

"Discharge
of
Governor-
General's
functions
by Deputy
Governor-
General
during
absence or
illness.

4A. The Governor-General shall not authorise the Deputy
Governor-General to discharge any of the functions of the
office of Governor-General under section 6 of the Offices Order
during any period in which he expects to be absent from Nigeria
or from any other cause prevented from or incapable of dis-
charging the functions of that office unless in his opinion that
period is likely to be of short duration".

3. The principal Instructions are amended by the insertion after clause 6
of the following clause :—

Insertion of
Clause 7 in
Instructions
of 1954.

"Member-
ship of
Police
Service
Commis-
sion.

7—(1) In the exercise of his power to make regulations
regarding the Police Service Commission the Governor-General
shall provide that—

(a) the Police Service Commission shall consist of either
two or four members in addition to the Chairman;

(b) a person shall not be qualified for appointment as a
member of the Commission unless

(i) he is a person who is or has been a judge of a court
having unlimited jurisdiction in civil and criminal matters
in some part of Her Majesty's dominions or a court having
jurisdiction in appeals from any such court; or

(ii) not being such a person, he is a person who is not
a member of a Legislative House and does not hold and
is not acting in any office of emolument under the Crown
other than the office of member of the Public Service
Commission of the Federation or member of the Public
Service Commission of a Region or member of the Judicial
Service Commission of the Western Region or the Eastern
Region;

Provided that a person who is not an officer in the public service of the Federation may be appointed to be a member of the Commission other than the Chairman notwithstanding that he holds or is acting in an office of emolument under the Crown if the Governor-General is satisfied that he will be required to perform only part-time duties as a member of the Commission.

(c) a member of the Commission shall vacate his office—

(i) if he resigns ;

(ii) at the expiration of five years from the date of his appointment or at such earlier date as may be specified in the Instrument by which he is appointed ;

(iii) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

(d) The Inspector-General of Police of the Federation shall be entitled to state his views to the Commission on any matter referred to it by the Governor-General and the Commission shall convey those views to the Governor-General when it advises on that matter.

(2) If there are two members of the Police Service Commission in addition to the Chairman, the Governor-General shall consult the Council of Ministers before appointing one of those members and shall consult the Chief Justice of the Federation before appointing the other, and if there are four members of the Commission in addition to the Chairman, the Governor-General shall consult the Council of Ministers before appointing two of those members and the Chief Justice of the Federation before appointing the other two.

(3) Before terminating the appointment of a member of the Commission other than the Chairman the Governor-General shall consult the Council of Ministers, in the case of a member appointed after consultation with the Council, and shall consult the Chief Justice of the Federation, in the case of a member appointed after consultation with the Chief Justice."

Amendment
of clause 8
of Instruc-
tions of
1954.

4. Clause 8 of the principal Instructions is amended by the deletion from paragraph (2) of the words "sections 5, 6, 8 and 9" in paragraph (a) and the substitution of the words "sections 4A, 5, 6, 8 and 9".

Amendment
of clause 12
of Instruc-
tions of
1954.

5. Clause 12 of the principal Instructions is amended by the deletion of the words "or the House of Assembly of the Southern Cameroons".

Amendment
of clause 13
of Instruc-
tions of
1954.

6. Clause 13 of the principal Instructions is amended by the deletion from paragraph (2) of the words "or the House of Assembly of the Southern Cameroons" and of the words "or the Southern Cameroons, as the case may be".

7. Clause 14 of the principal Instructions is amended by the deletion from paragraph (1) of the words "or the Legislature of the Southern Cameroons" and of the words "or the Southern Cameroons, as the case may be".

Amendment of clause 14 of Instructions of 1954.

8. Clause 15 of the principal Order is amended by the deletion of the words "complete collections of all laws enacted by the Federal Legislature and the Legislature of the Southern Cameroons" and the substitution of the words "a complete collection of all laws enacted by the Federal Legislature".

Amendment of clause 15 of Instructions of 1954.

9. (1) Clause 25 of the principal Instructions is amended :—

Amendment of clause 25 of Instructions of 1954.

(a) by the deletion of the words "the Governor-General" wherever they occur and the substitution of the words "the High Commissioner for the Southern Cameroons";

(b) by the deletion from paragraph (1) of paragraph 1 of the directions and the substitution of the following paragraph :—

"1. (a) In relation to matters to which the executive authority of the Southern Cameroons extends, the Commissioner of the Cameroons shall, subject to the provisions of paragraph 2 of these directions, consult with the Executive Council of the Southern Cameroons in the formulation of policy and in the exercise of all other powers conferred upon him, except—

(i) any power conferred upon the Commissioner in respect of which it is provided by law, either expressly or by implication, that he shall not be obliged to consult with the Executive Council in the exercise thereof; or

(ii) any power that the Commissioner is directed by the High Commissioner for the Southern Cameroons to exercise without consulting with the Executive Council.

(b) Nothing in this paragraph shall be construed as applying to any power conferred upon the Commissioner by the Constitution Order."

(c) by the insertion in paragraph (1) after the words "any power conferred upon him" in paragraph 2 of the directions of the words "(including any power so conferred by the Constitution Order)";

(d) by the deletion from paragraph (1) of the words "if three or more members of the Executive Council request" in sub-paragraph (b) of paragraph 3 of the directions and the substitution of the words "if the Premier requests";

(e) by the deletion from paragraph (1) of paragraph 4 of the directions and the substitution of the following paragraph :—

"4. The commissioner shall, subject to the provisions of paragraph 5 of these directions, act in accordance with the advice of the Executive Council on any matter on which he is by those directions obliged to consult with the Executive Council." ; and

(f) by the insertion in paragraph (1) after paragraph 4 of the directions of the following paragraphs :—

"5.—(a) If in any case in which he consults with the Executive Council in pursuance of section 125 of the Constitution Order or paragraph (1) of these directions, the Commissioner considers it

expedient in the interests of public faith, public order or good government (which expressions shall without prejudice to their generality include the responsibility of Nigeria as a territory within the British Commonwealth of Nations, and all matters pertaining to the creation and abolition of any public office or to the salary or other conditions of service of any public officer) that he should not act in accordance with the advice of the Executive Council, then he may act otherwise than in accordance with that advice.

(b) Whenever the Commissioner so acts otherwise than in accordance with the advice of the Executive Council—

(i) he shall report the matter to the High Commissioner for the Southern Cameroons at the first convenient opportunity, with the reasons for his action; and

(ii) any member of the Executive Council may require that there be recorded in the minutes of the Council any advice or opinion that he may give on the question, with the reasons therefor.

6. The Commissioner shall not authorize the Deputy Commissioner to discharge any of the functions of Commissioner under section 9a of the Offices Order during any period in which he expects to be absent from Nigeria or from any other cause prevented from or incapable of discharging the functions of that office unless in his opinion that period is likely to be of short duration.”; and

(g) by the deletion from paragraph (2) of the words “paragraph 4 of the directions” and the substitution of the words “paragraph 5 of the directions”.

(2) The amendments referred to in sub-paragraphs (b), (c), (d), (e) and (g) of paragraph (1) of this clause and the insertion of paragraph 5 of the directions, as set out in sub-paragraph (f) of that paragraph, shall take effect on the date fixed by the High Commissioner for the Southern Cameroons for the purposes of paragraph (c) of the proviso to subsection (3) of section 1 of the Nigeria (Constitution) (Amendment) Order in Council, 1958.

10. The principal Instructions are amended by the insertion after clause 25 of the following clauses:—

“Dismissal of Premier. 26. The High Commissioner for the Southern Cameroons shall not dismiss the Premier of the Southern Cameroons unless it appears to him that the Premier no longer enjoys the confidence of the House of Assembly of the Southern Cameroons.

“Application of clauses 12, 13, 14, 15 and 23 to Southern Cameroons. 27. Clauses 12, 13, 14, 15 and 23 of these Instructions shall apply in relation to the Southern Cameroons as they apply in relation to the Federation, and for that purpose they shall be construed as if references therein to the Governor-General, the House of Representatives, the Federal Legislature, the Public Seal of the Federation and section 9 of the Offices Order were references to the High Commissioner for the Southern Cameroons, the House of Assembly of the Southern Cameroons, the Legislature of the Southern Cameroons, the Public Seal of the Southern Cameroons and section 9c of the Offices Order, and as if the words “acting in his discretion” were deleted from paragraph (1) of clause 23.”

GIVEN at Our Court at Saint James's this First day of April, in the Seventh year of Our Reign.

(3462) (Pink 751) 12, 21 3/58 D.L.

L.N. 75 of 1958

ADDITIONAL INSTRUCTIONS TO OUR GOVERNORS OF THE NORTHERN, WESTERN
AND EASTERN REGIONS OF NIGERIA OR OTHER OFFICER FOR THE TIME
BEING ADMINISTERING THE GOVERNMENT OF ANY OF THE SAID REGIONS.

ELIZABETH R.

We do hereby direct and enjoin and declare Our will and pleasure as follows :—

Construc-
tion.

1. These Instructions shall be construed as one with the Instructions under Our Sign Manual and Signet to the Governors of the Northern, Western and Eastern Regions of Nigeria bearing date the third day of September, 1954 (hereinafter called "the principal Instructions") and the Additional Instructions under Our Sign Manual and Signet to Our said Governors bearing date the eighth day of August, 1957 (hereinafter called "the Instructions of 1957").

2. The principal Instructions are amended by the insertion after clause 4 of the following clause—

Insertion of
clause 4A in
Instructions
of 1954.

"Discharge of Governor's functions by Deputy Governor during absence or illness of Governor. 4A. The Governor shall not authorise the Deputy Governor to discharge any of the functions of the office of Governor under section 15 of the Offices Order during any period in which he expects to be absent from Nigeria or from any other cause prevented from or incapable of discharging the functions of that office unless in his opinion that period is likely to be of short duration."

3. The principal Instructions are amended by the insertion after clause 6 of the following clause—

Insertion of
clause 6A in
Instructions
of 1954.

"Appointment of members of Public Service Commission in Western and Eastern Regions. 6A. Whenever the Governor of the Western Region or the Eastern Region has occasion to appoint a person to be a member of the Public Service Commission of the Region (other than a member who will be required to perform only part-time duties), he shall appoint that person to serve for a period of five years unless he is satisfied that there are special reasons making it desirable for that person to be appointed for a shorter period."

4. Clause 7 of the principal Instructions (as amended by clause 4 of the Instructions of 1957) is amended—

Amendment
of clause 7
of Instruc-
tions of
1954.

(a) by the deletion from paragraph (2) of sub-paragraph (a) and the substitution of the following sub-paragraph—

"(a) in the case of the Governor of the Northern Region, the powers conferred on the Governor by sections 13, 14, 15, 17 and 18 of the Offices Order ;"

(b) by the insertion in paragraph (2) after sub-paragraph (a) of the following sub-paragraph—

"(aa) in the case of the Governor of the Western Region or the Eastern Region, the powers conferred on the Governor by sections 13, 14, 15 and 18 of the Offices Order and the power to make appointments conferred upon him by section 17 of that Order ;" and

(c) by the insertion in paragraph (2) before the word "relates" in sub-paragraph (iii) and sub-paragraph (iv) of the words "in the case of the Governor of the Northern Region,".

Amendment
of clause 8
of Instruc-
tions of
1954.

5.—(1) Clause 8 of the principal Instructions (as amended by clause 5 of the Instructions of 1957) is amended by the deletion from paragraph (1) of the words "The Governor shall not" and the substitution of the words "The Governor of the Northern Region shall not".

(2) Clause 6 of the Instructions of 1957 is revoked.

Amendment
of clause 9
of Instruc-
tions of
1954.

6.—(1) Clause 9 of the principal Instructions is amended—

(a) by deletion from paragraph (1) of the words "The Governor" and the substitution of the words "The Governor of the Northern Region"; and

(b) by the insertion in paragraph (1) after the words "the Executive Council" of the words "of the Region";

(c) by the insertion in paragraph (2) after the words "the Premier" of the words "of the Northern Region"; and

(d) by the insertion in paragraph (2) after the words "the Executive Council" of the words "of the Region".

(2) Clause 7 of the Instructions of 1957 is revoked.

Amendment
of clause 11
of Instruc-
tions of
1954.

7.—(1) Clause 11 of the principal Instructions is amended by the deletion of the words "The Governor shall not" and the substitution of the words "The Governor of the Northern Region shall not".

(2) Clause 8 of the Instructions of 1957 is revoked.

Revocation
of clause 10
of Instruc-
tions of
1957.

8. Clause 10 of the Instructions of 1957 is revoked.

GIVEN at Our Court at Saint James's this First day of April, in the Seventh year of Our Reign.

L.N. 76 of 1958

UNIVERSITY COLLEGE HOSPITAL ORDINANCE, 1952
(No. 26 OF 1952)

Medical Laboratory Trainees Regulations, 1958

Commencement : 10th April, 1958

In exercise of the powers conferred by section 15 of the University College Hospital Ordinance, 1952, the University College Hospital Board of Management, with the approval of the Governor-General, has made the following regulations—

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|--|--|
| 1. These regulations may be cited as the Medical Laboratory Trainees Regulations, 1958. | Citation. |
| 2. It shall be permissible for the University College Hospital to accept nominees of the Regional Governments or of the Federal Government as students in medical laboratory technology. | Students in medical laboratory technology. |
| 3. There shall be payable by the Government concerned an amount of £100 per annum in respect of each such student and a proportion thereof in respect of any portion of a year. | Fees. |

MADE this 4th day of March, 1958.

S. PHILLIPSON,
Chairman

APPROVED this 26th day of March, 1958.

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

EXPLANATORY NOTE

These Regulations provide for the fees payable in respect of Government sponsored students in medical laboratory technology at the University College Hospital, Ibadan.

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L.N. 77 of 1958

ELECTRICITY CORPORATION OF NIGERIA ORDINANCE, 1950
(No. 15 of 1950)Electricity Corporation of Nigeria (Prescribed Sources of Water)
(Oji River) Declaration, 1958*Commencement : 10th April, 1958*

In exercise of the powers conferred by section 51 of the Electricity Corporation of Nigeria Ordinance, 1950, the Governor-General, after consultation with the Council of Ministers, hereby makes the following declaration—

Citation.

1. This declaration may be cited as the Electricity Corporation of Nigeria (Prescribed Sources of Water) (Oji River) Declaration, 1958.

Declaration
of prescribed
source of
water.

2. The river described in the Schedule to this Declaration is hereby declared to be a prescribed source of water for the purposes of the Electricity Corporation of Nigeria Ordinance, 1950.

Regulation 2.

SCHEDULE

The Oji River situated within the Udi, Awka and Awgu Divisions of the Eastern Region, from its source to a point approximately five miles downstream of the Oji River Power Station of the Electricity Corporation of Nigeria being the centre of the ford by which the track between the villages of Okposi-Obinawfia and Eziachi-Ugu-Awba now crosses the said river, which point is marked B on a copy of map Africa sheet NORTH-B 32/H III published by the Federal Survey Department which is deposited in the office of the Permanent Secretary to the Ministry of Lagos Affairs, Mines and Power in Lagos and endorsed with the title of this Declaration.

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

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

EXPLANATORY NOTE

The effect of this declaration is that no person may dam up or otherwise interfere with the source of water described in the Schedule without first serving on the Electricity Corporation a notice stating the works he proposes to undertake, and certain procedure is then followed as set out in section 51 (2) of the Ordinance.

L.N. 78 of 1958

CHILDREN AND YOUNG PERSONS ORDINANCE (CHAPTER 31)

Approved Institution (Mapara Approved School) Declaration, 1958

Commencement : 10th April, 1958

In exercise of the powers conferred by section 18 of the Children and Young Persons Ordinance, the Governor-General has made the following declaration :—

1. This declaration may be cited as the Approved Institution (Mapara Approved School) Declaration, 1958.

Citation.

2. The Mapara Approved School is hereby declared to be an approved institution.

Declaration of Approved Institution.

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

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

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L.N. 79 of 1958

THE NIGERIA (CONSTITUTION) (AMENDMENT)
ORDER IN COUNCIL, 1958

Corrigendum

Section 58 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, published in Nigeria as Legal Notice 58 of 1958, at page B 151 of the Supplement to *Official Gazette Extraordinary* No. 25, Vol. 45, 25th March, 1958, should be read as though the following words, inadvertently omitted from the print, were inserted after the words "(b) by the insertion after that paragraph of the following paragraph :—"

"(b) For the purposes of this subsection a person who is deemed to be a member of the Eastern House of Assembly by virtue of subsection (3) of section 32 of this Order shall be deemed to be an Elected Member of that House."

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