

Assented to in Her Majesty's name this 5th day of April, 1958.

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 2



1958

Federation of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.M.G., G.C.V.O., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO PROVIDE FOR THE TRANSFER OF STATUTORY POWERS AND DUTIES TO MINISTERS, AND TO MAKE MISCELLANEOUS PROVISION FOR THE MANNER OF EXERCISE AND SIGNIFICATION OF SUCH FUNCTIONS.

Title.

[17th April, 1958]

Commence-
ment.

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

Enactment.

1. This Ordinance may be cited as the Ministers' Statutory Powers and Duties (Miscellaneous Provisions) Ordinance, 1958.

Short title.

Power to make orders for the transfer of statutory functions to Ministers.

2. (1) Subject to the provisions of this section, the Governor-General may, in any law enacted by the Federal Legislature or having effect as if it had been so enacted, by Order make such modifications, whether by means of addition, substitution or deletion, as he may think fit for the purpose of—

(a) transferring to a Minister any of the powers and duties which are by such law directly or indirectly conferred or imposed on the Governor-General, the Governor-General in Council, or any public officer (other than the Secretary of State) or which are conferred upon any other Minister; and

(b) making provisions consequential or incidental to any such transfer.

(2) An Order made under this section may include directions (either general or in relation to any particular matter) for the carrying on and completion by the Minister to whom a power or duty is transferred of anything commenced by the authority from whom it is transferred.

(3) Nothing in this Ordinance shall be deemed to empower an Order to be made the effect of which would be to transfer to a Minister any power or duty—

(a) which relates to any matter for which, under the provisions of the Nigeria (Constitution) Order in Council, 1954, or any Order of Her Majesty amending or in substitution for the same, a Minister may not be charged with responsibility, or the Governor-General or some person other than a Minister is charged with responsibility; or

(b) which is conferred by law upon a judge, magistrate, justice of the peace or other officer exercising functions which relate to the administration of justice, or upon the Director of Federal Audit.

(4) A law which has been modified in accordance with an Order made under this section shall be deemed for all purposes to have been amended in accordance with such modification, and the provisions of section 42 of the Interpretation Ordinance (which relates to the reprinting of Ordinances and Laws which have been amended) shall apply to any modification so effected as they do to additions, omissions, substitutions and amendments effected by an amending Ordinance or Law.

Power of delegation.

3. (1) Where by any law enacted by the Federal Legislature or taking effect as if it had been so enacted a Minister is empowered to exercise any powers or perform any duties, he may by a delegation notified in the Gazette depute any of the following officers by name or office to exercise those powers or perform those duties, subject to such conditions, exceptions and qualifications as the Minister may prescribe—

(a) the Permanent Secretary having supervision over a department of government with which the Minister has been charged with responsibility, or any officer who comes directly under the authority of such Permanent Secretary;

(b) any officer of any such department of government;

(c) any officer of the police with the consent of the Governor-General;

(d) any other public officer with the consent of the Minister charged with responsibility for the functions exercised by such officer, or

(e) any officer in the public service of a Region with the consent of the Governor of the Region.

(2) No power to sign warrants, or to make regulations, rules, bye-laws or orders shall be deputed under this section.

(3) Any delegation made under the provision of this section shall be revocable at will and no delegation shall prevent the exercise of any power by the Minister concerned.

4. When any power is given to a Minister to make any declaration or appointment or to give any licence, authorisation, exemption, notice, direction, approval, permission or consent, it shall be sufficient, unless it be otherwise expressed, for the same to be signified under the hand of the Permanent Secretary having supervision over a department of government with which that Minister has been charged with responsibility.

Signification
of acts of
Minister.

5. In respect of any power or duty vested in the Governor-General prior to the making of any Order under section 2, any delegation of such power which shall have been made by the Governor-General in accordance with the provisions of section 33 of the Interpretation Ordinance prior to the making of such Order shall remain in full force and effect until revoked or replaced by the Minister to whom the power or duty is transferred, but the continuance of such a delegation shall not prevent the exercise by such Minister of any such power or duty.

Saving of
existing
delegations.

Cap. 94.

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. 3

1958



Federation of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.M.G., G.C.V.O., K.B.E.

Governor-General and Commander-in-Chief

AN ORDINANCE TO AMEND THE POLICE ORDINANCE (CHAPTER 172 OF THE REVISED EDITION OF THE LAWS, 1948).

Title.

[17th April, 1958]

Commence-
ment.

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

Enactment.

1. This Ordinance may be cited as the Police (Amendment) Ordinance, 1958.

Short title.

Amendment of section 12. Cap. 172.

2. Section 12 of the Police Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion of the words "six years" and the substitution therefor of the following—

"three years".

Amendment of section 14. No. 14 of 1952.

3. Section 14 of the principal Ordinance (as substituted by the Police (Amendment) Ordinance, 1952) is amended by the revocation of subsections (1) and (2) and the substitution therefor of the following—

"(1) Any constable of good character may within six months before completion of his first period of enlistment and with the prescribed approval, re-engage to serve for a further period of six years, and may similarly re-engage for a second period of six years, and may thereafter similarly re-engage either to serve until the expiration of a third period of six years or until he reaches the age of forty-five years (whichever is earlier).

(2) Upon completion of such third period of six years, or if he has re-engaged until reaching the age of forty-five years then upon reaching such age, the constable may if he so desires and with the prescribed approval continue in the Force in the same manner in all respects as if his term of service were still unexpired, except that he may be discharged or may claim a discharge upon six months prescribed notice thereof being given to or by him.

(2A) The prescribed approval referred to in subsections (1) and (2) shall be that of the Governor-General or of a superior Police officer to whom the Governor-General has duly delegated the power to give such approval, and the prescribed notice referred to in subsection (2) shall be given by or to the Governor-General or by or to a superior Police officer to whom the Governor-General has duly delegated the power of giving or receiving such notice."

Amendment of section 22.

4. Section 22 of the principal Ordinance (as substituted by the Police (Amendment) Ordinance, 1952) is amended by the revocation of paragraph (a) of subsection (3) and the substitution therefor of the following—

"(a) on completion of ten or more years continuous service, subject to his having reached the age of forty-five years or being required to retire on medical grounds, an annual allowance calculated at one nine hundred and sixtieth of his annual emoluments at the date of retirement for each completed month of service, or"

5. (1) The relevant provisions of this Ordinance shall apply—

(a) to any constable first enlisted, after the commencement of this Ordinance;

(b) to any police officer below the rank of Inspector of Police who accepts promotion after the commencement of this Ordinance, and

(c) to any police officer below the rank of inspector who is in the Force upon the commencement of this Ordinance and who does not elect in accordance with subsection (2) to remain on his former conditions of service.

(2) Any police officer below the rank of inspector who is in the Force upon the commencement of this Ordinance may by notice in writing within six calendar months of the commencement of this Ordinance elect that the conditions of service applicable to him before the commencement of this Ordinance shall continue to apply as though this Ordinance had not been enacted.

Application to existing officers.

(3) For the purpose of the application of the amendments effected by this Ordinance to a police officer who is in the Force upon the commencement of this Ordinance, such officer shall be deemed to have duly re-engaged after his first period of enlistment of three years, and to have duly re-engaged in accordance with subsection (1) of section 14 of the principal Ordinance as substituted by this Ordinance after such subsequent periods of enlistment of six years as may be appropriate having regard to the length of his service since first enlistment: Provided that--

(a) an officer who has not completed three years since the date of his first enlistment shall be deemed to have been enlisted for three years in accordance with section 12 of the principal Ordinance as amended by this Ordinance, and

(b) an officer who has completed three years but not six years since the date of his first enlistment may upon the completion of six years re-engage for three years as though such were the further period of six years referred to in subsection (1) of section 14 of the principal Ordinance as substituted by 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

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 4



1958

Federation of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.M.G., G.C.V.O., K.B.E.

Governor-General and Commander-in-Chief

AN ORDINANCE TO AMEND THE MINERALS ORDINANCE (CHAPTER 134 OF THE REVISED EDITION OF THE LAWS, 1948).

Title.

[17th April, 1958]

Commence-
ment.

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, 1958.

Short title.

Amendment
of section 2
Cap. 134.

2. Section 2 of the Minerals Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion of the definition of "lessee" and the substitution therefor of the following—

"'lessee' of a mining lease means any person to whom a mining lease has been granted, whether alone or in partnership with others, and the executors, administrators and lawful assigns of any such person ;",

Amendment
of marginal
note,
section 9.

3. Section 9 of the principal Ordinance is amended by the deletion of the marginal note and the substitution therefor of the following—

"Certain holders of licences and rights and certain lessees to appoint a resident attorney."

Amendment
of section 13.

4. Section 13 of the principal Ordinance is amended by the addition after subsection (3) of the following new subsection—

"(4) Where an application has been made for an exclusive prospecting licence, mining right or mining lease the provisions of this section shall apply in respect of such application, and any consequential amendment for such purpose shall be made in Form H of the First Schedule. Upon such assignment being effected and approved, the assignee shall be entitled to any rights which the assignor would otherwise have had in accordance with subsection (1) of section 19, subsection (2) of section 26, subsection (1) of section 27 and subsection (1) of section 33."

Amendment
of section 27.

5. Section 27 of the principal Ordinance is amended by the repeal of subsection (4) and the substitution therefor of the following new subsection (4)—

"First
Schedule.

(4) A mining right shall be in Form E in the First Schedule with any necessary modification concerning the period of validity of the right, and shall remain in force for such period of not less than one year and not exceeding five years from the date thereof as may be decided on by the Minister, but may be renewed by the Minister for any further period within such limits."

Amendment
of section 83.

6. Section 83 of the principal Ordinance is amended by being re-numbered as subsection (1) and by the addition thereafter of the following new subsection—

"(2) In section 82 and this section references to a person who constructs a road shall be interpreted as also referring to a person who maintains a road to which section 82 and this section apply, and either the person constructing or the person maintaining a road may close the same for the purpose of maintenance, and may by notice disclaim liability for damage or injury occurring by reason of any inadequacy of such road and shall there-

upon not be liable to any person to whom such notice shall have been given. A person constructing or maintaining a road shall display and keep displayed adequate notices drawing attention to any bridges or culverts and to any precautions necessary in the use of the same and any person using a motor vehicle who neglects to take precautions that are so notified shall be liable to reimburse the cost of any damage thereby occasioned to a bridge or culvert."

7. Section 96 of the principal Ordinance is repealed and the following new section substituted therefor—

Amendment of section 96.

"Definition of serious injury.

96. For the purpose of this Part "serious injury" means—

- (a) a fractured skull, pelvis, arm or thigh, or spine, fore-arm or leg;
- (b) a dislocated shoulder;
- (c) the amputation of an arm, hand, or of one finger or more on the same hand, or of a leg or foot;
- (d) the loss of the sight of an eye;
- (e) any other serious bodily injury, including internal haemorrhage, or burns or asphyxia, if such injury is likely to endanger life, cause permanent incapacity or impair efficiency substantially."

8. The principal Ordinance is amended by the addition after section 121A of the following new section—

Addition of new section 121B.

"Minister's power to delegate.

121B. (1) Without prejudice to any other power of delegation, the Minister may by notice in the Gazette delegate to a Regional Minister the exercise of any power or duty within that Region conferred or imposed upon him under this Ordinance, other than any power to make regulations: Provided that any such delegation shall only be made if the Governor in Council of the Region concerned shall first have resolved that the exercise of such power or duty by the Regional Minister shall be in accordance with any general conditions of policy that may be stipulated by the Minister.

(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 Minister himself."

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

V

J. W. ROBERTSON,
Governor-General

(L.S.)



No. 10

1958

Federation of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.M.G., G.C.V.O., K.B.E.

Governor-General and Commander-in-Chief

AN ORDINANCE TO PROVIDE FOR THE RAISING OF A LOAN, FROM THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, BY THE GOVERNMENT OF THE FEDERATION FOR THE BENEFIT OF THE NIGERIAN RAILWAY CORPORATION AND FOR MATTERS INCIDENTAL THERETO.

Title.

[17th April, 1958]

Commence-
ment.

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

Enactment.

1. This Ordinance may be cited as the Railway Loan (International Bank) Ordinance, 1958.

Short title.

Interpretation.

2. In this Ordinance, unless inconsistent with the context—

“International Bank” means the International Bank for Reconstruction and Development ;

“Nigerian Corporation” means a body incorporated by an Ordinance enacted or deemed to have been enacted by the Federal legislature.

Borrowing from International Bank.

3. (1) Subject to the provisions of this Ordinance, the Governor-General may, in such manner and on such terms and subject to such conditions as he thinks fit, and in the name of the Government of the Federation, borrow from the International Bank a sum not exceeding Fifteen Million Pounds sterling or its equivalent in other currencies.

(2) For the purpose of subsection (1) a loan which is authorised by and made in pursuance thereof—

(a) shall be deemed to be made on the date that any agreement providing therefor is signed, notwithstanding any other date on which the loan or any part thereof may be made available or may be drawn, and

(b) shall be deemed to be in such amount of pounds sterling as is the equivalent, at the rate of exchange in force at the date of such signature, to the amount of the loan as expressed in the currency in which the loan is denominated in or for the purpose of such agreement.

Schedule.

(3) The money raised under the authority of this Ordinance shall be appropriated and applied to the purposes specified in the Schedule: Provided that where in the opinion of the Governor-General it is not possible in respect of any part of such money to apply it for the purposes so specified, such part may be applied to such other purposes as may be approved by him and agreed by the Secretary of State and the International Bank.

(4) Any allocation of this loan to the Nigerian Railway Corporation shall be paid by the Treasury to the Nigerian Railway Corporation out of the general revenues and assets of the Federation, which are hereby appropriated to the purpose.

(5) The power to borrow conferred by subsection (1) shall be in addition to the power to borrow conferred by any other Ordinance.

(6) A copy of any agreement concluded with the International Bank in respect of any sums borrowed under the provisions of subsection (1) shall be laid before the House of Representatives within thirty days of the conclusion thereof or, if the House of Representatives is not sitting at a time when such may be done, then within fifteen days after the commencement of its next sitting.

Payment of subsequent expenses, etc.

4. The Nigerian Railway Corporation shall pay to the Government of the Federation management expenses of the loan, the interest payable thereon, and the amortization charges and any other charges payable in respect thereof.

Sums borrowed and interest and other charges to be a charge on general revenues.

5. (1) All sums borrowed under the powers conferred by subsection (1) of section 3, and all interest and other charges payable thereon respectively, shall be a charge on and shall be payable out of the general revenue and assets of the Federation, which are hereby appropriated to the purpose.

(2) The Treasury shall—

(a) repay out of the general revenues and assets of the Federation such sum or sums as may be necessary for securing repayment of any sum so borrowed in accordance with the amortization charges thereon ; and

(b) pay out of the general revenues and assets of the Federation such sum or sums as may be necessary for securing payment of interest on any sum so borrowed and of all other charges payable in respect thereof, and any such sums shall be a charge on the general revenues and assets of the Federation.

6. Any sum paid out of the Consolidated Fund of the United Kingdom on account of any guarantee given in respect of any sum borrowed under the powers conferred by subsection (1) of section 3 shall be repaid in such manner and over such period as may be appointed by Her Majesty's Treasury in the United Kingdom after consultation with the Governor-General, together with interest at such rate as may be fixed by Her Majesty's Treasury in the United Kingdom after such consultation, and shall be a charge jointly and severally on the general revenues and assets of the Federation and of the Nigerian Railway Corporation.

Repayment of sums paid under guarantee.

7. Notwithstanding anything contained in any Ordinance or Law, the Governor-General may issue such instruments, including bonds, as may be necessary for the purpose of any agreement which may be entered into with the International Bank in respect of the borrowing authorised by subsection (1) of section 3.

Power to issue instruments including bonds.

8. (1) Notwithstanding anything contained in any Ordinance or Law, the Governor-General may exercise all such powers and authorities and do or cause to be done all such things as appear to him to be necessary for giving full and complete effect to any agreement which may be entered into with the International Bank in respect of the borrowing authorised by subsection (1) of section 3.

Implementation of obligations under agreement.

(2) A Nigerian Corporation shall not, without the consent of the Governor-General, create any lien on any of its assets as security for any loan raised by it outside the Federation unless it is expressly provided that the lien will *ipso facto* equally and rateably secure the payment of the principal of and interest and other charges on any loan made by the International Bank and raised under the authority of this Ordinance.

(3) In this section—

"lien" includes mortgages, pledges, charges, privileges and priorities of any kind.

SCHEDULE

(Section 3)

AUTHORISED PURPOSES

To provide finance for the extension of the railway system to the province of Bornu and for other capital development of the Nigerian Railway Corporation.

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.

Assented to in Her Majesty's name this 19th day of April, 1958.

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 11

1958



Federation of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.M.G., G.C.V.O., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE FURTHER TO AMEND THE NIGERIAN RAILWAY CORPORATION
ORDINANCE, 1955 (No. 20 OF 1955).

[By Notice, see section 1]

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

1. This Ordinance may be cited as the Nigerian Railway Corporation
(Amendment) Ordinance, 1958, and shall come into operation on a day to be
appointed by the Governor-General by notice in the Gazette.

Title.

Commence-
ment.

Enactment.

Short title
and
commence-
ment.

Insertion of new paragraph in section 5 of principal Ordinance No. 20 of 1955.

Amendment of section 6 of principal Ordinance.

Repeal and replacement of section 10 of principal Ordinance.

2. Section 5 of the Nigerian Railway Corporation Ordinance, 1955 (hereinafter referred to as the principal Ordinance) is amended by the addition thereto of the following new paragraph—

“(c) the General Manager of the Corporation appointed in accordance with the provisions of section 10, who shall be a member of the Corporation *ex officio* but shall have no right to vote at any meeting of the Corporation on any question falling to be decided at such meeting.”.

3. Section 6 of the principal Ordinance is amended by the deletion, in subsection (1), of the words—

“, or absence from Nigeria,”.

4. Section 10 of the principal Ordinance is repealed and the following section is substituted therefor :

“Appointment and functions of General Manager.

10. (1) The undertaking of the Corporation shall be under the immediate management and control of a servant of the Corporation to be known as the General Manager.

(2) The General Manager shall be appointed by the Corporation and shall be a person appearing to the Chairman to have had wide experience of railway management.

(3) The Corporation shall delegate to the General Manager 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, shall delegate to him the power to exercise supervision and control over the acts and proceedings of all servants of the Corporation in matters of executive administration and in matters concerning the accounts and records of the Corporation, and, subject to any general restrictions which may be imposed by the Corporation, the power to dispose of all questions relating to the service of the said servants and their pay, privileges and allowances.

(4) The General Manager shall submit to the Corporation for its decision—

(a) draft estimates of revenue and expenditure ;

(b) schemes relative to any extension of the railway route mileage ; and

(c) major questions of policy in connection with the management and operation of the undertaking.

(5) The General Manager shall not, without the prior approval of the Corporation,—

(a) incur expenditure other than that provided for in the estimates of expenditure approved by the Corporation beyond such limits as may be determined by the Corporation ; or

(b) make any substantial changes in the organisation of the undertaking.

(6) The General Manager may, unless otherwise directed by the Corporation, delegate to any railway servant or agent any of the functions delegated to him.”.

5. Paragraph 7 of the schedule to the principal Ordinance is amended—
(a) by the insertion after sub-paragraph (1) of the following—

Amendment
of Schedule
to principal
Ordinance

“(1A) During the temporary incapacity from illness or absence from Nigeria of the Chairman the Secretary may convene an extraordinary meeting of the Corporation.”;

(b) by the deletion of sub-paragraph (4) and the substitution thereof of the following—

“(4) At every meeting of the Corporation the Chairman, or the temporary Chairman if the Minister has appointed one, shall preside, but in the absence of the Chairman or the temporary Chairman, as the case may be, the Corporation shall appoint one of the members present to preside.”;

(c) by the deletion of sub-paragraph (6) and the substitution thereof of the following—

“(6) The member presiding at any meeting shall have a vote and, in the case of an equality of votes, a second or casting vote.”.

6. Notwithstanding the provisions of subsection (2) of section 10 of the principal Ordinance, as substituted by this Ordinance, the first person to be appointed General Manager after the date on which this Ordinance comes into operation shall be appointed by the Minister and shall, subject to the provisions of the principal Ordinance, hold and vacate his office in accordance with the terms of the instrument appointing him to be General Manager.

Transitional
provision
for appoint-
ment of
General
Manager.

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 9th day of April, 1958.

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 5



1958

Federation of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II
SIR JAMES WILSON ROBERTSON, G.C.M.G., G.C.V.O., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO AMEND THE MINERAL OILS ORDINANCE (CHAPTER 135
OF THE REVISED EDITION OF THE LAWS, 1948).

Title.

[24th April, 1958]

Commence-
ment.

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

Enactment.

1. This Ordinance may be cited as the Mineral Oils (Amendment)
Ordinance, 1958.

Short title.

Amend-
ment of
section 6,
Cap. 135.

2. Section 6 of the Mineral Oils Ordinance is amended—

(a) by the repeal of paragraph (a) of subsection (1);

(b) by the addition after subsection (2) of the following new subsection—

“(3) The Governor-General may waive the restriction specified in paragraph (b) of subsection (1) in respect of any lease or licence if there is provision therein that the lessee or licensee may be required (unless he is able to show that he would incur substantial tax disabilities by so doing) to form a company incorporated in Nigeria at any time after five years from the date of the first commercial export of oil from Nigeria for the purpose of transferring to such locally incorporated company the rights exercised under such lease or licence.”.

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



1958

Federation of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.M.G., G.C.V.O., K.B.E.

Governor-General and Commander-in-Chief

AN ORDINANCE TO AMEND THE ELECTRICITY CORPORATION OF NIGERIA
ORDINANCE, 1950 (ORDINANCE NO. 15 OF 1950).

Title.

[24th April, 1958]

Commence-
ment.

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

Enactment.

1. This Ordinance may be cited as the Electricity Corporation of
Nigeria (Amendment) Ordinance, 1957.

Short title.

Amendment
of section
24A. (Ord. 15
of 1950
amended by
Ord. 32 of
1956).

2. Section 24A of the Electricity Corporation of Nigeria Ordinance, 1950, is amended by the insertion immediately after the words "Chief Executive Officer" wherever these words appear therein of the words "and General Manager".

—————
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

ARRANGEMENT OF SECTIONS

PART I—INTRODUCTORY

Section

1. Short title, commencement and application.
2. Interpretation.

PART II—LICENSING

3. Prohibited firearms.
4. Personal firearms.
5. Muzzle-loading firearms may be prohibited except under licence.
6. Muzzle-loading firearms prohibited in Lagos except under licence.
7. Licences and permits not granted as of right.
8. Safe custody of firearms.
9. Ammunition.

PART III—SALE AND TRANSFER

10. Prohibition on dealing in arms or ammunition except by registered dealer.
11. Registered dealers' armouries.
12. Sale only to person holding licence.
13. Stamping of all firearms sold.

PART IV—PUBLIC ARMOURIES

14. Establishment of public armouries.
15. Deposit in and withdrawal from public armoury.
16. Disposal in certain cases of deposited arms or ammunition.
17. Damage or loss.

PART V—IMPORT AND EXPORT

18. Import and export through prescribed ports.
19. Import and export of prohibited firearms and ammunition.
20. Restriction on import of personal firearms and ammunition.
21. Import by post prohibited.
22. Restrictions on export of firearms and ammunition.

PART VI—MANUFACTURE AND REPAIR OF ARMS

23. Manufacture prohibited.
24. Permits for repair of personal firearms.
25. Permits for repair of muzzle-loading firearms.
26. Dealer may repair.
27. Shortening of smooth-bore firearms prohibited.

PART VII—ENFORCEMENT OF ORDINANCE*Section*

28. Penalties.
29. Production of licence.
30. Time for compliance.
31. Power to break open container.
32. Protection of public officers.

PART VIII—REGULATIONS AND OTHER POWERS

33. Power to make regulations.
34. Power to amend Schedule.
35. Delegation.
36. Governor-General may prohibit possession or dealing.
37. Seizure of unclaimed arms and ammunition.

PART IX—SAVINGS AND REPEAL

38. Exemption from necessity for firearms licence.
39. Armed forces and police.
40. Repeal.
41. Transitional.

SCHEDULE

- Part I—Prohibited firearms.
- Part II—Personal firearms.
- Part III—Muzzle-loading firearms.

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 7

1958



Federation of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.M.G., G.C.V.O., K.B.E.

Governor-General and Commander-in-Chief

AN ORDINANCE TO MAKE PROVISION FOR REGULATING THE POSSESSION OF AND DEALING IN FIREARMS AND AMMUNITION INCLUDING MUZZLE-LOADING FIREARMS, AND FOR MATTERS ANCILLARY THERETO.

Title.

[By Notice—see Section 1]

Commence-
ment.

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

Enactment.

PART I—INTRODUCTORY

Short title,
commence-
ment and
application.

1. (1) This Ordinance may be cited as the Firearms Ordinance, 1958, and shall come into operation upon a date to be appointed by the Governor-General by notification in the *Gazette*.

(2) This Ordinance shall have effect throughout the Federation, and in respect of any reference to a Region or a Regional authority shall except where the context otherwise requires apply to and in respect of Lagos and the Southern Cameroons as though they were Regions.

Interpreta-
tion.

2. In this Ordinance, except where the context otherwise requires—

“ammunition” means ammunition for any firearm and any component part of any such ammunition, but does not include gun powder or trade powder not intended or used as such a component part;

“firearm” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, and includes a prohibited firearm, a personal firearm and a muzzle-loading firearm of any of the categories referred to in Parts I, II and III respectively of the Schedule hereto, and any component part of any such firearm;

Schedule.

“public armoury” means a place or building established or recognised as a public armoury in accordance with section 14.

PART II—LICENSING

Prohibited
firearms.
Schedule,
Part I.

3. No person shall have in his possession or under his control any firearm of one of the categories specified in Part I of the Schedule hereto (hereinafter referred to as a prohibited firearm) except in accordance with a licence granted by the Governor-General acting in his discretion.

Personal
firearms.
Schedule,
Part II.

4. No person shall have in his possession or under his control any firearm of one of the categories specified in Part II of the Schedule (hereinafter referred to as a personal firearm) except in accordance with a licence granted in respect thereof by the Inspector-General of Police, which licences shall be granted or refused in accordance with principles decided upon by the Governor-General in Council.

Muzzle-
loading fire-
arms may be
prohibited
except under
licence.

5. (1) This section shall not have effect in respect of the Federal Territory of Lagos.

(2) The Commissioner of Police of a Region, with the consent of the Governor of the Region in respect of the Region or any part thereof, and the Inspector-General of Police with the consent of the Commissioner of the Cameroons in respect of the Southern Cameroons or any part thereof, may by order prohibit the possession or control of any firearm of the categories specified in Part III of the Schedule (hereinafter referred to as a muzzle-loading firearm) without the licence of an authority to be specified in such order.

Schedule.
Part III.

(3) Upon the making of an order under subsection (2) no person shall within any area specified in such order have in his possession or under his control a muzzle-loading firearm without a licence granted in respect thereof by the appropriate authority in accordance with regulations made under section 33.

(4) An authority specified in an order made under subsection (2) shall render such periodical returns as may be required by regulations.

(5) The grant of a licence in respect of a muzzle-loading firearm in respect of which application has been duly made shall not be refused except for one of the reasons specified in subsection (2) of section 7.

6. No person shall within the Federal Territory of Lagos have in his possession or under his control a muzzle-loading firearm without a licence from the Inspector-General of Police.

Muzzle-loading firearms prohibited in Lagos except under licence.

7. (1) Subject to the provisions of subsection (5) of section 5, no person shall, as of right, be entitled to the grant of any licence or permit under this Ordinance, and the authority having the function of granting such licence or permit may without being bound to assign any reason therefor refuse the grant of such licence or permit or, subject to the provisions of any regulations made under section 33, may impose such terms or conditions as he may think fit, and may revoke such licence or permit for such cause as he may consider appropriate: Provided that any person aggrieved by any such decision, other than a decision by the Governor-General, may appeal in writing to the Governor-General acting in his discretion whose decision thereon shall be final.

Licences and permits, etc., not granted as of right.

(2) Notwithstanding the provisions of subsection (1), no licence or permit under the provisions of this Ordinance shall be granted if there is reason to believe that the applicant or holder of the licence—

- (a) is under the age of seventeen;
- (b) is of unsound mind;
- (c) is not fit to have possession of the firearm in question on account of defective eyesight;
- (d) is a person of intemperate habits;
- (e) has during the previous five years been convicted of an offence involving violence or the threat of violence.

8. (1) The owner of a firearm in respect of which a licence or permit has been granted in accordance with the provisions of this Ordinance shall be responsible for the safe custody of the firearm to which the licence or permit relates.

Safe custody of firearms.

(2) The owner of such firearm, in the case of loss, theft or destruction of such firearm, shall notify such loss, theft or destruction and the circumstances thereof within fourteen days of being aware thereof to the authority who issued the licence or permit, and shall at the same time surrender the licence or permit for such action as such authority may consider necessary.

(3) Upon the death of the holder of a licence or permit a person lawfully in possession of the chattels of the deceased or a person to whom a firearm or ammunition therefor has been bequeathed may notwithstanding any other provision of this Ordinance lawfully have in his possession a firearm or ammunition in respect of which the deceased person held a licence or permit for a period of fourteen days after such death: Provided that the Inspector-General of Police may if he thinks fit seize such firearm or ammunition and retain or deposit the same in a public armoury until a licence or permit shall have been granted in respect thereof.

9. (1) No person shall have in his possession or under his control any ammunition in respect of any firearm referred to in the Schedule except in accordance with the terms of a licence or permit granted to him and in force in respect of such firearm.

Ammunition.

(2) This section shall apply in respect of all ammunition as defined in section 2, except—

(a) ammunition for a muzzle-loading firearm in the possession or under the control of a person outside Lagos and in any area not for the time being the subject of an order in accordance with section 5 ;

(b) lead shot for use only as a weight or weights ;

(c) blank cartridges (other than those for humane killers) not exceeding one inch in diameter.

PART III—SALE AND TRANSFER

10. (1) No person shall by way of trade or business buy or sell or transfer or expose for sale or transfer or have in his possession for sale or transfer any firearm unless he is registered as a firearms dealer.

(2) No person shall by way of trade or business buy or sell or transfer or expose for sale or transfer or have in his possession for sale or transfer any ammunition, other than the ammunition specified in paragraphs (a) to (c) of subsection (2) of section 9, unless he is registered as a firearms dealer.

(3) For the purpose of this section the Inspector-General of Police shall cause to be kept a register or registers of firearms dealers and shall upon due application enter therein the name of any person applying to be registered and each place where such person carries on business as such dealer : Provided that no registration shall take place, and a registration which has taken place shall be cancelled—

(a) if the officer in charge of the register is satisfied that the applicant cannot be permitted to carry on business as a firearms dealer without danger to the public safety or the peace, or

(b) in respect of any premises which do not comply with the requirements prescribed by regulations made under section 33.

(4) The Governor-General in Council may without being bound to assign any reason therefor direct that registration in accordance with this section shall not take place in respect of any person or persons, or in respect of any place or area, and may in like manner direct that any such registration shall be cancelled.

11. (1) A registered firearms dealer shall construct in accordance with the requirements prescribed by regulations under section 33 and maintain in proper repair an armoury at each place in respect of which he carries on business.

(2) A registered firearms dealer shall keep up to date at each place where he carries on business such records and shall make such returns in respect thereof as may be prescribed.

(3) A registered firearms dealer, in the case of loss, theft or destruction of a firearm in his possession, shall notify such loss, theft or destruction as soon as possible and in any case within seven days thereof to the Inspector-General of Police.

(4) A registered firearms dealer shall permit inspection of each place where he carries on business and the records maintained thereat by a police officer upon production by such officer of the written authority of the Inspector-General of Police.

Prohibition on dealing in arms or ammunition except by registered dealer.

Registered dealers' armouries.

12. No person, whether a registered firearms dealer or not, shall sell or transfer any firearm or ammunition to any person other than to another registered firearms dealer (and then only after prior notification by both dealers to the Inspector-General of Police) without the production of a licence or permit by such person authorising the possession of such firearm or ammunition: Provided that regulations made in accordance with section 33 may permit the sale or transfer of a firearm or ammunition by a registered firearms dealer to a person not the holder of a licence or permit intending to obtain such licence or permit in another part of Nigeria, upon conditions to be prescribed in such regulations.

Sale only to person holding licence.

13. (1) No person, whether a registered firearms dealer or not, shall sell or transfer any firearm unless there shall have been stamped permanently thereon the maker's name and number or such other particulars as may be prescribed, and unless such name or number is specified in any licence or permit produced in accordance with section 12.

Stamping of all firearms sold.

(2) No person, whether a registered firearms dealer or not, shall alter or render illegible the maker's name or number or other prescribed particulars stamped upon a firearm without the previous consent in writing of the Inspector-General of Police.

PART IV—PUBLIC ARMOURIES

14. The Governor-General may by notice in the *Gazette* establish or recognise public armouries for the deposit of firearms and ammunition and prescribe the officers to be in charge thereof.

Establishment of public armouries.

15. Firearms and ammunition may be deposited in a public armoury in accordance with regulations made under section 33 and shall not be withdrawn therefrom save in accordance with such regulations.

Deposit in and withdrawal from public armoury.

16. (1) No firearm or ammunition shall remain deposited in a public armoury for a period in excess of eighteen months.

Disposal in certain cases of deposited arms or ammunition.

(2) No firearm or ammunition shall remain deposited in a public armoury for a period exceeding two months after an application for a licence in respect thereof has been refused, or after a licence in respect of the same has been revoked.

(3) Notwithstanding the provisions of subsections (1) and (2), the officer in charge of a public armoury may in his discretion in either such case permit deposit for a further period not exceeding twelve months if in his opinion the owner has the intention of removing or disposing of such firearm or ammunition lawfully and is likely to have an opportunity to do so.

(4) After giving two months' notice in the *Gazette* of his intention to do so, the officer in charge of a public armoury may, in such manner as may be directed by the Inspector-General of Police, dispose of any firearm or ammunition—

(a) which is deposited in contravention of subsections (1) or (2), as modified by subsection (3); or

(b) upon which the fees for such deposit have been unpaid for three months; or

(c) of which the owner is unknown or within four weeks does not reply to an enquiry posted to his last known address.

Damage or loss.

17. (1) The Inspector-General of Police and the officer in charge of a public armoury shall not be responsible for any deterioration or damage caused to any firearm or ammunition deposited in a public armoury, but in manner to be prescribed by regulations shall permit the owner and any person authorised by the owner to have access if he so requires for the purpose of inspection, cleaning or maintenance of a firearm or of ammunition therefor.

(2) No compensation shall be made to the owner of any firearms or ammunition deposited in a public armoury by reason of any damage occasioned thereto by any natural or accidental cause.

PART V—IMPORT AND EXPORT

Import and export through prescribed ports. L.N. 108 of 1955.

18. No person shall import any firearms or ammunition into Nigeria by sea or by air or export the same therefrom by sea or by air except through a port which is a port for the purposes of the customs laws or an airport duly designated under Article 60 of the Colonial Air Navigation Order, 1955, nor import or export the same by land except through a prescribed town adjacent to the land frontier or by the shortest route from the nearest part of the frontier to such a prescribed town.

Import and export of prohibited firearms and ammunition.

19. No person shall import or cause to be imported or export or cause to be exported any firearms referred to in Part I of the Schedule or ammunition therefor except in accordance with a licence duly granted by the Governor-General who may grant or refuse the same in his discretion and impose such terms and conditions as he may think fit.

Restriction on import of personal firearms and ammunition.

20. No person shall import or cause to be imported any firearms or ammunition referred to in Part II or Part III of the Schedule unless he declares the same to a customs officer or other prescribed officer at the time of importation and—

(a) unless he produces to such customs officer or other prescribed officer a licence to possess such firearms or ammunition; or

(b) he imports the same as part of his personal effects and completes a prescribed form of declaration that his destination is within Nigeria but is in excess of twenty miles from the place of importation and that he will surrender such firearm or ammunition to a specified authority or at a public armoury at or near his destination in accordance with such declaration and with the terms of a permit for temporary possession thereof to be issued by the Inspector-General of Police: Provided that the Inspector-General of Police may in his discretion require the surrender of such firearm or ammunition for the purpose of transmission by official channels to such specified authority or public armoury; or

(c) he imports the same as part of his personal effects and is in transit to some country outside Nigeria and either surrenders the same to the customs or police authority while he is in Nigeria or obtains a permit for temporary possession during such period of transit; or

(d) he is a registered firearms dealer, or a person referred to in paragraph (c), (d) or (e) of subsection (2) of section 38, and imports the same in accordance with an import licence duly granted by the Inspector-General of Police who may grant or refuse the same in his discretion, subject to a like appeal as that provided for in section 7, and who may impose such terms and conditions as he may think fit; or

(e) he gives an undertaking in writing that he will forthwith apply for a licence in accordance with section 4 and surrenders such firearm or ammunition for deposit in a public armoury pending a decision upon such application.

21. No person shall import or cause to be imported any firearms or ammunition by post.

Import by post prohibited.

22. No person shall export or cause to be exported any firearms or ammunition referred to in Part II or Part III of the Schedule unless he declares the same to a customs officer or other prescribed officer at the time of export and produces the licence or permit held in respect thereof for surrender or endorsement, or otherwise satisfies such customs or other prescribed officer that he is lawfully in possession thereof.

Restrictions on export of firearms and ammunition.

PART VI—MANUFACTURE AND REPAIR OF ARMS

23. Subject to the provisions of sections 24 to 26 no person shall manufacture, assemble or repair any firearms or ammunition except at a public armoury or at arsenals established for the purposes of the armed forces of the Crown with the consent of the Governor-General, acting in his discretion.

Manufacture prohibited.

24. The Inspector-General of Police may in his discretion grant a permit to any person to carry on the business of repairing firearms referred to in Part II of the Schedule, and shall maintain a register of such permits in force.

Permits for repair of personal firearms.

25. The Inspector-General may, with the consent of the Governor of the Region, and with the consent of the Commissioner of the Cameroons in case of the Southern Cameroons, in his discretion grant a permit to any person to carry on the business of manufacture and repair of the firearms referred to in Part III of the Schedule, and shall maintain a register of such permits in force.

Permits for repair of muzzle-loading firearms.

26. A registered firearms dealer shall be deemed to be the holder of a permit for the repair of the weapons referred to in Parts II and III of the Schedule subject to any conditions prescribed by regulations.

Dealer may repair.

27. No person shall shorten the barrel of a smooth-bore firearm to a length of less than twenty inches from the muzzle to the point at which the charge is exploded on firing, and no person shall have in his possession or under his control any smooth-bore firearm which has been so shortened, or manufacture a smooth-bore firearm having such a barrel of less than twenty inches.

Shortening smooth-bore firearms prohibited.

PART VII—ENFORCEMENT OF ORDINANCE

28. A person who contravenes any of the provisions of sections 3, 4, 5 (3), 6, 8 (2), 9, 10 (1), 11 to 13, 18 to 22, 23 or 27 shall be guilty of an offence and upon conviction be liable to a fine of two hundred pounds or imprisonment for twelve months or to both such fine and imprisonment, and in addition the court may order the forfeiture of any firearm or ammunition to which the offence relates unless such firearm or ammunition appears to be the property of a person not privy to the offence, and any such forfeited firearm or ammunition shall be disposed of in accordance with the instructions of the Inspector-General of Police.

Penalties.

Production of licence.

29. The holder of any licence or permit granted in accordance with the provisions of this Ordinance shall produce the same, and if so required any firearm or ammunition to which such licence or permit relates, upon the request of a police officer, and in default shall be liable upon conviction to a fine of fifty pounds or imprisonment for six months.

Time for compliance.

30. Reasonable time shall be given by a police officer for compliance with the provisions of section 29.

Power to break open container. Cap. 43.

31. An officer executing a search warrant under the Criminal Procedure Ordinance may open and if necessary break open any container upon the premises the subject of the warrant for the purpose of ascertaining whether any firearm or ammunition is contained therein, and the officer in charge of a public armoury shall have similar power for a similar purpose in respect of any container in a public armoury.

Protection of public officers.

32. (1) The prescribed authorities and officers in charge of public armouries in Nigeria are hereby authorised and empowered to take all such necessary action and to do all such things as the efficient execution of any of the provisions of this Ordinance may reasonably require.

(2) Where any proceedings whether civil or criminal are brought against any public officer in respect of any act done in pursuance of the provisions of this Ordinance or any regulations made hereunder it shall be a good defence to prove that there was reasonable and probable cause for the act in respect of which such proceedings are brought.

PART VIII—REGULATIONS AND OTHER POWERS

Power to make regulations.

33. (1) The Governor-General, after consultation with the Council of Ministers, may by regulations provide for—

(a) the method of application for and the terms and conditions which shall be attached to any licence or permit granted, and to any registration effected, under this Ordinance, and the renewal and revocation of any such licence, permit or registration;

(b) the records which shall be kept and returns to be made by a registered firearms dealer;

(c) the records which shall be kept and returns to be made by authorities granting licences in respect of muzzle-loading firearms;

(d) requirements as to the buildings in which a registered firearms dealer shall carry on his business, and as to the structural and safety and security requirements of an armoury maintained by a dealer;

(e) the procedure upon sale or transfer by a registered firearms dealer of firearms or ammunition which will be subject to licensing procedure in another part of Nigeria;

(f) the stamping or marking of firearms and the method thereof;

(g) the conditions or circumstances in which deposit must be made or may be made in a public armoury and the conditions of and method for withdrawal therefrom;

(h) the conditions under which the provisions of this Ordinance may be modified in respect of rifle clubs in accordance with section 38;

(i) the total or partial exemption from the provisions of this Ordinance of any type of air-gun, air-rifle or air-pistol (and ammunition therefor) the use or possession of which is considered to involve no danger or little danger, and any conditions to be attached to such exemption;

(j) prescribing anything which by this Ordinance has to be prescribed ;
 (k) prescribing forms ;
 (l) subject to subsections (2) and (3), prescribing fees or minimum fees ;
 and generally for the better carrying out of the purposes of this Ordinance.

(2) The Governor in Council of a Region, and the Governor-General acting in his discretion in respect of the Southern Cameroons, may by regulations provide for the fees to be paid in respect of the licensing of personal firearms in the Region and in the Southern Cameroons respectively.

(3) The proceeds of any fees in respect of the licensing of muzzle-loading firearms in accordance with section 5 shall be retained by the authority collecting such fees in augmentation of the funds of such authority.

34. The Governor-General, after consultation with the Council of Ministers, may by order amend any part of the Schedule.

Power to
amend
Schedule.

Delegation.

35. The Inspector-General may by notice in the *Gazette* delegate all or any of the powers or duties conferred upon him by this Ordinance, other than this power of delegation, to any police officer or police officers, subject to such conditions, exceptions and qualifications and in respect of such parts of the Federation as may therein be prescribed, and during the period of such a delegation a reference in this Ordinance to the Inspector-General of Police shall be deemed to include a reference to any police officer or police officers to whom the relevant power or duty has been delegated.

36. (1) The Governor-General if he thinks fit may at any time by proclamation prohibit the possession of or dealing in any firearms or ammunition, either throughout the Federation or in any part thereof, and either absolutely or except subject to such restrictions or conditions as may be specified.

Governor-General may
prohibit
possession
or dealing.

(2) A proclamation under subsection (1) may require the surrender of firearms and ammunition within a specified time and to a specified authority, and any person neglecting to make such surrender, or being in possession of or dealing in any firearm or ammunition during the period that such proclamation is in force, shall be guilty of an offence and shall be liable to a penalty of five hundred pounds or imprisonment for two years, or to both such fine and imprisonment.

37. A police officer may seize any firearm or ammunition of which the owner is unknown or cannot be traced, and shall in such case deposit the same in a public armoury.

Seizure of
unclaimed
arms and
ammunition.

PART IX—SAVINGS AND REPEAL

38. (1) The provisions of this section shall have effect notwithstanding the provisions of Part II of this Ordinance.

(2) A person specified in any of the following paragraphs, subject to any limitation specified in such paragraph, may acquire or have in his possession a firearm and ammunition therefor without having a firearms licence, whilst such firearm or ammunition is not used for other than the specified purpose or other than its proper purpose—

Exemption
from
necessity for
firearms
licence.

(a) a registered firearms dealer, or person employed by him, in respect of a firearm or ammunition therefor acquired in his possession in the ordinary course of business ;

(b) the holder of a permit for the manufacture or repair of firearms, subject to the terms of such permit, and in respect of a firearm or ammunition therefor acquired or in his possession in the ordinary course of business ;

(c) a person requiring to use a riveting gun, or mechanical tool of some other nature which may come within the definition of a firearm, in respect of such gun or other tool ;

(d) a person on board a ship or aircraft, or at a port or aerodrome, in respect of signalling apparatus necessary for such ship or aircraft, or necessary at such port or aerodrome ;

(e) a member of a rifle club approved by the Inspector-General of Police, or of a unit of a cadet force so approved, when engaged as such a member in drill or target practice or under instruction in respect of any firearm or ammunition necessary for such drill or practice ;

(f) a person taking part in the production of a theatrical or cinematograph performance in respect of a firearm or ammunition necessary for such purpose ;

(g) a person having a firearm or ammunition for the purpose of starting events at an athletic meeting in respect of a firearm or ammunition designed for such purpose ;

(h) a person having a firearm or ammunition therefor designed for the capture of fish by a diver under water in respect of such firearm or ammunition.

Armed forces
and police.

39. The provisions of this Ordinance shall not apply to any member of the armed forces of the United Kingdom or of the Federation, or to a member of the police force, in relation to any firearm or ammunition issued to him for official purposes, and an officer of such armed forces or of the police force shall, if the Inspector-General is satisfied that he is required to purchase or acquire a firearm or ammunition therefor for his own use in his capacity as such officer, be entitled without payment of any fee to the grant of a licence therefor.

Repeal Cap.
14 No. 14 of
1942, No.
28 of 1947.

40. The Arms Ordinance (Chapter 14 of the Revised Edition of the Laws, 1948), the Arms Ordinance, 1942, and the Explosives (Import, Control and Sale) Ordinance, 1947, are repealed.

Transitional.
(Chapter
14 of the
Edition of
the Laws,
1948).

41. Any licence or permit granted in accordance with the Arms Ordinance or the Explosives (Import, Control and Sale) Ordinance, 1947, shall for a period of twelve months after the date that this Ordinance comes into operation or for the period for which such licence or permit was granted (whichever shall sooner expire) shall be as valid and effectual as though granted in accordance with this Ordinance.

SCHEDULE (ss. 2, 3-5, 9, 24-26, 34)

PART I—PROHIBITED FIREARMS

1. Heavy artillery of all kinds.
2. Apparatus for the discharge of any explosive or gas diffusing projectile.
3. Rocket weapons.
4. Bombs and grenades.
5. Machine-guns and machine-pistols.

6. Military rifles, namely those of calibres 7.62 mm. and .303 inches.
7. Revolvers and pistols whether rifled or unrifled (including flint-lock pistols and cap pistols).
8. Any other firearm not specified in Part II or Part III of this Schedule.

PART II—PERSONAL FIREARMS

1. Shotguns.
2. Sporting rifles, namely rifles of calibres other than those specified in Item 6 of Part I.
3. Air-guns, air-rifles or air-pistols.
4. Humane killers of the captive bolt type.

PART III—MUZZLE-LOADING FIREARMS

1. Dane-guns
 2. Flint-lock guns
 3. Cap guns
- } all being unrifled and muzzle-loading.

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. 8



1958

Federation of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.M.G., G.C.V.O., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO MAKE FURTHER PROVISION WHEREBY THE ESTABLISHMENT, AND DEVELOPMENT IN NIGERIA OF COMMERCIAL ENTERPRISES MAY BE ENCOURAGED BY WAY OF RELIEF FROM INCOME TAX AND FOR PURPOSES CONNECTED THEREWITH.

Title.

[24th April, 1958.]

Commence-
ment.

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

Enactment.

PART I.—PRELIMINARY

1. This Ordinance may be cited as the Industrial Development (Income Tax Relief) Ordinance, 1958, and shall be construed as one with the Income Tax Ordinance (hereinafter referred to as the principal Ordinance).

Short title
and cons-
truction.
Cap. 92.

Interpreta-
tion.

Cap. 38.

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

“accounting period” means a period for which accounts have been made up in accordance with paragraph (iii) of section 12;

“company” means a company (other than a private company) limited by shares and incorporated in Nigeria under the Companies Ordinance and resident in Nigeria;

“Minister” means the member of the Council of Ministers charged with responsibility for matters relating to industrial development;

“new trade or business” means the trade or business of a pioneer company deemed under the provisions of section 12 to have been set up and commenced on the day following the end of its tax relief period;

“old trade or business” means the trade or business of a pioneer company carried on by it in its tax relief period in accordance with the provisions of section 12, and which either ceases within or is deemed, under those provisions, to cease at the end of that period;

“permissible by-product” means any goods or services so described in any certificate given under section 4 being goods or services necessarily or ordinarily produced in the course of producing a pioneer product;

“pioneer certificate” means a certificate given under section 4, certifying, *inter alia*, a company to be a pioneer company, or any such certificate as amended under sections 5 or 8;

“pioneer company” means a company certified by any pioneer certificate to be a pioneer company;

“pioneer enterprise”, in relation to a pioneer company, means the production and sale of its relevant pioneer product or products;

“pioneer industry” means a particular kind of trade or business declared by an order made under section 3 to be a pioneer industry;

“pioneer product” means any goods or service declared by any order made under section 3 to be a pioneer product;

“production day” means the day on which the trade or business of a pioneer company commences for the purposes of the principal Ordinance;

“qualifying capital expenditure” means capital expenditure of such a nature as to rank as qualifying expenditure for the purposes of the Fourth Schedule to the principal Ordinance;

“relevant pioneer product”, in relation to any pioneer company, means the pioneer product or products and the permissible by-product or products specified in its pioneer certificate;

“tax relief period”, in relation to a pioneer company, means the period ascertained in accordance with the provisions of subsection (1) of section 11 and any extension of that period made under that section.

PART II.—PIONEER CONDITIONS

3. (1) Where it is represented to the Minister that—

(a) any industry is not being carried on in Nigeria on a scale suitable to the economic requirements of Nigeria or at all, or there are favourable prospects of further development of any industry; and

(b) it is expedient in the public interest to encourage the development or establishment of the industry in Nigeria by the making of an order declaring the industry to be a pioneer industry and any product or products of such industry to be a pioneer product or products,

Powers and
procedure
for declaring
an industry
and a
product a
pioneer
industry and
product.

the Minister shall cause to be published in the Gazette a notice—

(i) stating that a representation has been received and setting out the industry and the products which it is sought to have declared a pioneer industry and pioneer products, either as the same have been described in the representation made to the Minister or with such variations therefrom as the Minister may think expedient; and

(ii) requiring any person who may object to the making of the suggested declaration to give notice in writing of his objection, and of the grounds on which he relies in support thereof, to the Minister not later than thirty days after the publication of the notice.

(2) As soon as may be after the period of thirty days referred to in paragraph (ii) of subsection (1) has expired, the Minister shall submit the representations made to him, together with any objections of which he has received notice, to the Governor-General in Council, who may, if he considers it in the public interest to do so having regard, *inter alia*, to the probable effect on existing businesses engaged in the same industry in Nigeria and on other industries in Nigeria, make an order declaring the industry to be a pioneer industry and its products to be pioneer products: Provided that before so submitting a representation to which notice of objection has been given the Minister may, if he considers it necessary, call for further particulars of the grounds of any such objection.

(3) An order made under subsection (2)—

(a) may describe the industry and its products in the way in which they were described in the notice published in the Gazette in accordance with subsection (1) or may vary that description in such manner as the Governor-General in Council may think fit;

(b) may contain such conditions and restrictions as the Governor-General in Council may think fit to impose; and

(c) may be expressed to take effect from an earlier date than that on which it is published in the Gazette, not being earlier than the date on which the representation in consequence of which the order was made was received by the Minister.

(4) An order made under subsection (2) may be amended from time to time by adding to the product or products, declared in such order to be pioneer products, any further product or products or otherwise as may appear necessary: Provided that before making an amending order, and in making any such order under this subsection, the principles and procedure laid down in subsections (1), (2) and (3) shall be applied, *mutatis mutandis*, and any reference in this Ordinance to an order shall, wherever necessary, include a reference to that order as amended.

(5) Any representation made in accordance with subsection (1) by a member of the public (including a company or a body of persons) shall be accompanied by a deposit of fifty pounds, which shall be returned to the person making the deposit unless the Minister is of opinion that the representation is frivolous, in which event such deposit shall be forfeited to the general revenue of the Federation.

Procedure and power for applying for and giving a pioneer certificate.

4. (1) Any company, or body of persons proposing to register a company being desirous of establishing or participating in any pioneer industry or industries for the purpose of producing any pioneer product or products may make an application in writing to the Minister for a pioneer certificate to be given, certifying the company to be a pioneer company in relation to such industry or industries and product or products.

(2) In any such application the applicant shall—

(a) give particulars of the assets on which qualifying capital expenditure will be incurred, including their source and estimated cost

(i) on or before production day; and

(ii) during a period of two years following production day;

(b) specify the place in which the assets on which qualifying capital expenditure will be incurred will be situated;

(c) estimate the date of production day of the company or proposed company, such estimate being expressed, if the applicant so wishes, as at the expiration of a stated period after the date of issue of the certificate;

(d) specify the proposed products and by-products (not being pioneer products) which will be produced and provide an estimate of the quantities and value of each during a period of one year from production day;

(e) give particulars of the loan and share capital or the proposed loan and share capital of the company or proposed company including the amount and date of each issue or proposed issue, and the sources from which the capital is to be or has been raised; and

(f) give the names and addresses of the persons promoting the company or, if it is already incorporated, of the directors thereof together with the number of shares held or proposed to be held by each such director or promoter whether directly or through any nominee.

(3) Every application for a pioneer certificate other than one made as provided in subsection (4) shall be accompanied by a deposit of fifty pounds, which shall be returned to the applicant unless the Minister is of opinion that the application is frivolous, in which event such deposit shall be forfeited to the general revenue of the Federation.

(4) Where a company, or body of persons proposing to register a company, makes a representation in accordance with subsection (1) of section 3, it may at the same time apply in the manner provided in subsection (1) of this section for a pioneer certificate certifying the company to be a pioneer company in relation to any industry and any product or products which may be declared a pioneer industry and a pioneer product or products by an order made in consequence of that representation, and, if an order is so made, a pioneer certificate granted in consequence of such an application may be expressed to be effective from a date not earlier than the date on which the representation was received by the Minister, or the date on which the company was registered, whichever is the later.

(5) At any time after a notice has been published in the Gazette in accordance with subsection (1) of section 3 any company, or body of persons proposing to register a company, may notify the Minister that it proposes to apply for a pioneer certificate certifying the company to be a pioneer company in relation to any industry and any product or products which may be declared a pioneer industry and a pioneer product or products by an order made in consequence of the representation referred to in the notice,

and if an order is so made and such company or body of persons makes an application in due form to the Minister for such a pioneer certificate not more than three months after the publication of such order, a pioneer certificate granted in consequence of such an application may be expressed to be effective from a date not earlier than the date on which the notification referred to in this subsection was received by the Minister, or the date on which the company was registered, whichever is the later.

(6) For the purposes of subsections (4) and (5)—

(a) an order shall be deemed to have been made in consequence of a representation if the pioneer industry and the pioneer product or products named in the order are substantially the same as those with respect to which the representation was made to the Minister; and

(b) if two or more similar representations have been made to the Minister before the publication of the notice in accordance with subsection (1) of section 3, an order may be treated as having been made in consequence of each of those two or more representations.

(7) Upon receipt of an application submitted under this section the Minister may call for any further particulars from the applicant which he may consider necessary, and shall cause such application, with any such particulars, to be laid before the Governor-General in Council for consideration, and if the Governor-General in Council is satisfied that it is expedient in the public interest so to do and in particular having regard—

(a) to the number of pioneer companies already established or about to be established for the production of the product or products mentioned in such application;

(b) to the production or anticipated production of such pioneer companies, and of other businesses established or about to be established in the industry or industries;

he may give a pioneer certificate, or decide not to give any such certificate: Provided that where any such application is made by persons proposing to register a company in connection with that application, and in consequence thereof the Governor-General in Council decides to give a pioneer certificate under this section, following the registration of such company, his decision may be expressed to be subject to such conditions as he may specify, and the Minister shall give notice in writing of such decision and of any such conditions to those persons and, if the company is registered within three months of the date of such notice and the Governor-General in Council is satisfied that such conditions, if any, have been or will be complied with, such certificate shall be given accordingly.

(8) A pioneer certificate shall be in the terms of the application, subject to such variations thereof as the Governor-General in Council may think fit and in addition thereto—

(a) shall state the permissible by-products which may be produced in addition to the pioneer product or products and may limit the proportion of the permissible by-products in relation to the pioneer product or products either in quantity or in value or in both; and

(b) notwithstanding the provisions of section 11, may prescribe a maximum tax relief period enjoyable by the pioneer company by virtue of that pioneer certificate in any case where the pioneer company has acquired or proposes to acquire assets from any company to which a pioneer

No. 10 of
1952.

certificate has been given under this Ordinance, or under the Aid to Pioneer Industries Ordinance, 1952, or to take over the whole assets of any other existing company.

Power and
procedure
for amending
a pioneer
certificate by
adding an
additional
pioneer
product.

5. (1) At any time during its tax relief period a pioneer company may make an application in writing to the Minister to amend its pioneer certificate by adding an additional pioneer product to the pioneer product or products specified in such certificate.

(2) Such application shall specify the additional pioneer product and the reasons for the application.

(3) The provisions of subsection (7) of section 4, except the proviso to that subsection, shall apply, *mutatis mutandis*, to any application under this section.

Provision for
case where
pioneer
certificate
operates
retrospect-
ively.

6. Subject to the provisions of this Ordinance relating to the cancellation of pioneer certificates, where, by virtue of subsection (4) or (5) of section 4 a certificate is to be operative from a retrospective date, then any act or thing which has been done or which has happened, for the purposes of the principal Ordinance, since that date which would not have been done or happened if that certificate had been in force at that date, shall, whenever necessary for the purposes of this and the principal Ordinance, be treated as not having been done or not having happened, and if the act consists of the payment of any tax by a company certified to be a pioneer company, that tax shall be repaid in the manner provided in the principal Ordinance, as soon as may be after the expiration of three months from the production day of that company.

Fixing of
dates of
production
day and
amount of
qualifying
capital
expenditure.

7. (1) In this section "the material date" means—

(a) in relation to a pioneer company engaged in a manufacturing, processing, mining or agricultural pioneer industry, the date on which the company begins to produce a pioneer product in marketable quantities; and

(b) in relation to a pioneer company engaged in a pioneer industry consisting of the provision of services, the date on which the company is ready to provide such services on a commercial scale.

(2) Not later than one month after the material date a pioneer company shall make an application in writing to the Commissioner to certify the date of its production day and shall propose a date to be so certified and give reasons for proposing that date.

(3) Not later than one month after its production day has been finally determined and certified or within such extended time as the Commissioner may allow, a pioneer company shall make an application in writing to the Commissioner to certify the amount of its qualifying capital expenditure incurred prior to production day and shall supply full particulars of its capital expenditure so incurred.

(4) After considering any application made under subsection (2) or (3), together with such further information as he may call for, the Commissioner shall issue a certificate to the company certifying the date of its production day or the amount of its qualifying capital expenditure, as the case may be, and the provisions of Parts XI and XII of the principal Ordinance (relating to objections and appeals), and of any rules made thereunder, shall apply, *mutatis mutandis*, as if such certificate were a notice of assessment given under such provisions.

(5) The Commissioner shall notify the Minister of the date of the production day of the company and of the amount of its qualifying capital expenditure incurred prior to that date when the same have been finally determined and certified, and on the receipt of such notification the Minister shall require the company to declare, within a period not exceeding thirty days, in what respects the proposals and estimates made in its application for a pioneer certificate, or any conditions contained in its pioneer certificate, have not been fulfilled.

8. (1) Where a certificate issued under section 7 certifies that a pioneer company has incurred qualifying capital expenditure to an amount less than £5,000 prior to production day, the Minister shall cancel the company's pioneer certificate.

Cancellation and amendment of pioneer certificates.

(2) Where a certificate issued under section 7 certifies that the date of the production day of a pioneer company is more than one year later than the estimate thereof given in the company's application for a pioneer certificate, the Minister shall cancel the company's pioneer certificate unless he is satisfied that the delay is due to causes outside the control of the company, or to other good and sufficient cause.

(3) Where, in any case in which the provisions of subsections (1) and (2) do not apply, the Minister is of the opinion that a pioneer company has contravened any provision of this Ordinance, or has failed to fulfil any estimate or proposal made in its application for a pioneer certificate or any conditions contained in its pioneer certificate, he shall report the circumstances to the Governor-General in Council, who may either cancel the company's pioneer certificate or direct that the company's tax relief shall be restricted to such period as may be appropriate notwithstanding the provisions of section 11.

(4) Where a pioneer company makes application to the Minister for its pioneer certificate to be cancelled, the Minister shall cancel such certificate.

(5) Where any pioneer certificate is cancelled under this section the certificate shall be deemed never to have had any effect in relation to such company.

9. The contents of any application made or of any certificate given under this Part with respect to a pioneer company shall not, except at the instance of such company, be published in the Gazette or in any other manner: Provided that the Minister shall cause to be published by notice in the Gazette and in the Regional Gazettes the name of any company—

Publication of pioneer certificate, etc., prohibited except at instance of pioneer company.

(i) to whom a pioneer certificate has been given, or

(ii) whose pioneer certificate has been cancelled.

10. The Minister may from time to time specify the forms of application to be made under this Part.

Forms.

PART III.—INCOME TAX RELIEF

11. (1) The tax relief period of a pioneer company shall commence on the date of the production day of such company and, subject to anything prescribed under paragraph (b) of subsection (8) of section 4 or to any direction given under subsection (3) of section 8, shall continue for two years and thereafter for such further period or periods as may be authorised under the subsequent provisions of this section.

Tax relief period.

(2) Upon the issue by the Commissioner of a certificate certifying that a pioneer company has incurred, by the end of two years from the commencement of its tax relief period, qualifying capital expenditure of not less than any one of the following amounts, its tax relief period shall *ipso facto* be extended by the period herein set out after that amount—

- (a) £15,000, one year ;
- (b) £50,000, two years ;
- (c) £100,000 three years.

(3) Where the tax relief period of a pioneer company has been extended by one year under subsection (2) and the Commissioner certifies that the pioneer company has incurred, by the end of that one year, qualifying capital expenditure of not less than £50,000, or of not less than £100,000, its tax relief period shall *ipso facto* be further extended by one or two years, as the case may require, from the end of the first extension.

(4) Where the tax relief period of a pioneer company has been extended by two years under subsection (2), or by one year under subsection (2) and by a further one year under subsection (3), and the Commissioner certifies that the company has incurred, by the end of those two years, qualifying capital expenditure of not less than £100,000, its tax relief period shall *ipso facto* be further extended by one year from the end of those two years.

(5) A pioneer company wishing to obtain a certificate for the purposes of the foregoing provisions of this section shall make an application in writing to the Commissioner not later than one month after the date on which its tax relief period, or any extension thereof, ends, or within such further period as the Commissioner may allow, and such application shall contain particulars of all expenditure incurred by the company by the requisite date which the company claims should be accepted as qualifying capital expenditure.

(6) After considering any application made under subsection (5), together with such further information as he may call for, the Commissioner shall issue a certificate to the company, certifying the amount of the qualifying capital expenditure incurred by the company by the requisite date.

(7) Where the Commissioner is satisfied that a company has incurred a loss in any accounting period falling within a tax relief period ascertained under the foregoing provisions of this section he shall issue a certificate to the company to that effect, and to the tax relief period finally ascertained under the foregoing provisions of this section there shall be added a further period of relief equivalent to the aggregate of all accounting periods for which such certificates have been issued to the company.

(8) The provisions of Parts XI and XII of the principal Ordinance (relating to objections and appeals) and any rule made thereunder shall apply *mutatis mutandis* as if any certificate given by the Commissioner under the provisions of this section or notice of refusal to give a certificate under subsection (7) of this section were a notice of assessment given under the provisions of that Ordinance.

12. If the trade or business of a pioneer company is carried on by it before and after the end of its tax relief period, then for the purposes of the principal Ordinance and this Ordinance—

- (i) that trade or business shall be deemed to have permanently ceased at the end of the tax relief period of the pioneer company ;

(ii) in respect of that trade or business, the pioneer company shall be deemed to have set up and commenced a new trade or business on the day following the end of its tax relief period ;

(iii) the pioneer company shall make up accounts of its old trade or business for a period not exceeding one year commencing on its production day, for successive periods of one year thereafter, for the period not exceeding one year ending at the date when its tax relief period determined under subsections (1), (2), (3) and (4) of section 11 ends, and, where the tax relief period has been extended under subsection (7) of section 11, in similar manner as though the first day of such extension were the production day of the pioneer company ; and

(iv) in making up the first accounts of its new trade or business the pioneer company shall take as the opening figures for those accounts the closing figures in respect of its assets and liabilities as shown in its last accounts in respect of its tax relief period, and its next accounts of its new trade or business shall be made up by reference to the closing figures in such first accounts and any subsequent accounts shall be similarly made up by reference to the closing figures of the preceding accounts of its new trade or business.

13. Prior to the expiration of its tax relief period, a pioneer company shall not carry on any trade or business other than a trade or business the whole of the profits of which are derived from its pioneer enterprise.

Restrictions on trading prior to end of tax relief period.

14. (1) For the purposes of the principal Ordinance and this Ordinance, the Commissioner may direct that—

Power to direct in certain events.

(i) any sums payable to a pioneer company in any accounting period which, but for the provisions of this Ordinance, might reasonably and properly have been expected to have been payable, in the normal course of business, after the end of that period shall be treated as not having been payable in that period but as having been payable on such date after that period as the Commissioner thinks fit, and where such date is after the end of the tax relief period of the pioneer company as having been so payable on that date as a sum payable in respect of its new trade or business ; and

(ii) any expense incurred by a pioneer company within one year after the end of its tax relief period which, but for the provisions of this Ordinance, might reasonably and properly have been expected to have been incurred, in the normal course of business, during its tax relief period, shall be treated as not having been incurred within that year but as having been incurred for the purposes of its old trade or business and on such date during its tax relief period as the Commissioner thinks fit.

(2) Where a direction has been made under this section with respect to a pioneer company and thereafter the length of the tax relief period of the pioneer company is varied under any of the provisions of this Ordinance, the Commissioner may amend such direction accordingly.

(3) In determining whether a loss has been made in an accounting period for the purpose of subsection (7) of section 11 of this Ordinance, and for that purpose only, the Commissioner may in his absolute discretion exclude any sum which may be in excess of an amount which appears to the Commissioner to be just and reasonable paid or payable by the company in respect of

- (i) remuneration to directors of the company ;
- (ii) interest, service, agency or other similar charges made by a person who is or is controlled by a shareholder of the company.

Capital allowances and losses.

15. (1) The income of a pioneer company in respect of its old trade or business falling to be ascertained in accordance with the provisions of the principal Ordinance for any accounting period, shall be so ascertained (after making any necessary adjustments in consequence of a direction under section 14) without any regard to the provisions of section 20 of the principal Ordinance.

(2) Where an asset is used for purposes of the new trade or business of a pioneer company, any capital expenditure incurred by the pioneer company in respect of such asset before the end of its tax relief period shall, for the purposes of the Fourth Schedule to the principal Ordinance, be deemed to have been incurred on the day following the end of its tax relief period: Provided that where such expenditure gives rise to an initial allowance under the provisions of the said Schedule, and the tax relief period of the pioneer company has been extended under subsection (7) of section 11 of this Ordinance (on account of a loss in one or more accounting periods) the rate at which such initial allowances shall be computed shall be the appropriate rate *per cent* determined from the First Table to the said Schedule reduced at the rate of one-fifth for each year comprised in the total period of such extension.

(3) Where a pioneer company incurs a loss during an accounting period in its old trade or business that loss will be deemed for the purpose of computing total income but not income to have been incurred by the company on the day on which its new trade or business commences. For the purposes of this subsection a loss shall be computed in the same manner as income is computed under the provisions of subsection (1) of this section and without regard to the provisions of subsection (3) of section 14 of this Ordinance.

(4) For each accounting period the Commissioner shall issue to the pioneer company a statement showing the amount of income ascertained for the purpose of subsection (1) or loss computed for the purpose of subsection (3) and the provisions of Parts XI and XII of the principal Ordinance (relating to objections and appeals) and of any rules made thereunder, shall apply, *mutatis mutandis*, as if such statement were a notice of assessment given under such provisions.

16. So much of the provisions of Part X of the principal Ordinance as are applicable in the case of a company, shall apply in all respects as if the income of a pioneer company in respect of its old trade or business was chargeable to tax.

17. Subject to the provisions of subsection (6) of section 18, including the effect of a cancellation as therein mentioned, where any statement issued under subsection (4) of section 15 has become final and conclusive, the amount of the income shown by such statement shall not form part of the assessable income, total income or chargeable income of the pioneer company for any year of assessment and shall be exempt from tax under the principal Ordinance: Provided that the Commissioner may, in his absolute discretion and before such a statement has become final and conclusive, declare that the whole or a specified part of the amount of such income is not in dispute and such undisputed amount of income shall be exempt from tax under the principal Ordinance, pending such a statement becoming final and conclusive.

Returns of income.

Profits exempted from income tax.

18. (1) As soon as any amount of income of a pioneer company has become exempted under section 17, that amount shall be credited to an account to be kept by the pioneer company for the purposes of this section.

Certain dividends exempted from income tax.

(2) Where at the date of payment of any dividends by the pioneer company such account is in credit, those dividends, or so much of those dividends where (after the end of its tax relief period) the amount thereof exceeds such credit as equal the amount of such credit, shall be debited to such account.

(3) So much of the amount of any dividends so debited to such account as are received by a shareholder in the pioneer company shall, if the Commissioner is satisfied with the entries in such account, be exempt from tax under the principal Ordinance in the hands of that shareholder and shall for the purposes of the principal Ordinance be deemed to be paid out of income on which tax is not paid or payable.

(4) Any dividends debited to such account shall be treated as having been distributed to the shareholders or any particular class of shareholders of the pioneer company in the same proportions as those shareholders were entitled to payment of the dividends giving rise to the debit.

(5) The pioneer company shall deliver to the Commissioner a copy of such account, made up to a date specified by him, whenever called upon so to do by notice in writing sent by him to its registered office, until such time as he is satisfied that there is no further need for maintaining such account.

(6) Notwithstanding the foregoing provisions of section 17 and this section, where it appears to the Commissioner that any amount of exempted income of a pioneer company, or any dividend exempted in the hands of a shareholder, ought not to have been exempted by reason of—

(i) a direction under section 14 having been made with respect to a pioneer company, after any income of such company has been exempted under the provisions of section 17, or

(ii) the cancellation of a pioneer certificate,

the Commissioner may at any time within six years of the date of any such direction or cancellation make such additional assessments upon the pioneer company or any shareholder as may appear to be necessary in order to counteract any benefit obtained from any such amount which ought not to have been exempted, or direct such company to debit its account kept in accordance with subsection (1) with such amount as the circumstances require, and the provisions of Parts XI and XII of the principal Ordinance (relating to objections and appeals), and of any rules made thereunder, shall apply, *mutatis mutandis*, as if such direction were a notice of assessment given under such provisions.

19. During its tax relief period a pioneer company shall not—

(a) make any distribution to its shareholders, by way of dividend or bonus, in excess of the amount by which the account, to be kept by such company under section 18, is in credit at the date of any such distribution ;
or

(b) grant any loan without first obtaining the consent of the Minister, whose consent shall only be given if he is satisfied that the pioneer company is obtaining adequate security and a reasonable rate of interest for any such loan.

Dividend and loan restrictions during a tax relief period.

Exclusion of
small companies relief.

Provisions
for planta-
tion industry.

Repeal,
savings and
transitional
provisions.
No. 10 of
1952.

20. A pioneer company shall not be entitled to any relief under section 27A of the principal Ordinance.

21. For the purpose of the principal Ordinance and this Ordinance the trade of a company which operates a plantation and to which a pioneer certificate has been granted shall be deemed to have commenced on the date when planting first reaches maturity, and any expenditure incurred on the maintenance of a planted area up to that date shall be deemed to have brought into existence an asset and be qualifying plantation expenditure for the purposes of the Fourth Schedule to the principal Ordinance.

22. (1) The Aid to Pioneer Industries Ordinance, 1952 (hereinafter in this section referred to as the former Ordinance) is repealed: Provided that subject to the provisions of this section, the former Ordinance shall continue to apply in relation to any company to which a pioneer certificate has been given under the former Ordinance before the date on which this Ordinance comes into operation.

(2) Any representation, application or objection made under the former Ordinance shall be deemed to have been made under this Ordinance.

(3) Any industry declared to be a pioneer industry under the former Ordinance and any products so declared to be pioneer products shall be deemed to have been declared to be a pioneer industry, or pioneer products, under this Ordinance.

(4) Any company to which a pioneer certificate has been given under the former Ordinance may, at any time within one year after the date on which this Ordinance comes into operation, elect to be treated as though it had received a pioneer certificate under this Ordinance and not under the former Ordinance: Provided that—

(a) where the tax relief period of any company so electing has begun before it so elects, the date of commencement of that period under the former Ordinance shall be accepted as the date of commencement of the company's tax relief period under this Ordinance;

(b) any direction given under section 12 of the former Ordinance shall be effective for determining the length of the company's tax relief period for the purposes of 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

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 9

1958



Federation of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.M.G., G.C.V.O., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO AUTHORISE THE IMPOSITION OF DUTIES OF CUSTOMS WHERE GOODS HAVE BEEN DUMPED OR SUBSIDISED, AND TO MAKE PROVISION FOR MATTERS CONNECTED THEREWITH.

Title.

[By Notice, see Section 1]

Commencement.

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

Enactment.

Short
title and
commence-
ment.

1. This Ordinance may be cited as the Customs Duties (Dumped and Subsidised Goods) Ordinance, 1958, and shall come into operation on a day to be appointed by the Minister by notification in the Gazette after the signification by Her Majesty of Her pleasure hereon.

2. (1) In this Ordinance—

"country" includes any territory,

"importer" has the meaning assigned to it by section 2 of the Customs Ordinance,

"Minister" means the member of the Council of Ministers charged with responsibility for matters relating to industrial development, and references to producing goods include references to growing or manufacturing goods and to the application of any process in the course of producing goods.

(2) In this Ordinance references to the country from which goods are exported to Nigeria are references to the country from which they were consigned to Nigeria and goods which in the course of consignment from any country to Nigeria pass through or are transhipped in any third country shall not on that account be regarded for the purposes of this Ordinance as having been exported from that third country.

3. (1) Where it appears to the Governor-General in Council—

(a) that goods of any description are being or have been imported into Nigeria in circumstances in which they are under the provisions of this Ordinance to be regarded as having been dumped, or

(b) that a Government or other authority outside Nigeria has been giving a subsidy affecting goods of any description which are being or have been imported into Nigeria,

and that, having regard to all the circumstances, it would be in the national interest, he may exercise the power conferred on him by this Ordinance to impose and vary duties of customs in such manner as he thinks necessary to meet the dumping or the giving of the subsidy: Provided that, where the Governor-General in Council is not satisfied that the effect of the dumping or of the giving of the subsidy is such as to cause or threaten material injury to an established industry in Nigeria or is such as to retard materially the establishment of an industry in Nigeria he shall not exercise that power if it appears to him that to do so would conflict with the obligations of the Government of the Federation under the provisions for the time being in force of the General Agreement on Tariffs and Trade concluded at Geneva in the year 1947.

(2) For the purposes of this Ordinance imported goods shall be regarded as having been dumped—

(a) if the export price from the country in which the goods originated is less than the fair market price of the goods in that country, or

(b) in a case where the country from which the goods were exported to Nigeria is different from the country in which they originated—

(i) if the export price from the country in which the goods originated is less than the fair market price of those goods in that country, or

(ii) if the export price from the country from which the goods were so exported is less than the fair market price of those goods in that country.

Cases where
duties may
be imposed.

Cap. 48.

(3) References in this Ordinance to giving a subsidy are references to giving directly or indirectly, a bounty or subsidy on the production or export of goods (whether by grant, loan, tax relief or in any other way and whether related directly to the goods themselves, to materials of the goods or to something else), and include—

(a) the giving of any special subsidy on the transport of a particular product, and

(b) the giving of favourable treatment to producers or exporters in the course of administering any governmental control over the exchange of currencies where such treatment has the effect of assisting a reduction of the prices of goods offered for export,

but do not include the application of restrictions or charges on the export of materials from any country so as to favour producers in that country who use those materials in goods produced by them.

4. (1) The power which the Governor-General in Council may exercise under this Ordinance is a power by order to impose on goods of a description specified in the order a duty of customs chargeable on the import of the goods into Nigeria at a rate specified in the order.

Orders
imposing
duties.

(2) The matters by reference to which the description of goods in an order is framed shall include either the country in which the goods originated or the country from which the goods were exported to Nigeria.

(3) Subject to the provisions of the last foregoing subsection an order under this section may include such provisions with respect to the description of the goods chargeable with duty and with respect to the cases in which duty is chargeable as may appear to the Governor-General in Council to be required for the purposes of this Ordinance, and, in particular—

(a) provisions limiting the description of the goods by reference to the particular persons or organisations by whom the goods were produced or who were concerned with the production of the goods in some specified manner,

(b) provisions defining the rate of duty by reference to value or weight or other measure of quantity,

(c) provisions directing that duty be charged for any period or periods, whether continuous or not, or without any limit of period, or at different rates for different periods or parts or periods, and

(d) in connection with the commencement, variation or termination of a duty, provisions authorising repayments in respect of duty where it is shown that the prescribed conditions are fulfilled.

(4) Any duty chargeable under this Ordinance on any goods shall be chargeable in addition to any other duty of customs for the time being chargeable thereon and the charge of duty under this Ordinance shall not affect liability to customs duty chargeable under any other Ordinance or the amount of any such duty.

(5) Section 22 of the Customs Ordinance (which charges duty on imported composite goods by reference to any dutiable goods used in their manufacture) shall not apply to a duty under this Ordinance.

Cap. 48.

5. (1) Where it appears to the Governor-General in Council that relief under this section should be available as respects a duty imposed by an order under this Ordinance (being an order made to afford protection against dumping) he may, if he thinks fit, in that or a subsequent order under this Ordinance apply the provisions of this section in relation to the duty.

Relief in
respect of
anti-
dumping
duties.

(2) Where this section applies in relation to any duty, the importer of any goods chargeable with the duty as being goods originating in or, as the case may be, exported from a specified country may apply to the Minister for relief from the duty on those goods.

(3) If on an application so made the Minister is satisfied that the export price of the goods from that country with the amount of the duty added to it exceeds the fair market price of the goods in that country, the Minister shall notify the Comptroller of Customs and Excise of the amount of the excess, and the Comptroller shall remit or repay the duty up to that amount.

(4) An application under this section as respects any goods shall not be made more than six months after the duty has been paid on the goods, and in connection with any such application the applicant shall furnish such information and evidence as the Minister may require from him for ascertaining the said export price or fair market price.

(5) The foregoing provisions of this section shall have effect in relation to a duty imposed by an Order under this Ordinance (being an Order made to afford protection against the giving of a subsidy) as if references to the fair market price in a country were references to the export price from that country increased by such amount (if any) as may be necessary to offset the effect of the giving of the subsidy.

(6) If a person for the purposes of an application under this section—

(a) makes any statement which is false in a material particular, or

(b) produces any account, estimate, return or other document which is false in a material particular,

the amount of any duty remitted or repaid under this section on the application shall be recoverable as a debt due to the Crown and if the statement was made or the document was produced knowingly or recklessly that person shall be liable to a fine of one hundred pounds or imprisonment for three months or to both such fine and imprisonment.

Draw-
back, etc.,
of duties.

6. (1) The Governor-General in Council may by order provide for the allowance of drawback in respect of all or any duties under this Ordinance on the export of goods in such circumstances and subject to such conditions as he may specify.

(2) The drawback may be in respect of duty paid on the goods or in respect of duty paid on materials used in the manufacture of the goods and the rate of the drawback may be determined in such manner and by reference to such matters as the Governor-General in Council may specify.

Power to
require
information
from
importers.

7. (1) The Comptroller of Customs and Excise may require the importer of any goods to state such facts concerning the goods and their history as he may think necessary to determine whether the goods are goods originating in a country specified in an order under this Ordinance or are goods exported from any country, and to furnish them in such form as he may require with proof of any statements so made; and if such proof is not furnished to his satisfaction or the required facts are not stated, the goods shall be deemed for the purposes of this Ordinance to have originated in, or, as the case may be, to have been exported from, such country as he may determine: Provided that the Comptroller shall require proof of the country in which goods originated in relation to any duty under this Ordinance in the case only of goods exported from such countries as the Minister may direct in relation to that duty.

(2) Where an order under this Ordinance limits the description of goods in respect of which duty is chargeable under this Ordinance or the cases in which duty is so chargeable so that the question whether any and if so what duty is chargeable on the goods depends on other matters besides the country in which the goods originated or from which they were exported, the Comptroller may also require the importer to state such facts as he may think necessary to determine that question so far as regards those other matters and to furnish them in such form as he may require with proof of any statements so made, and if such proof is not furnished to his satisfaction or the required facts are not stated, those facts shall be deemed for the purposes of duty under this Ordinance to be such as he may determine.

8. (1) In relation to goods imported into Nigeria the export price from the country in which the goods originated or from which they were exported shall be determined as provided for in this section.

Ascertainment of export price.

(2) If the goods are imported under a contract of sale which is a sale in the open market between buyer and seller independent of each other, and the Minister is satisfied as to that fact, as to the price on that sale and as to such other facts as are material for this purpose, the export price shall be the price on that sale subject to a deduction for the cost of insurance and freight from the port or place of export in the said country to the port or place of import, and for any other costs, charges or expenses incurred in respect of the goods after they left the port or place of export, except so far as any such costs, charges or expenses have to be met separately by the purchaser.

(3) If subsection (2) of this section does not apply, the Minister shall determine the export price by reference to such sale of the goods (or of any goods in which the first-mentioned goods were incorporated) as he may select with such adjustments as may appear to him to be proper.

9. (1) The fair market price of any goods in a country shall for the purposes of this Ordinance be determined as follows.

Ascertainment of fair market price.

(2) Subject to subsection (3) of this section the fair market price shall be taken to be the price at which goods of the description in question (that is to say, any identical or comparable goods) are being sold in the ordinary course of trade in the said country for consumption or use there, but subject to any necessary adjustments, whether for differences in conditions and terms of sale, for differences in taxation or otherwise, which may be required for the purpose of ensuring that the comparison between the fair market price and the export price is effectively a comparison between the prices on two similar sales.

(3) If it appears to the Minister that goods of that description are not being sold in the said country, or not in such circumstances that the fair market price can be determined in accordance with subsection (2) of this section, the fair market price shall be determined by him by reference to any price obtained for goods of that description when exported from the said country with adjustments made for the purpose mentioned in subsection (2) of this section, or, if he thinks fit, by reference to the cost or estimated cost of production of the goods the dumping of which is in question with such additions in respect of selling cost and profit as may appear to him to be proper.

(4) No account shall be taken under this section of any application of restrictions or charges on the export of materials from any country so as to favour producers in that country who use those materials in goods produced by them.

Construction
of references
to country of
origin, etc.

10. (1) Goods shall be regarded for the purposes of this Ordinance as having originated in a country—

(a) if those goods were wholly produced in that country, or

(b) if some stage in the production of the goods was carried out in that country and the cost of carrying out such stages, if any, in the production of the goods as were carried out after those goods last left that country (but before the import of the goods into Nigeria) was less than twenty-five per cent of the cost of production of the goods as so imported, or

(c) if some stage in the production of any components or materials incorporated in the goods was carried out in that country and the cost of carrying out such stages in production as were carried out after those components or materials last left that country to convert those components or materials into the goods as imported into Nigeria was less than twenty-five per cent of the cost of production of the goods as so imported.

(2) Where the export price of any goods from the country in which they originated is in question and some stage in the production of the goods, or of any components or materials incorporated in the goods, was carried out after they last left that country, the deductions to be made in the price by reference to which the export price is to be ascertained shall include a deduction for the cost of carrying out any such stage in the production of the goods and in the production of any components or materials incorporated in the goods; and the fair market price shall be the fair market price of those goods or, as the case may be of those components or materials, in the state in which they left that country.

(3) Any reference in this Ordinance to the country in which goods originated shall be taken, in a case where there are two or more countries which answer to that description, as a reference to any of those countries.

(4) The Governor-General in Council may by regulations prescribe—

(a) the costs, charges and expenses to be taken into account in ascertaining costs of production or the cost of any stage in production,

(b) the manner in which cost of production is to be ascertained in cases where different stages are carried out by different persons,

(c) the manner in which the cost of different stages of production is to be ascertained.

Confirmation
of order by
Resolution
of House.

11. Any order made by the Governor-General in Council in accordance with section 4, 5 or 6 shall be laid before the House of Representatives at the first available opportunity thereafter and the House of Representatives may by resolution amend or revoke such order without prejudice to anything lawfully done under such order prior to any such amendment or revocation.

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 23rd day of April, 1958.

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 12



1958

Federation of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.M.G., G.C.V.O., K.B.E.
Governor-General and Commander-in-Chief

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.

Title.

[By Notice, see section 1]

Commence-
ment.

Preamble.

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 :

Enactment.

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

Short title and commencement.

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.

Interpretation.

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.

Continuation 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 (reprinted 1956).

8. Section 36B of the Interpretation Ordinance is 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

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 13



1958

Federation of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.M.G., G.C.V.O., K.B.E.
Governor-General and Commander-in-Chief

**AN ORDINANCE TO AMEND THE WIDOWS' AND ORPHANS' PENSIONS ORDINANCE
(CHAPTER 231 OF THE REVISED EDITION), FOR THE PURPOSE OF LIMITING
THE APPLICATION OF THAT ORDINANCE TO CONTRACT OFFICERS.**

[1st May, 1958]

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 Widows' and Orphans' Pensions Ordinance (Amendment) Ordinance, 1958,

Citation.

Amendment of section 4. Cap. 231.

2. Section 4 of the Widows' and Orphans' Pensions Ordinance (hereinafter referred to as the principal Ordinance) is amended by the addition after paragraph (g) of subsection (1) of the following new paragraph—

"(h) any person appointed to the service of the Government of the Federation, or of the Government of a Region which has adopted the Ordinance, on terms that his appointment is for a specified period or periods and that on the expiration of that period a gratuity is payable, if—

(i) the appointment is made after a date to be appointed by the Minister by notification in the Gazette, or if—

(ii) such person was appointed on or before the date appointed in accordance with sub-paragraph (i), and shall have elected by written notice addressed to the Crown Agents and received by them on or before the 31st day of December, 1958, not to contribute or continue to contribute, in which case that person shall cease to be a contributor with effect from the 1st day of the month after that in which such notice is received by the Crown Agents."

Refund of contributions to contract officers electing to cease contributions.

3. In respect of a person who is a contributor and who has been appointed to the service of the Government of the Federation, or of the Government of a Region which has adopted the Ordinance, on terms that his appointment is for a specified period or periods and that on the expiration of that period a gratuity is payable, and who elects in accordance with paragraph (h) (ii) of section 4 of the principal Ordinance not to continue to contribute, there shall be payable to him the total amount of his contributions together with compound interest thereon calculated with annual rests at the rate *per annum* of two and one half *per cent*.

Contract officers and pending appointments.

4. If the Chairman of the Public Service Commission of the Federation or of any Region shall certify that in his opinion a person appointed after the date appointed in accordance with the amendment effected by section 2 of this Ordinance was appointed in pursuance of an offer made before that date on the understanding that such person would be entitled to contribute under the principal Ordinance, and such person elects to contribute by notice in writing addressed to the Crown Agents within two months of taking up his appointment or within two months of the coming into operation of this Ordinance (whichever is later), such appointment shall be deemed for the purpose of paragraph (h) (i) of subsection (1) of section 4 of the principal Ordinance not to have been made after that appointed date.

Re-appointment.

5. For the avoidance of doubt, it is hereby declared that for the purposes of this Ordinance and the amendment to the principal Ordinance effected hereby, the re-appointment of a person temporarily following previous temporary or permanent service whether or not with the same employing authority without break of service, shall not be construed as a new appointment but a continuance of his former appointment.

Application in respect of contract officers in certain other public service in Nigeria. Schedule.

6. Where the provisions of the principal Ordinance apply to any person by virtue of the provisions of the enactments specified in the Schedule, such provisions shall apply as amended by section 2 of this Ordinance and the remainder of this Ordinance shall apply in respect of such person, and the Chairman of the Public Service Commission may give a certificate in accordance with section 4 upon such information from an appropriate employing authority as he may consider satisfactory.

SCHEDULE

(Section 6)

(1) Section 7 (4) of the West African Institute for Trypanosomiasis Research Ordinance, 1950 (No. 36 of 1950).

(2) Section 7 (3) of the West African Institute for Oil Palm Research Ordinance, 1951 (No. 21 of 1951).

(3) Paragraph 3 of the Third Schedule to the Nigerian College of Arts, Science and Technology Ordinance, 1952 (No. 12 of 1952).

(4) Section 19 of the West African Council of Medical Research Ordinance (No. 18 of 1954).

(5) Section 7(3) of the Nigerian Navy Ordinance, 1956 (No. 28 of 1956).

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. 14

1958



Federation of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.M.G., G.C.V.O., K.B.E.

Governor-General and Commander-in-Chief

AN ORDINANCE TO AMEND THE PENSIONS ORDINANCE, 1951 (NO. 29 OF 1951).

Title.

[1st May, 1958]

Commence-
ment.

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

Enactment.

1. This Ordinance may be cited as the Pensions (Amendment) Ordinance, 1958.

Short title.

Repeal and replacement of section 16 of Ordinance No. 29 of 1951.

2. The Pensions Ordinance, 1951, is amended by the repeal of section 16 and the substitution therefor of the following section—

"Gratuity where an officer dies in the service or after retirement.

16. (1) Where an officer holding a pensionable office who is not on probation or agreement, or an officer holding a non-pensionable office to which he has been transferred from a pensionable office in which he has been confirmed, dies while in the service of the Federation, the Governor-General may grant to his legal personal representative a gratuity of an amount not exceeding either his annual pensionable emoluments, or his commuted pension gratuity if any, whichever is the greater.

(2) For the purposes of subsection (1)—

(a) "annual pensionable emoluments" means the emoluments which would be taken for the purpose of computing any pension or gratuity granted to the officer if he had retired at the date of his death in the circumstances described in paragraph (6) of section 7;

(b) "commuted pension gratuity" means the gratuity, if any, which might have been granted to the officer under regulation 26 of the Pensions Regulations, 1951, if his public service had been wholly in the Federation and if he had retired at the date of his death in the circumstances described in paragraph (6) of section 7 and elected to receive a gratuity and reduced pension.

(3) Where any such officer to whom a pension, gratuity or other allowance has been granted under this Ordinance dies after retirement from the service of the Federation, and the sums paid or payable to him at his death on account of any pension, gratuity or other allowance in respect of any public service are less than the amount of the annual pensionable emoluments enjoyed by him at the date of his retirement, the Governor-General may grant to his legal personal representative a gratuity equal to the deficiency."

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

No. 15

1958



Federation of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.M.G., G.C.V.O., K.B.E.

Governor-General and Commander-in-Chief

AN ORDINANCE TO MAKE SUPPLEMENTARY PROVISION FOR THE SERVICE OF THE
FEDERATION OF NIGERIA FOR THE YEAR ENDING ON THE THIRTY-FIRST
DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND FIFTY-SEVEN.

Title.

[1st May, 1958]

Commence-
ment.

WHEREAS by the Appropriation (1956-57) Ordinance, 1956, a sum not exceeding Thirty-two Million, Two Hundred and Sixteen Thousand, Nine Hundred and Thirty Pounds was provided for the service of the Federation of Nigeria for the year which ended on the 31st day of March, 1957, to be applied and expended in the manner therein described for the services set forth in the Schedule thereto :

Preamble.
No. 21 of
1956.

AND WHEREAS certain sums have been applied and expended in the said year for the services set forth in the Schedule hereto beyond the sums provided for those services in the Appropriation Ordinance :

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

1. This Ordinance may be cited as the Supplementary Appropriation (1956-57) Ordinance, 1958.

2. The sums set forth in the Schedule hereto are hereby declared to have been duly and necessarily applied and expended for the services therein set forth and are hereby approved, allowed and granted in addition to the sums provided for such services by the Appropriation (1956-57) Ordinance, 1956.

SCHEDULE

<i>Heads</i>	<i>£</i>
21. The Governor-General.. .. .	6,687
22. Chief Secretary's Office	7,104
22A. Nigerianisation Office	1,879
23. External Affairs	19,175
25. Defence	86,810
27. Prisons	45,315
29. Posts and Telegraphs	425,475
35. Printing and Stationery.	23,499
44. Land	58,343
79. Miscellaneous	13,084
83. Contributions to the Development Fund	1,158,726
85. Inland Waterways	22,104
87. Ministry of Internal Affairs	5,259
	£1,873,460

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. 16

1958



Federation of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.M.G., G.C.V.O., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO AMEND THE EDUCATION (LAGOS) ORDINANCE, 1957 (ORDINANCE 26 OF 1957).

Title.

[1st May, 1958]

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, 1958.

Short title.

Amendment
of section 62.
(No. 26 of
1957.)

2. Section 62 of the Education (Lagos) Ordinance, 1957, is amended by the addition thereto of the following new subsection—

“(4) It is hereby declared that in respect of the following schools the Minister, notwithstanding that such schools have been re-built or are being re-built outside the Federal territory of Lagos, may make grants-in-aid in accordance with regulations made under this section, subject to any special conditions that he may think fit to impose or that may be prescribed in such regulations—

(a) the Church Missionary Society Grammar School previously carried on at Broad Street, Lagos, and re-built or being re-built at Bariga ;

(b) the Baptist Academy previously carried on at Broad Street, Lagos, and re-built or being re-built at Shomolu Villages, Ikorodu Road, north of Igbobi.”.

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. 17



1958

Federation of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.M.G., G.C.V.O., K.B.E.

Governor-General and Commander-in-Chief

AN ORDINANCE FURTHER TO AMEND THE LIQUOR ORDINANCE (CHAPTER 114 OF THE LAWS OF NIGERIA, 1948)

Title.

[1st May, 1958]

Commence-
ment.

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

Enactment.

1. This Ordinance may be cited as the Liquor (Amendment) Ordinance, 1958.

Short
title.

Repeal of section 31 (2) of principal Ordinance. Cap. 114.

2. Subsection (2) of section 31 of the Liquor Ordinance (hereinafter referred to as the principal Ordinance) is repealed.

Amendment of section 68 (a) of principal Ordinance.

3. Paragraph (a) of section 68 of the principal Ordinance is amended by the insertion after the words "for licences" in line 1 thereof, of the words "and on the making of applications for licences or for renewals of licences".

Validation. Regulations 32 of 1953.

4. (1) Subject to the provisions of this section the Liquor (Amendment) Regulations, 1953, shall be deemed to have been as validly made by the Governor in Council on the 11th day of June, 1953, as if the amendments to the principal Ordinance effected by sections 2 and 3 of this Ordinance had already been made.

(2) The validity conferred upon the said regulations by subsection (1) shall apply in respect of—

(a) any fee paid under the said regulations in any part of Nigeria between the 1st day of July, 1953 (on which day the said regulations came into operation) and the 30th day of September, 1954; and

(b) any fee paid under the said regulations between the 1st day of October, 1954, and the date on which this Ordinance comes into operation, for any application in respect of which the legislature of the Federation is empowered to make provision for fees.

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. 18



1958

Federation of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.M.G., G.C.V.O., K.B.E.

Governor-General and Commander-in-Chief

AN ORDINANCE TO AUTHORISE THE RAISING IN NIGERIA OF A LOAN OR LOANS NOT EXCEEDING TWENTY MILLION POUNDS FOR PURPOSES IN CONNECTION WITH THE ECONOMIC PROGRAMMES AND DEVELOPMENT PROGRAMMES OF THE GOVERNMENT OF THE FEDERATION AND OF OTHER GOVERNMENTS IN NIGERIA.

Title.

[1st May, 1958]

Commence-
ment.

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

Enactment.

1. This Ordinance may be cited as the Loan (Internal Borrowing) Ordinance, 1958.

Short title.

Authority
to raise
loan in
Nigeria.

2. (1) The Governor-General is hereby authorised to raise a loan or loans in Nigeria not exceeding in the aggregate the sum of Twenty Million pounds and such further sum or sums as may be necessary to defray expenses in connection with the raising thereof.

Cap. 120.

(2) Such loan or loans shall be raised in any manner provided by the Local Loans (Registered Stock and Securities) Ordinance, and references in that Ordinance to the general revenue and assets of Nigeria shall be construed as references to the general revenue and assets of the Federation of Nigeria.

Applica-
tion of
loan.

3. The sums raised under the provisions of this Ordinance shall, save in respect of the amount or amounts necessary to defray the expenses in connection with the raising thereof, be appropriated and applied in respect of the following purposes—

(a) for the Economic Programme of the Federal Government as set out in Sessional Paper No. 2 of 1956 and approved by resolution of the House of Representatives on the 15th March, 1956, as such may be amended by the House of Representatives from time to time;

(b) for lending, in accordance with such terms and conditions as may be approved by the Governor-General, to the Government of any Region or to the Government of the Southern Cameroons, if a law has been enacted by the legislature of that Region or of the Southern Cameroons—

(i) empowering the Government of that Region or the Southern Cameroons to borrow money from the Government of the Federation;

(ii) charging any such loan on the revenues of that Region or of the Southern Cameroons;

(iii) providing that the purposes to which any such loan may be applied shall be limited to meeting in whole or in part capital expenditure comprising part of a development programme approved by the legislature of that Region or of the Southern Cameroons.

4. The Nigeria Local Loan Ordinance, 1951, is repealed.

Repeal of
No. 18 of
1951.

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

BANKING ORDINANCE, 1958

ARRANGEMENT OF SECTIONS

Section

1. Short title and commencement.
2. Interpretation.
3. Necessity for licence ; grant and revocation thereof.
4. Minimum paid-up capital.
5. Maintenance of reserve fund.
6. Restriction on dividend.
7. Restriction on certain activities by licensed banks in Nigeria.
8. Minimum of specified liquid assets.
9. Publication of certain accounts, etc.
10. Delivery of returns to Central Bank.
11. Appointment of examiner.
12. Further examination in certain special cases.
13. Production of books, etc., to examiner.
14. Powers after examination.
15. Approved auditor.
16. Use of the word "bank" in Company's name.
17. Disqualifications as director, etc.
18. Penalties upon defaulting directors and managers.
19. Attorney-General's fiat for prosecution.
20. Savings.
21. Regulations.
22. Consequential amendment.
23. Repeal.

FIRST SCHEDULE

Monthly Statement of Assets and Liabilities.

SECOND SCHEDULE

Analysis of Customers' Liabilities to Banks

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 19

1958



Federation of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.M.G., G.C.V.O., K.B.E.
Governor-General and Commander-in-Chief

AN ORDINANCE TO PROVIDE FOR THE REGULATION AND LICENSING OF THE
BUSINESS OF BANKING.

Title.

[1st May, 1958]

Commence-
ment.

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

Enactment.

1. This Ordinance may be cited as the Banking Ordinance, 1958, and shall come into operation upon such date as may be notified by the Governor-General after the signification of the pleasure of Her Majesty thereon,

Short title
and com-
mencement.

Interpreta-
tion.

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

“bank” means any person who carries on banking business ;

“banking business” means the business of receiving money on current account, of paying and collecting cheques drawn by or paid in by customers and of making advances to customers ;

“Central Bank” means the Central Bank of Nigeria ;

“company” means—

(i) any limited liability company registered under the Companies Ordinance and includes a company incorporated outside Nigeria which has complied with Part VII of that Ordinance ; and

(ii) a body incorporated directly by a law of any Legislature in Nigeria ;

“director” in relation to a banking company incorporated directly by a law in Nigeria includes any person, by whatever name he may be referred to, carrying out or empowered to carry out substantially the same functions in relation to the direction of the company as those carried out by a director of a banking company registered under the Companies Ordinance ;

“licence” means a licence granted under section 3 authorising the carrying on of banking business in Nigeria, or deemed to be so granted in accordance with that section ;

“licensed bank” means a bank holding a licence and all the offices and branches in Nigeria of such a bank shall be deemed to be one bank ;

“Minister” means the Minister charged with responsibility for matters relating to banking in the Federation, or a person acting under his direction or on his behalf.

3. (1) No banking business shall be transacted in Nigeria except by a company which is in possession of a valid licence, which shall be granted by the Minister after consultation with the Central Bank, authorising it to carry on banking business in Nigeria : Provided that a valid licence granted under the provisions of the Banking Ordinance, 1952, shall be deemed to be a licence granted under the provisions of this section.

(2) Any person who contravenes the provisions of subsection (1) shall be liable to a fine of fifty pounds for each day during which the offence continues.

(3) Prior to commencing banking business in Nigeria a company shall apply in writing through the Central Bank to the Minister for the grant of a licence, and shall submit a copy of the memorandum of association and articles of association under which it is incorporated and, if it is currently carrying on banking business outside Nigeria, a copy of its latest audited balance sheet.

(4) The Minister may call for such information from the company in such manner as he may think fit.

(5) (a) If the Minister is of the opinion that it would be undesirable in the public interest that a licence should be granted, he shall report the circumstances to the Governor-General in Council who may direct him to refuse to grant a licence, and the Minister need not give reasons for so refusing.

Cap. 38.

Necessity
for licence ;
grant and
revocation
thereof.
No. 15 of
1952.

(b) The Minister may by Order revoke any licence—

(i) if the holder ceases to carry on banking business in Nigeria or goes into liquidation or is wound up or otherwise dissolved; or

(ii) in the circumstances and in the manner provided for in section 14.

4. No bank shall be granted or shall hold a licence unless—

(a) in the case of a bank of which the Head Office is situated in Nigeria, its capital paid up in cash is not less than twelve thousand five hundred pounds;

(b) in the case of a bank of which the Head Office is situated outside Nigeria, its capital paid-up in cash is equivalent to not less than two hundred thousand pounds.

Minimum
paid-up
capital.

5. (1) Every licensed bank of which the Head Office is situated in Nigeria shall maintain a reserve fund and shall, out of its net profits of each year and before any dividend is declared, transfer to that fund a sum equal to not less than twenty-five per cent of such profits whenever the amount of the reserve fund is less than the paid up capital of the bank.

Maintenance
of reserve
fund.

(2) The provisions of subsection (1) shall also apply to any licensed bank of which the Head Office is situated outside Nigeria unless it is proved to the satisfaction of the Minister that the aggregate reserves of that bank are adequate in respect of its business.

(3) This section shall not apply to any bank the reserve fund or aggregate reserves of which amount to at least two hundred thousand pounds.

6. No licensed bank shall pay any dividend on its shares until all its capitalised expenditure (including preliminary expenses, organisation expenses, share selling commission, brokerage, amounts of losses incurred) not represented by tangible assets has been completely written off.

Restriction
on
dividends.

7. (1) A licensed bank shall not in Nigeria—

(a) grant to any person any advance or credit facility or give any financial guarantee or incur any other liability on behalf of such person so that the total value of the advances, credit facilities, financial guarantees and other liabilities in respect of such person is at any time more than twenty-five per cent of the sum of the paid-up capital and published reserves of the bank: Provided that—

Restriction
on certain
activities by
licensed
banks in
Nigeria.

(i) the provisions of this paragraph shall not apply to transactions between banks or between the branches of a bank, or to the purchase of clean or documentary bills of exchange, telegraphic transfers or documents of title to goods the holder of which is entitled to payment outside Nigeria for the payment of exports from Nigeria or to advances made against such bills, transfers or documents;

(ii) the provisions of this paragraph shall not apply to advances or credit facilities granted to or established on behalf of a Marketing Board established by any legislature in Nigeria, or to the purchase of bills of exchange payable in Nigeria and accepted by any such Board or to advances made against such bills where such advances or credit facilities or bills are for the purpose of financing the movement in Nigeria of produce delivered to a Marketing Board;

(iii) the provisions of this paragraph shall not apply in respect of any bank while all the banking liabilities it may from time to time incur are the subject of an irrevocable guarantee given by another bank inside or outside Nigeria, if the form and substance of that guarantee have been approved by the Minister upon an express recommendation by the Governor of the Central Bank.

(b) grant any advance or credit facility against the security of its own shares ;

(c) grant or permit to be outstanding unsecured advances or unsecured credit facilities of an aggregate amount in excess of five hundred pounds—

(i) to any one of its directors whether such advances or facilities are obtained by its directors jointly or severally ;

(ii) to any firm, partnership or private company in which it or any one or more of its directors is interested as director, partner, manager or agent, or to any individual, firm, partnership or private company of whom or of which any one or more of its directors is a guarantor. For the purpose of this paragraph, a private company means a private company as defined in section 121 of the Companies Ordinance ;

(d) grant or permit to be outstanding to its officials and employees unsecured advances or unsecured credit facilities which in aggregate amount for any one official or employee exceed one year's emoluments of such official or employee ;

(e) engage, whether on its own account or on a commission basis, in the wholesale or retail trade, including the import or export trade, except in so far as may exceptionally be necessary in the course of the banking operations and services of that bank or in the course of the satisfaction of debts due to it ;

(f) acquire or hold any part of the share-capital of any financial, commercial, agricultural, industrial or other undertaking except such shareholding as a bank may acquire in the course of the satisfaction of debts due to it which shareholding shall, however, be disposed of at the earliest suitable moment : Provided that this paragraph shall not apply—

(i) in respect of any shareholding approved by the Central Bank in any corporation set up for the purpose of promoting the development of a money market or securities market in Nigeria or of improving the financial machinery for the financing of economic development ;

(ii) to all shareholdings in other undertakings the aggregate value of which does not at any time exceed twenty-five per cent of the sum of the paid-up capital and published reserves of that bank ;

(g) purchase, acquire or lease real estate except as may be necessary for the purpose of conducting its business or housing its staff : Provided that—

(i) in respect of any real estate held or leased by a bank at the coming into operation of this Ordinance for purposes other than those referred to herein, that bank shall be allowed a period of three years in which to comply with this paragraph ; and,

(ii) in the event of any debt due to a bank becoming endangered the bank may secure such debt on any real or other property of the debtor and may acquire such property which shall, however, be resold at the earliest suitable moment.

(2) In paragraph (c) and (d) of subsection (1), the expression "unsecured advances or unsecured credit facilities" means advances or credit facilities made without security, or, in respect of any advance or credit facility made with security, any part thereof which at any time exceeds the market value of the assets constituting that security.

(3) Any licensed bank which, prior to the coming into operation of this Ordinance, entered into any transactions incompatible with the provisions of paragraphs (a) to (f) of subsection (1), shall submit a statement of those transactions to the Minister through the Central Bank and shall, within one year from the said date, liquidate the transactions.

8. (1) Every licensed bank shall maintain a holding of specified liquid assets not less than such amount as may from time to time be prescribed by the Central Bank by virtue of section 40 of the Central Bank of Nigeria Ordinance, 1958.

Minimum
of
specified
liquid assets.

(2) For the purpose of computing the amount of specified liquid assets to be held by each licensed bank, the offices and branches situated in Nigeria of such a bank operating in Nigeria and elsewhere shall be regarded as if those offices and branches constituted a separate bank carrying on business in Nigeria. All the demand liabilities, and all the time liabilities, of that bank owed through any of those offices or branches in Nigeria shall be regarded as if they constituted liabilities of that separate bank, and all the assets held by or to the credit of any of those offices or branches on behalf of that bank and not on behalf of a customer, including any balance in the books of any office or branch of that bank situated in the United Kingdom, shall be regarded as if they were assets of that separate bank.

(3) For the purpose of subsection (2), "demand liabilities" means the total of deposits in any bank which must be repaid on demand, and "time liabilities" means the total of deposits repayable otherwise than on-demand".

(4) The specified liquid assets referred to in this section shall consist of all or any of the following—

- (a) notes and coins which are legal tender in Nigeria;
- (b) balances at the Central Bank;
- (c) balances at any other bank in Nigeria and money at call in Nigeria;
- (d) balances at any bank, including the offices and branches of a licensed bank, in the United Kingdom and money at call in the United Kingdom;
- (e) Treasury Bills issued by the Federal Government and maturing within ninety-three days;
- (f) Treasury Bills issued by the Government of the United Kingdom and maturing within ninety-three days;
- (g) inland bills of exchange and promissory notes rediscountable at the Central Bank;
- (h) bills of exchange bearing at least two good signatures and drawn on and payable at any place in the United Kingdom.

(5) A licensed bank shall be guilty of an offence if—

- (a) it fails to furnish within a reasonable time any information required by the Central Bank to satisfy itself that that bank is observing the requirements of subsection (1);

(b) it allows its holding of specified liquid assets to be less in amount than is from time to time prescribed by the Central Bank;

(c) during the period of any such deficiency of specified liquid assets, it grants advances or overdrafts without the prior approval of the Central Bank.

(6) Any licensed bank which commits an offence under subsection (5) shall be liable to a fine of fifty pounds—

(a) for every day during which a default under paragraph (a) of that subsection exists;

(b) for every day during which a deficiency under paragraph (b) of that subsection exists, and

(c) for every offence under paragraph (c) of that subsection.

Publication of certain accounts, etc.

9. (1) Not later than four months after the close of each financial year of each licensed bank, the bank shall publish in a daily newspaper circulating in Nigeria, and exhibit in a conspicuous position in each of its offices and branches in Nigeria, and forward to the Minister and to the Central Bank, copies of its balance sheet and profit and loss account and the full and correct names of the directors of the bank. The balance sheet and profit and loss account must bear on their face the certificate of an auditor who is an approved auditor in accordance with subsection (5) of section 15.

(2) Any licensed bank which fails to comply with the requirements of subsection (1) shall be liable to a fine of one hundred pounds.

Delivery of returns to Central Bank.

10. (1) Every licensed bank shall submit to the Central Bank—

(a) not later than thirty-one days after the last day of each month a statement in the form set out in the First Schedule showing the assets and liabilities of its offices and branches in Nigeria at the close of business on the last business day of the preceding month, together with a statement of the total of any outstanding unsecured advances or unsecured credit facilities as defined in subsection (2) of section 7;

First Schedule.

(b) not later than thirty-one days after the last day of each half-year ending on the 30th day of June and the 31st day of December a statement in the form set out in the Second Schedule to this Ordinance giving an analysis of advances and other assets of its offices and branches in Nigeria as at the 30th day of June and 31st day of December respectively.

Second Schedule.

(2) The Central Bank may exceptionally require a licensed bank to submit such further information as the Central Bank may deem necessary for the proper understanding of the statements furnished by that bank under subsection (1) of this section, and such information shall be submitted within such reasonable period as the Central Bank may require.

(3) Any licensed bank which has its head office in Nigeria but maintains offices or branches outside Nigeria shall produce to the Central Bank such statements relating to its offices or branches outside Nigeria in such form and at such times as the Central Bank may require.

(4) Any licensed bank failing to comply with the requirements of subsection (1), (2) or (3) of this section shall be liable to a fine of fifty pounds for every day during which the offence continues.

(5) The Minister may, after consultation with the Central Bank, amend by regulation the form of the First or Second Schedule and the dates for the compilation or submission of the statements under subsection (1).

(6) It shall be the responsibility of the Central Bank to prepare and to publish consolidated statements aggregating the figures in the statements furnished under subsection (1). The statements submitted by each bank under subsection (1) or (3) and any information submitted under subsection (2) shall be regarded as secret other than as between that bank and the Central Bank: Provided that the Central Bank shall furnish any such information required by the Minister, and shall inform the Minister if at any time in its opinion there is a need for an examination of any licensed bank, and may in support of its opinion convey to the Minister such information as it possesses concerning the state of that bank's affairs.

11. An examiner shall be appointed, who if the Minister so approves shall be an officer of the Central Bank appointed by the Central Bank, and otherwise shall be an officer of the Ministry appointed by the Minister, to examine periodically, under conditions of secrecy, the books and affairs of each and every licensed bank. If the examiner is an officer from the Ministry he shall be given access to any accounts, returns or information with regard to licensed banks that are in the possession of the Central Bank.

Appointment
of
examiner.

(2) In examining any bank in accordance with subsection (1) it shall be the duty of the examiner at all times to avoid unreasonable hindrance to the daily business of that bank and to confine the investigation to matters strictly relevant to the examination.

(3) The examiner shall report to the Governor of the Central Bank, who shall inform the Minister of any circumstances likely to call for action by the Minister in accordance with section 14.

12. The Minister may at any time require the examiner appointed in accordance with section 11, or one or more other qualified persons whom he shall appoint, to make a special examination under conditions of secrecy of the books and affairs of any licensed bank—

Further
examination
in certain
special cases.

(a) where, after consultation with the Central Bank, the Minister has reason to believe that that licensed bank may be carrying on its business in a manner detrimental to the interests of its depositors and other creditors or may have insufficient assets to cover its liabilities to the public or may be contravening the provisions of this Ordinance;

(b) where application is made by shareholders holding not less than one-third of the total number of shares in that bank for the time being issued or by depositors holding not less than one-half of the gross amount of the total deposit liabilities in Nigeria of that bank: Provided however that the applicants submit to the Minister such evidence as he may consider necessary to justify an examination, and provided also that they furnish adequate security for the payment of the costs of the examination;

(c) if the bank suspends payment or informs the Minister or the Central Bank of its intention to do so.

13. (1) Every licensed bank of which an examination has been ordered under section 11 or 12 shall produce to the appointed examiner at such times as the examiner may specify, all books, accounts and documents in its possession or custody, or of which it is entitled to possession or custody, relating to its business, and shall produce within such times as the examiner may specify all oral information concerning its business which he may require.

Production
of books, etc.,
to examiner.

(2) If any book, account, document or information is not produced in accordance with subsection (1) the bank shall be guilty of an offence and shall be liable to a fine of fifty pounds in respect of every day during which the offence continues. If any book, account, document or information is false in any material particular, the bank shall be liable to a fine of five hundred pounds.

(3) As soon as may be after the conclusion of the examination the examiner shall submit a full report thereon to the Minister who shall forward a copy to the Head Office of the bank concerned.

(4) The Minister shall have power to order that all expenses of and incidental to an examination shall be paid by the bank examined. He shall also have power, in respect of examinations made under paragraph (b) of section 12, to order that the expenses shall be defrayed by the applicants.

Powers after
examination.

14. If, in the opinion of the Minister, an examination shows that the licensed bank is carrying on its business in a manner detrimental to the interests of its depositors and other creditors or has insufficient assets to cover its liabilities to the public or is contravening the provisions of this Ordinance, the Minister may take such one or more of the following steps from time to time as may seem to him necessary--

(a) require that bank forthwith to take such steps as he may consider necessary to rectify the matter ; or,

(b) appoint a person who in his opinion has had proper training and experience to advise the bank in the proper conduct of its business and fix the remuneration to be paid by the bank to such person ; or,

(c) report the circumstances to the Governor-General in Council who, unless satisfied that the bank is taking adequate measures to put its affairs in order, may direct the Minister to make an Order revoking the bank's licence and requiring its business in Nigeria to be wound up: Provided that he shall not so report the circumstances without giving the bank reasonable prior notice of his intention to do so and an opportunity of submitting a written statement in reply.

Approved
auditor.

15. (1) Every licensed bank shall appoint annually an approved auditor whose duties shall be to make to the shareholders of that bank a report upon the annual balance sheet and accounts, and in every such report the auditor shall state whether in his opinion the balance sheet is full and fair and properly drawn up, whether it exhibits a true and correct statement of the bank's affairs, and, in any case in which the auditor has called for explanation or information from the officers or agents of the bank, whether this is satisfactory.

(2) The report of the approved auditor shall be read together with the report of the board of management of the bank at the annual meeting of shareholders and a copy shall be sent to the Central Bank for transmission to the Minister. If any default is made in complying with the requirements of this subsection, the bank shall be liable to a fine of five hundred pounds.

(3) If a licensed bank fails to appoint an approved auditor under subsection (1) of this section or, at any time, fails to fill a vacancy for such auditor, the Minister shall have power to appoint an approved auditor and shall fix the remuneration to be paid by that bank to such auditor.

(4) The duties, powers and liabilities imposed and conferred by subsections (1) and (2) of section 13 in relation to examiners appointed under sections 11 and 12 are hereby imposed and conferred also in relation to approved auditors.

(5) For the purposes of this section, an approved auditor shall be an auditor who is a member of one of the professional bodies for the time being declared by the Minister by notice in the *Gazette* to be approved for such purposes: Provided that—

(i) during a period of three years from the coming into operation of this Ordinance, the Minister may, on application from a licensed bank, authorise the appointment as auditor of that bank of a person who, although not so qualified, has had such professional experience as an auditor or accountant as is, in the opinion of the Director of Federal Audit, equivalent to at least five years service in the Federal Audit Department in a rank not below that of assistant auditor, and any such person so appointed shall be deemed to be an approved auditor to the extent and for the duration of any such authorisation;

(ii) no person having an interest in any bank otherwise than as a depositor and no director, officer or agent of any bank shall be eligible for appointment as an approved auditor for that bank and any person appointed, as such auditor to any bank who subsequently acquires such interest or becomes a director, officer or agent of that bank shall cease to be such auditor.

(6) Sections 112 and 113 of the Companies Ordinance shall not apply to licensed banks.

Cap. 38.

16. (1) Save with the consent of the Minister, no person other than a licensed bank shall—

(a) use or continue to use the word "bank" or any of its derivatives, either in English or in any other language, in the description or title under which such person is carrying on business in Nigeria;

(b) make or continue to make any representation in any billhead, letter paper, notice, advertisement or in any other manner whatsoever that such person is carrying on banking business in Nigeria: Provided that nothing in this subsection shall apply to any association of licensed banks formed for the protection of their mutual interests.

(2) Every licensed bank shall use as part of its description or title the word "bank" or some one or more of its derivatives, either in English or in some other language.

(3) Any person who acts in contravention of this section shall be liable to a fine of fifty pounds for every day during which the offence continues.

17. (1) Without prejudice to anything contained in section 74 of the Companies Ordinance, no person—

(a) who has been a director of, or directly or indirectly concerned in the management of, a bank which has had its licence revoked in accordance with paragraph (c) of section 14 of this Ordinance, or has been struck off the register of companies under the provisions of the Banking Ordinance, 1952;

Use of the word "bank" in company's name.

Disqualifications as director, etc.

(b) who is or has been convicted by a criminal court of an offence involving dishonesty and has not received a full pardon for the offence of which he was convicted, shall, without the consent in writing of the Minister act or continue to act as a director, or be directly or indirectly concerned in the management, of any licensed bank.

(2) Any person acting in contravention of subsection (1) shall be liable to imprisonment for a term not exceeding two years or to a fine of five hundred pounds or both such imprisonment and such fine.

18. Any person who, being a director or manager of a licensed bank—

(a) take all reasonable steps to secure compliance by the bank with the requirements of this Ordinance, or

(b) fails to take all reasonable steps to ensure the correctness of any statement submitted under the provisions of this Ordinance,

shall be liable to imprisonment for a term not exceeding two years or to a fine of five hundred pounds or to both such imprisonment and such fine.

19. No prosecution in respect of any offence committed by a licensed bank under this Ordinance shall be instituted except by, or with the consent of, the Attorney-General of the Federation.

20. (1) The provisions of this Ordinance shall not apply to—

(a) the Central Bank established under the Central Bank Ordinance;

(b) the Post Office Savings Bank constituted and appointed under the Savings Bank Ordinance.

(2) Except where this Ordinance expressly provides otherwise, the provisions of this Ordinance shall have effect in addition to and not in derogation of any other provisions having the force of law in Nigeria.

21. The Minister may make such regulations as may be required from time to time for carrying into effect the provisions of this Ordinance.

22. Section 108 of the Companies Ordinance is amended by the deletion of the words "a limited banking company or an insurance company" and the substitution therefor of the following—

"a limited insurance company".

23. The Banking Ordinance 1952 is repealed.

Penalties
on directors
upon
directors
and
managers.

Attorney-
General's
fiat.

Savings.

Cap. 204.

Regulations.

Consequen-
tial amend-
ment
Cap. 38.

Repeal.

SECOND SCHEDULE

To be submitted in accordance with (section 10 (1)) of the Banking Ordinance 1958

Name of bank

ANALYSIS OF CUSTOMERS' LIABILITIES TO BANK FOR LOANS AND ADVANCES

As at DAY OF 19.....

	Amount £	Number of Customers
1. To Governments		
2. To Native Administrations, Townships and other Local Authorities		
3. To electricity, water, harbour, dock and other public utility bodies		
CREDIT AND FINANCIAL INSTITUTIONS :		
4. To banks, etc.		
AGRICULTURE :		
5. Cocoa		
6. Groundnuts		
7. Palm products		
8. Other export crops (including rubber and timber)		
9. Other agriculture (including livestock)		
MINING :		
10. Tin ore		
11. Other mining		
FOR MANUFACTURE OF :		
12. Textiles, leather and clothing		
13. Wood products (including furniture)		
14. Soaps and oils		
15. Stone, cement, bricks, glass, ceramics and pottery		
16. Other manufactured products		
CONSTRUCTION :		
17. For buildings in course of erection		
GENERAL COMMERCE :		
18. To wholesale and retail merchants		
19. Miscellaneous		
TOTALS		
Number of Customers liable in respect of loans and advances :—		
Up to £50		
Over £50 and up to £100		
Over £100 and up to £500		
Over £500 and up to £1,000		
Over £1,000 and up to £5,000		
Over £5,000 and up to £10,000		
Over £10,000		
TOTALS		

General Manager

Date

Chief Accountant

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