

L.N. 195 of 1958

NIGERIA (ELECTORAL PROVISIONS) ORDER IN COUNCIL, 1958

**Elections (House of Representatives) (Amendment No. 2) Regulations,
1958**

Commencement : 27th November, 1958

In exercise of the powers conferred by section 5 of the Nigeria (Electoral Provisions) Order in Council, 1958, the Governor-General, after consultation with the Council of Ministers, has made the following regulations—

1. These regulations may be cited as the Elections (House of Representatives) (Amendment No. 2) Regulations, 1958.

Citation

2. Regulation 7 of the Elections (House of Representatives) Regulations, 1958 (hereinafter referred to as the principal regulations) is amended by being re-numbered as paragraph (1) of regulation 7 and by the addition thereafter of the following new paragraph—

Amend-
ment of
regulation 7.
L.N. 117
of 1958

"(2) The Governor-General may appoint in respect of any area or areas of Nigeria an officer or officers (by whatever name called) to exercise supervisory functions under the directions of the Electoral Commission over the process of registration or of the conduct of an election or of elections generally, or of both such process and such conduct, and any such officer shall have such powers and duties as shall be allocated by the Governor-General and notified in the Gazette."

3. Regulation 19 of the principal regulations is amended by the deletion from paragraph (2) of the words "but subject to such rules a person shall be deemed to be ordinarily resident at the address where he usually lives".

Amend-
ment of
regulation
19

4. Paragraph (1) of regulation 21 of the principal regulations is amended by the substitution of a colon for the full-stop at the end thereof and the insertion thereafter of the following—

Amend-
ment of
regulation
21

"Provided that where the Electoral Commission considers it desirable it may either vary such number of 500 (but not so as to exceed 2,000) or such distance of three miles, or authorise that one registration office and registration officer may serve for more than one (but not more than four) registration areas."

5. Regulation 23 of the principal regulations is amended by the substitution of a colon for the full-stop at the end thereof and the insertion thereafter of the following—

Amend-
ment of
regulation
23

"Provided that different dates may be appointed in respect of paragraph (b) or (c), but the qualifying date referred to in paragraph (a) shall be the same throughout Nigeria."

6. Regulation 26 of the principal regulations is amended by the re-numbering of paragraph (1) as paragraph (1A) and the addition before that paragraph of the following new paragraph—

Amend-
ment of
regulation
26

"(1) In order to assist persons eligible to register, a Registration Officer may, if so authorised by the Electoral Commission, distribute application forms to persons whose names appear on any tax list or on any other list prepared for official purposes and who appear to be so eligible."

Amendment of regulation 30.

7. Regulation 30 of the principal regulations is amended by the insertion after the word "List" of the following—

"or the part thereof which relates to the registration area concerned".

Amendment of regulation 37.

8. Regulation 37 of the principal regulations is amended by the addition after paragraph (2) of the following new paragraph—

"(3) For the purposes of these regulations the List shall be deemed to have been printed in accordance with paragraph (2) if it has been reproduced in a visible form by lithography or photography."

Amendment of regulation 57.

9. Paragraph (2) of regulation 57 of the principal regulations is amended by the substitution of a colon for the full-stop at the end thereof and the insertion thereafter of the following—

"Provided that the Electoral Officer shall, as far as appears to him to be practicable, ensure that not more than 500 electors are required to vote at any one polling station."

Amendment of regulation 63.

10. Paragraph (2) of regulation 63 of the principal regulations is amended by the deletion of the word "duties" and the substitution therefor of the following—

"powers".

Amendment of regulation 65.

11. Regulation 65 of the principal regulations is amended by the insertion after the word "may" of the following—

"with the approval of the Electoral Commission."

Amendment of regulation 80.

12. Paragraph (1) of regulation 80 of the principal regulations is revoked and the following paragraph is substituted therefor—

"(1) Where compliance with paragraph (1) of regulation 78 or with regulation 79 is not practicable, but both polling stations concerned are within the same constituency, the Presiding Officer in charge of the polling station where such officer is on duty shall issue a certificate of polling duties in the prescribed form for presentation to the presiding Officer in charge of the polling station where such officer is registered as being entitled to vote, and such latter Presiding Officer may issue in exchange a certified extract in the prescribed form of the Register of Electors or part thereof in his custody."

Addition of new regulation 87A.

13. The principal regulations are amended by the addition in Part VI after regulation 87 of the following new regulation—

"Chairman of Electoral Commission may exercise certain powers. 87A. Whenever the Electoral Commission is empowered to take any action under regulations 51, 55, 57 or 60, the Chairman of the Commission may himself take such action if in his opinion there is no adequate time for the Electoral Commission to meet."

Amendment of regulation 114.

14. Paragraph (1) of regulation 114 of the principal regulations is amended by the deletion of sub-paragraph (f) and the substitution therefor of the following—

"(f) being in possession of any offensive weapon or wearing any dress or having any facial or other decoration which is calculated to intimidate voters;"

15. The First Schedule to the principal regulations is amended—

(a) by the deletion from rule 1 of the words "The place of" and the substitution thereof of the following—

"Subject to rule 1, the place of";

(b) by the re-numbering of rule 1 as rule 1A and the addition before such rule of the following new rule—

"1. A person shall be deemed to be usually resident at the place where he actually lives on the qualifying date if he has lived there during the whole of the six months preceding the qualifying date."

MADE at Lagos this 3rd day of November, 1958.

A. SPRILYAN,
*Acting Deputy Secretary to the
Council of Ministers*

EXPLANATORY NOTE

These regulations make a number of amendments, recommended by the recent Constitutional Conference, to the Elections (House of Representatives) Regulations, 1958.