

L.N. 16 of 1959

STATUTORY INSTRUMENTS

(Reprinted with all amendments, see G.N. 102 of 1959).

1954 No. 1146

NIGERIA

The Nigeria (Constitution) Order in Council, 1954 (a)

[This O. is printed as am. by O., S.I. 1955/432, 1956/836, 1957/1363, 1530, 1958/429, 1257, 1522 and 1958 (1955 II, p.3163 ; 1956 II, p.2953 ; 1957 II, pp.3028, 3030 ; 1958 II, pp.)].

Made - - - - - 30th August, 1954

Laid before Parliament 3rd September, 1954

Coming into Operation 1st October, 1954

ARRANGEMENT OF ORDER

CHAPTER I

INTRODUCTORY

Section

1. Citation, commencement, revocation and reservation of power
2. Interpretation.
3. Establishment of Federation of Nigeria.
4. Territorial divisions.

CHAPTER II

THE LEGISLATIVE HOUSES

5. Establishment of Legislative Houses.

The House of Representatives

6. Composition of House of Representatives.
7. Speaker and Deputy Speaker of House of Representatives.
8. Election of Representative Members.
9. Qualifications for representative membership of House of Representatives.
10. Disqualifications for representative membership of House of Representatives.
11. Special Members of House of Representatives.
12. Temporary Members of House of Representatives.
13. Special Member of House of Representatives unable to act.
14. Tenure of seats by Representative Members.
15. Tenure of seats by Special Members of House of Representatives.
16. Determination of questions as to membership of House of Representatives.

The Legislative Houses of the Northern Region

17. Composition of Northern House of Chiefs.
18. Selection of Chiefs as members of Northern House of Chiefs.
19. Adviser on Moslem law.
20. President and Deputy President of Northern House of Chiefs.
21. Composition of Northern House of Assembly.

THE CONSTITUTION ORDERS

Section

- 22. Special Members of Northern House of Assembly.
- 23. Speaker and Deputy Speaker of Northern House of Assembly.

The Legislative Houses of the Western Region

- 24. Composition of Western House of Chiefs.
- 25. Recognition of Chiefs and designation of Head Chiefs.
- 26. Head Chiefs and Chiefs to be members of Western House of Chiefs.
- 27. Special Members of Western House of Chiefs.
- 28. President and Deputy President of Western House of Chiefs.
- 29. Composition of Western House of Assembly.
- 30. Revoked.
- 31. Speaker and Deputy Speaker of Western House of Assembly.

The Eastern House of Assembly

- 32. Composition of Eastern House of Assembly.
- 33. Speaker and Deputy Speaker of Eastern House of Assembly.

The House of Assembly of the Southern Cameroons

- 34. Composition of House of Assembly of Southern Cameroons.
- 35. Speaker of House of Assembly of Southern Cameroons.
- 36. Special Members of House of Assembly of Southern Cameroons.

Elected Members of the Houses of Assembly

- 37. Election of Elected Members.
- 38. Qualifications for elected membership of House of Assembly.
- 39. Disqualifications for elected membership of House of Assembly.

Temporary Membership of the Northern House of Assembly and the Legislative Houses of the Western Region and the Southern Cameroons

- 40. Temporary Members of Northern House of Assembly and Legislative Houses of Western Region and Southern Cameroons.
- 41. Certain members of Northern House of Assembly and Legislative Houses of Western Region and Southern Cameroons unable to act.

Tenure of Office by Members of Regional Legislative Houses and House of Assembly of Southern Cameroons

- 42. Revoked.
- 43. Tenure of seats by Special Members of Houses of Assembly.
- 44. Tenure of seats by Special Members of Western House of Chiefs.
- 45. Tenure of seats by Chiefs in Northern House of Chiefs.
- 46. Tenure of seats by Chiefs in Western House of Chiefs.
- 47. Tenure of seats by Elected Members of House of Assembly.
- 48. Revoked.

Miscellaneous

- 49. Determination of questions as to membership of Legislative Houses of Regions and Southern Cameroons.
- 50. Discharge of functions of Speaker or President of Regional Legislative House.

THE CONSTITUTION ORDERS

CHAPTER III

LEGISLATIVE POWERS AND PROCEDURE

Section

51. Establishment of Legislatures.
52. Federal Legislature may be authorised to make laws by Legislatures of Regions and Southern Cameroons.
53. Implementation of treaties etc.
54. External trade.
55. Legislatures may authorise grants or loans for any purpose.
56. Emoluments of officers employed in connection with government of Southern Cameroons.
- 56A. Electricity and gas.
- 56B. Establishment of Banks by Legislatures of Regions and Southern Cameroons.
- 56C. Evidence.
57. Existing laws.
58. Inconsistency between laws enacted by different Legislatures.

Legislative Procedure

59. Legislatures to observe Royal Instructions.
60. Introduction of Bills in Legislative Houses.
61. Restrictions with regard to Bills etc. that charge the revenue.
62. Bills and Motions in House of Representatives affecting public officers, etc.
- 62A. Bills and Motions in Legislative Houses of Northern Region and Southern Cameroons affecting public officers.
63. Revoked.
64. Reserved powers.
65. Assent to Bills.
66. Disallowance of laws.
- 66A. Introduction of Bills by message of Governor-General.
67. Revoked.
68. Bills liable to special procedure.
69. Notice of joint sitting and summoning of joint sitting.
70. Procedure in joint sitting and powers of joint sitting.
71. Standing Orders for Legislative Houses.
72. Presiding in Legislative Houses.
73. Legislative Houses may transact business notwithstanding vacancies etc.
74. Quorum in Legislative Houses.
75. Voting in Legislative Houses.
76. Oath of allegiance to be taken by members of Legislative Houses.
77. Privileges of Legislative Houses.
78. Official languages in Legislative Houses.
79. Penalty for unqualified persons sitting or voting in Legislative Houses.

Section

- 80. Sessions of Legislative Houses.
- 81. Powers of Governor-General and Governors to address Legislative Houses.
- 82. Prorogation and dissolution of Legislative Houses.

CHAPTER IV

EXECUTIVE POWERS

- 83. Extent of executive authority of Federation.
- 84. Use and operational control of police.
- 85. Extent of executive authority of Regions.
- 86. Extent of executive authority of Southern Cameroon.

The Council of Ministers

- 87. Establishment of Council of Ministers.
- 88. Composition of Council of Ministers.
- 88A. Appointment of Ministers.
- 89. Functions of Council of Ministers and exercise of Governor-General's powers.
- 90. Tenure of Office of Prime Minister.
- 91. Tenure of Office of Minister.
- 92. Temporary Ministers.
- 93. Determination of questions as to membership of Council of Ministers.
- 94. Presiding in Council of Ministers.
- 95. Council of Ministers may transact business notwithstanding vacancies etc.
- 96. Summoning Council of Ministers and quorum therein.
- 97. Voting in Council of Ministers.
- 98. Assignment of responsibility to Ministers.
- 98A. Governor-General to be responsible for certain matters.
- 98B. Attorney-General to be responsible for certain matters.
- 99. Parliamentary Secretaries to Ministers.
- 100. Permanent Secretaries to supervise certain Federal departments.
- 101. Revoked.
- 102. Leave of absence for Ministers and Parliamentary Secretaries.
- 102A. Performance of functions of Prime Minister.
- 103. Qaṣha to be taken by Ministers, etc.

The Executive Councils of the Regions

- 104. Establishment of Executive Councils for Regions.
- 105. Functions of Executive Councils and exercise of Governors' powers.
- 106. Composition of Executive Council of Northern Region.
- 107. Appointment of Regional Ministers in Northern Region.

Section

108. Composition of Executive Council of Western Region.
109. Appointment of Regional Ministers in Western Region.
110. Composition of Executive Council of Eastern Region.
111. Appointment of Regional Ministers in Eastern Region.
112. Tenure of office of Premier.
113. Tenure of office of Regional Minister.
114. Determination of questions as to membership of Executive Councils of Regions.
115. Presiding in Executive Councils of Regions.
116. Executive Councils of Regions may transact business notwithstanding vacancies, etc.
117. Summoning Executive Councils of Regions and quorum therein.
118. Voting in Executive Councils of Regions.
119. Assignment of responsibility to members of Executive Council of Northern Region.
- 119A. Assignment of responsibility to members of Executive Councils of Western and Eastern Regions.
- 119B. Attorney-General of Western and Eastern Regions.
120. Parliamentary Secretaries to Regional Ministers.
121. Permanent Secretaries to supervise certain Regional departments.
122. Oaths to be taken by Regional Ministers, etc.
123. Leave of absence for Regional Ministers, etc.
- 123A. Governor of Western and Eastern Regions to be kept informed concerning administration of Government.
- 123B. Performance of functions of Premier.

The Executive Council of the Southern Cameroons

124. Establishment of Executive Council for Southern Cameroons.
125. Functions of Executive Council of Southern Cameroons.
126. Composition of Executive Council of Southern Cameroons.
127. Appointment of Ministers of Southern Cameroons.
128. Tenure of Office of Premier.
129. Tenure of Office of Ministers of Southern Cameroons.
130. Presiding in Executive Council of Southern Cameroons.
131. Summoning Executive Council of Southern Cameroons and quorum therein.
- 131A. Voting in Executive Council of Southern Cameroons.
- 131B. Assignment of responsibility to members of Executive Council of Southern Cameroons.
- 131C. Permanent Secretaries to supervise certain Southern Cameroons Departments.

THE CONSTITUTION ORDERS

Section

132. Oaths to be taken by members of Executive Council of Southern Cameroons.
- 132A. Leave of absence for Ministers for Southern Cameroons.
133. Executive Council of Southern Cameroons may transact business notwithstanding vacancies etc.
134. Determination of questions as to membership of Executive Council of Southern Cameroons.
- 134A. Performance of functions of Premier of Southern Cameroons.
Administrative Relations between Federation and Regions
135. Co-ordination of executive authority of Federation, Regions and Southern Cameroons.
136. Performance of Federal functions by Regional officers and of Regional functions by Federal officers.
137. Directions by High Commissioner to Commissioner of Cameroons.

CHAPTER V

JUDICIAL POWERS

The Federal Supreme Court

138. Establishment of Federal Supreme Court.
139. Judges of Federal Supreme Court.
140. Oaths to be taken by judges of Federal Supreme Court.
141. Salaries of judges of Federal Supreme Court.

Establishment of Courts for the Regions, the Southern Cameroons and Lagos

142. Courts of Regions and Lagos.
- 142A. High Courts of Western and Eastern Regions.
- 142B. Tenure of Office of judges of High Court of Western or Eastern Region.
- 142C. Removal of judge of High Court of Western or Eastern Region.
- 142D. Courts of Western and Eastern Region.
143. Courts of Southern Cameroons.

Jurisdiction of the Courts

144. Exclusive original jurisdiction of Federal Supreme Court.
145. Questions as to interpretation of this Order.
146. Federal Legislature may confer original jurisdiction on Federal Supreme Court.
147. Appellate jurisdiction of Federal Supreme Court.
148. Appeals in capital cases.
149. Enforcement of orders of Federal Supreme Court.
150. Rules of court.
151. Provision for procedure of Federal Supreme Court and enforcement of judgments etc.
152. Jurisdiction of courts of Regions, Southern Cameroons and Lagos.

THE CONSTITUTION ORDERS

CHAPTER VI

FINANCE

Section

- 153. Interpretation.
- 154. Prescribed authority.
- 154A. Consolidated Revenue Fund.
- 154B. Authorisation of Expenditure.
- 154C. Application of sections 154A and 154B to Regions and Southern Cameroons.
- 154D. Public debt.
- 154E. Audit of Accounts.
- 155. Import duties other than duties on motor spirit and tobacco.
- 156. Import duties on motor spirit and tobacco.
- 157. Excise duties.
- 158. Export duties.
- 159. Calculation of payments in certain cases.
- 160. Federal income tax.
- 161. Mining royalties.
- 162. Certain other revenues.
- 163. Revoked.
- 164. Payments by Regions to Federation.
- 165. Revoked.
- 166. Revoked.
- 167. Revoked.
- 168. Sums charged on Consolidated Revenue Funds.
- 169. Time and manner of making payments.
- 170. Regulations.
- 171. Regulations to enable prescribed authority to discharge functions.

CHAPTER VII

THE PUBLIC SERVICES

Part 1—General

- 172. Revoked.

Control of the Public Services

- 173. Appointment etc., of officers in public service of Federation.
- 174. Federal Public Service Commission.
- 175. Federal Commission to advise Governor-General.
- 176. Federal Commission to advise other officers.
- 177. Regulations regarding Federal Commission.
- 177A. Police Service Commission.
- 177B. Police Service Commission to advise Governor-General.
- 177C. Application of sections 176 and 177 to Police Service Commission.
- 177D. Emoluments of Federal Commission and Police Service Commission.

Section

- 178. Appointment etc., of Regional public officers.
- 179. Regional Public Service Commissions.
- 180. Application of sections 175, 176 and 177 to Regional Commissions.
- 180A. Appointment etc., of officers in public service of Western Region.
- 180B. Exercise of Governor's powers by other officer or authority.
- 180C. Public Service Commission of Western Region.
- 180D. Regulations regarding Public Service Commission of Western Region.
- 180E. Appointment etc., of certain officers connected with courts of Western Region.
- 180F. Judicial Service Commission of Western Region.
- 180G. Regulations regarding Judicial Service Commission of Western Region.
- 180H. Appointments etc., of personal staff of Governor of Western Region.
- 180I. Appointments of Permanent Secretaries etc., to Western Region.
- 180J. Reconsideration by Commission.
- 180K. Application of sections 180A to 180J to Eastern Region.
- 180L. Provisions of Fifth Schedule to apply to Public Service and Judicial Service Commissions of Western and Eastern Regions.

*Offices in Existence at the Date of Commencement of this Order
and Officers serving at that Date*

- 181. Revoked.
- 182. Revoked.
- 183. Revoked.
- 184. Revoked.
- 185. Revoked.
- 186. Revoked.
- 187. Revoked.
- 188. Contracts of service.

Exercise of Powers

- 189. Exercise of powers under Chapter VII.

Application of Pensions Laws and Liability for Certain Pensions

- 190. Revoked.
- 190A. Revoked.
- 190B. Grant of pensions etc., by Governors of Western and Eastern Regions.
- 191. Revoked.

Part 2—Regulations relating to Certain Pensions

- 191A. Revoked.
- 192. Revoked.
- 193. Revoked.
- 194. Revoked.
- 195. Revoked.

THE CONSTITUTION ORDERS

Section

- 196. Revoked.
- 197. Revoked.
- 198. Revoked.

CHAPTER VIII

TRANSITIONAL PROVISIONS

Transitional Provisions relating to Chapter I

- 199. Provisions relating to section 4.

Transitional Provisions relating to Chapter II

- 200. Provisions relating to section 17.
- 201. Provisions relating to section 18.
- 202. Revoked.
- 203. Revoked.
- 204. Revoked.
- 205. Revoked.
- 206. Revoked.
- 207. Revoked.
- 208. Revoked.
- 209. Revoked.
- 210. Revoked.

Transitional Provisions relating to Chapter III

- 211. Revoked.
- 212. Provisions relating to section 71.
- 213. Provisions relating to section 77.
- 214. Provisions relating to section 82.

Transitional Provisions relating to Chapter IV

- 215. Revoked.
- 216. Revoked.
- 217. Revoked.
- 218. Revoked.

Transitional Provisions relating to Chapter V

- 219. Revoked.

Miscellaneous

- 220. Existing assets and liabilities.
- 221. Outstanding public debt.
- 222. Enactment of laws relating to Police.
- 223. Compulsory acquisition of property.

THE CONSTITUTION ORDERS

Section

- 224. Emoluments of Governors of Western and Eastern Regions etc.
- 225. Director of Audit of Western and Eastern Regions.
- 226. Tenure of office of Director of Audit of Western and Eastern Regions.
- 227. Removal of Director of Audit of Western or Eastern Regions.
- 228. Director of Public Prosecutions of Western and Eastern Regions.
- 229. Tenure of office of Director of Public Prosecutions of Western and Eastern Regions.
- 230. Removal of Director of Public Prosecutions of Western or Eastern Region.
- 231. Powers of Attorney-General of Federation in relation to prosecutions.
- 232. Powers of Attorney-General of Northern Region in relation to prosecutions.
- 233. Powers of Director of Public Prosecutions in Western and Eastern Regions.
- 234. Establishment of Provincial Administrations in Northern Region.
- 235. Northern Council of Chiefs.
- 236. House of Chiefs of Southern Cameroons.

SCHEDULES

FIRST SCHEDULE—The Legislative Lists.

SECOND SCHEDULE—Territory comprised in the Northern Region, the Western Region, the Eastern Region, the Southern Cameroons and Lagos.

THIRD SCHEDULE—Offences involving disqualification for election.

FOURTH SCHEDULE—Revoked.

FIFTH SCHEDULE—Offences connected with Public Service and Judicial Service Commissions of Western and Eastern Regions.

THE CONSTITUTION ORDERS

At the Court at Balmoral, the 30th day of August, 1954

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

CHAPTER I
INTRODUCTORY

1.—(1) This Order may be cited as the Nigeria (Constitution) Order in Council, 1954.

(2) (a) This Order shall come into operation on the first day of October, 1954:

Provided that—

(i) where by or under this Order any power is conferred upon the Governor-General to make any appointment, to make any Proclamation, Order or regulation or to do any other thing for the purposes of this Order, that power may, unless the contrary intention appears, be exercised, notwithstanding that this Order has not come into operation, at any time after the third day of September, 1954, by the Governor of Nigeria to such extent as may, in his opinion, be necessary or expedient for the purpose of enabling the constitutions established by this Order to function as from the first day of October, 1954;

(ii) where by or under this Order any power is conferred upon the Governor of the Northern Region, the Western Region or the Eastern Region to make any appointment, to make any Proclamation, Order or regulation or to do any other thing for the purposes of this Order, that power may, unless the contrary intention appears, be exercised, notwithstanding that this Order has not come into operation, at any time after the third day of September, 1954, by the Lieutenant-Governor of the former Northern Region, the former Western Region or the former Eastern Region, as the case may be, to such extent as may, in his opinion, be necessary or expedient for the purpose of enabling the constitutions established by this Order to function as from the first day of October, 1954.

(b) Any Proclamation, Order or regulation made under any provision of this Order other than section 35 by the Governor of Nigeria or the Lieutenant-Governor of a former Region in pursuance of this subsection shall not come into operation before the first day of October, 1954.

(c) Any appointment, Proclamation, Order or regulation made, or other thing done, by the Governor of Nigeria in pursuance of this subsection, shall have effect as if it had been made or done by the Governor-General, and any appointment, Proclamation, Order or regulation made, or other thing done by the Lieutenant-Governor of the former Northern Region, the former Western Region or the former Eastern Region in pursuance of this subsection, shall have effect as if it had been made or done by the Governor of the Northern Region, the Western Region or the Eastern Region, as the case may be.

Citation,
commence-
ment,
revocation
and reser-
vation of
power.

THE CONSTITUTION ORDERS

(3) The Nigeria (Constitution) Order in Council, 1951(a), the Nigeria (Constitution) (Amendment) Order in Council, 1953(b), the Nigeria (Constitution) (Amendment) (No. 2) Order in Council, 1953(c), and the Nigeria (Revenue Allocation) Order in Council, 1951(d), shall be revoked without prejudice to anything lawfully done thereunder.

(4) Her Majesty hereby reserves power, with the advice of Her Privy Council, to amend or revoke this Order.

(5) Nothing in this Order shall affect the power of Her Majesty in Council to make laws for the peace, order and good government of Nigeria or any part thereof.

2.—(1) In this Order, unless it is otherwise expressly provided or required by the context—

"the Cameroons" means the Cameroons under United Kingdom Trusteeship, which consist of that part of the territories known as the Cameroons to which the Trusteeship Agreement approved by the General Assembly of the United Nations on the thirteenth day of December, 1946, relates, namely that part thereof that lies to the west of the boundary defined by the Franco-British Declaration of the tenth day of July, 1919, and more exactly defined in the declaration made by the Governor of the Colony and Protectorate of Nigeria and the Governor of the French Cameroons that was confirmed by an exchange of notes between His Majesty's Government in the United Kingdom and the French Government dated the ninth day of January, 1931;

"the Colony" means the Colony of Nigeria as defined in the Colony of Nigeria Boundaries Order in Council, 1913(e);

"Concurrent Legislative List" means the list of matters included in Part II of the First Schedule to this Order;

"Division" means an area declared to be a Division by Proclamation made under subsection (1) of section 4 of this Order;

"the Eastern Region" means the Eastern Region of Nigeria established by section 3 of this Order;

"Exclusive Legislative List" means the list of matters included in Part I of the First Schedule to this Order;

"the Federal Legislature" means the Legislature of the Federation;

"the Federation" means the Federation of Nigeria established by section 3 of this Order;

"the former Eastern Region" means the Eastern Region established by the Nigeria (Constitution) Order in Council, 1951;

"the former Northern Region" means the Northern Region established by the Nigeria (Constitution) Order in Council, 1951;

"the former public service of Nigeria" means the service of the Crown in respect of the government of Nigeria or any part thereof at any time before the commencement of this Order;

"former Region" means the former Northern Region, the former Western Region or the former Eastern Region;

"the former Western Region" means the Western Region established by the Nigeria (Constitution) Order in Council, 1951;

(a) S.I. 1951/1172 (1951 II, p. 14).

(b) S.I. 1953/740 (1953 II, p. 1366).

(c) S.I. 1953/1566 (1953 II, p. 1511).

(d) S.I. 1951/2127 (1951 II, p. 81).

(e) Rev. XVI, p. 885; S.R.O. 1913, p. 2393.

THE CONSTITUTION ORDERS

"the Governor" means, in relation to any Region or any office or authority established for any Region, or any person who holds or is acting in any such office or who is a member of any such authority, the Governor of that Region;

"the Governor-General" means the Governor-General and Commander-in-Chief of the Federation;

"the Governor of Nigeria" means the Governor and Commander-in-Chief of Nigeria;

"Lagos" means the Federal Territory of Lagos established by section 3 of this Order;

"Legislative House" means the House of Representatives, a Regional Legislative House or the House of Assembly of the Southern Cameroons;

"the Legislature of the Federation" means the Legislature established by subsection (1) and subsection (2) of section 51 of this Order;

"the Legislature of a Region" means the Legislature established for any Region by subsection (3) of section 51 of this Order;

"the Legislature of the Southern Cameroons" means the Legislature established by subsection (4) of section 51 of this Order;

"meeting" means any sitting or sittings of a Legislative House commencing when the House first meets after being summoned at any time and terminating when the House is adjourned *sine die* or at the conclusion of a session;

"Nigeria" means the Colony and the Protectorate together with the Cameroons;

"the Northern Region" means the Northern Region of Nigeria established by section 3 of this Order;

"oath" includes an affirmation;

"oath of allegiance" means an oath or affirmation of allegiance in the form set out in the Schedule to the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954(a);

"the Protectorate" means the Protectorate of Nigeria, which consists of the territories in West Africa, excluding the Colony, that are bounded on the south by the Atlantic Ocean, on the west, north and north-east by the line of the frontier between the British and French territories, and on the east by the Cameroons;

"public office" means any office of emolument in the public service of the Federation or the public service of a Region and includes, where the context so admits, an office of emolument in the former public service of Nigeria;

"public officer" means the holder of any public office, including any person appointed to act in any such office;

"the Public Seal" means, in relation to any Instrument made by the Governor-General, the Public Seal of the Federation, and in relation to any Instrument made by the Governor of a Region, the Public Seal of that Region;

"the public service of the Federation" means the service of the Crown in a civil capacity in respect of the government of the Federation;

THE CONSTITUTION ORDERS

"the public service of a Region" means, in relation to any Region, the service of the Crown in a civil capacity in respect of the government of that Region;

"Region" means the Northern Region, the Western Region or the Eastern Region;

"Regional Legislative House" means the Northern House of Chiefs, the Northern House of Assembly, the Western House of Chiefs, the Western House of Assembly or the Eastern House of Assembly;

"session" means the sittings of a Legislative House commencing when the House first sits after being established under this Order, or after its prorogation or dissolution at any time, and terminating when the House is prorogued or is dissolved without having been prorogued;

"sitting" means a period during which a Legislative House is sitting continuously without adjournment and includes any period during which the House is in committee;

"the Southern Cameroons" means the Southern Cameroons established by section 3 of this Order; and

"the Western Region" means the Western Region of Nigeria established by section 3 of this Order.

(2) In this Order, unless it is otherwise provided or required by the context—

(a) any reference to Her Majesty's dominions shall be construed as including a reference to all territories under Her Majesty's protection or in which Her Majesty has for the time being jurisdiction;

(b) any reference to the Legislative Houses of a Region—

(i) in the case of the Northern Region or the Western Region, shall be construed as a reference to the Regional Legislative Houses established for that Region; and

(ii) in the case of the Eastern Region, shall (notwithstanding that such reference may be an express reference to both of such Legislative Houses) be construed as a reference to the Eastern House of Assembly

(c) any reference to the police shall not include a reference to local-government and native-authority police.

(a)(d) any reference to defence shall, without prejudice to its generality, be construed as including the organization, discipline, control and use of the armed forces of the Crown and the control and use of any establishments, installations and equipment pertaining thereto.

(3) For the purposes of this Order, the resignation of a member of any authority established by this Order shall be deemed to have effect—

(a) in the case of a notice that is required to be addressed to any person, from the time at which the notice is received by that person;

(b) in the case of a notice that is required to be addressed to a Legislative House, from the time that the notice is brought to the attention of that House.

THE CONSTITUTION ORDERS

(a)(4) (a) In this Order, unless it is otherwise expressly provided or required by the context—

(i) references to officers in the public service of the Federation or in the public service of a Region are references to persons holding offices of emolument in that public service and include references to persons appointed to act in such offices;

(ii) any reference to an officer by the term designating his office shall be construed as a reference to the officer for the time being lawfully discharging the functions of that office and shall include, in the case of the Governor-General and the High Commissioner for the Southern Cameroons, the Deputy Governor-General, to the extent to which he is authorised to discharge the functions of the office of Governor-General or the office of High Commissioner, as the case may be, in the case of the Governor of a Region, the Deputy Governor of the Region, to the extent to which he is authorised to discharge the functions of the office of Governor, and in the case of the Commissioner of the Cameroons, the Deputy Commissioner of the Cameroons, to the extent to which he is authorised to discharge the functions of the office of Commissioner;

(iii) references to the public service of the Federation include references to the service of the Crown in a civil capacity in respect of the government of the Southern Cameroons and in respect of the government of Lagos; and

(iv) references to offices in the public service of the Federation include references to the offices of the judges of the Federal Supreme Court, the High Court of Lagos and the High Court of the Southern Cameroons and references to the offices of members of all other courts of the Federation, the Southern Cameroons or Lagos, being offices the emoluments attaching to which are payable out of the Consolidated Revenue Fund or the other public funds of the Federation or the Southern Cameroons, as the case may be; and references to offices in the public service of a Region include references to the offices of the judges of the High Court of the Region and references to the offices of the members of all other courts of the Region, being offices the emoluments attaching to which are paid out of the Consolidated Revenue Fund or the other public funds of the Region.

(b) For the purposes of this Order—

(i) a person shall not be considered to hold an office of emolument under the Crown by reason only that he is in receipt of a pension or other like allowance in respect of services in an office of emolument under the Crown;

(ii) the offices referred to in subsection (2) of section 8 and subsection (2) of section 8A of the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954, as amended, shall be offices in the public service of the Federation and the offices referred to in subsection (2) of section 17 of that Order, as amended, shall be offices of emolument in the public service of a Region;

(iii) the offices of Minister, Temporary Minister, Parliamentary Secretary to a Minister, member of the House of Representatives, Minister of the Southern Cameroons, member of the House of Assembly of the Southern Cameroons and member of the House of Chiefs of the Southern Cameroons shall not be considered to be offices in the public service of the Federation; and

THE CONSTITUTION ORDERS

(iv) the offices of Regional Minister, Parliamentary Secretary to a Regional Minister, Attorney-General of the Western Region, Attorney-General of the Eastern Region, member of a Regional Legislative House and member of the Council of Chiefs of the Northern Region shall not be considered to be offices in the public service of a Region.

(c) Where by or under this Order a power is conferred upon the Governor-General or the Governor of a Region to make any appointment to any public office, a person may be appointed to that office notwithstanding that some other person may be holding that office, when that other person is on leave of absence pending relinquishment of the office; and where two or more persons are holding the same office by reason of an appointment made pursuant to this paragraph, then for the purpose of any function conferred upon the holder of that office the person last appointed shall be deemed to be the sole holder of the office.

(d) Where by this Order power is conferred upon the Governor-General or the Governor of a Region to appoint a person to act in any office when the holder of the office is unable to perform the functions of the office, the validity of any appointment made in exercise of that power shall not be called in question in any court on the ground that the holder of the office is not unable to perform the functions of the office.

(e) Where by this Order the Governor-General or the Governor of a Region or the Commissioner of the Cameroons is required to act in accordance with the advice or recommendation of, or after consultation with, any person or authority the question whether he has in any matter so acted shall not be called in question in any court.

(5) For the avoidance of doubts it is hereby declared that any person whose office or whose seat in any Legislative House, Council or other body established by this Order has become vacant, may, if qualified, again be appointed or elected to that office or as a member of that House, Council or other body, as the case may be, from time to time.

(6) This Order shall be construed—

(a) as if subsection (1) of section 1 of the India (Consequential Provision) Act, 1949(a), applied to it in the same way as that subsection applies to laws in force on the date mentioned in that subsection; and

(b) as if subsection (2) of section 3 of the British Nationality Act, 1948(b) (as interpreted by subsection (1) of section 3 of the Ireland Act, 1949(c), and subsection (2) of section 3 of the Ireland Act, 1949, applied to it as those subsections apply to laws in force at the dates of the commencement of those Acts respectively.

(7) Where any power is conferred by this Order to make any Proclamations, Orders, rules or regulations or to give any directions, the power shall be construed as including a power exercisable in like manner to amend or revoke any such Proclamation, Order, rule, regulation or direction.

(8) Save as is in this Order otherwise provided, or required by the context, the Interpretation Act, 1889(d), shall apply for the purpose of interpreting this Order as it applies for the purpose of interpreting an Act of Parliament.

3.—(1) The Northern Region of Nigeria, the Western Region of Nigeria, the Eastern Region of Nigeria, the Southern Cameroons and the Federal Territory of Lagos shall form a Federation, which shall be styled the Federation of Nigeria.

(2) (a) The Northern Region of Nigeria shall comprise the territory specified in paragraph 1 of the Second Schedule to this Order.

(a) 12, 13 & 14 Geo. 6. c. 92.

(c) 12, 13 & 14 Geo. 6. c. 41.

(b) 11 & 12 Geo. 6. c. 56.

(d) 52 & 53 Vict. c. 43.

THE CONSTITUTION ORDERS

(b) The Western Region of Nigeria shall comprise the territory specified in paragraph 2 of the Second Schedule to this Order.

(c) The Eastern Region of Nigeria shall comprise the territory specified in paragraph 3 of the Second Schedule to this Order.

(d) The Southern Cameroons shall comprise the territory specified in paragraph 4 of the Second Schedule to this Order.

(e) The Federal Territory of Lagos shall comprise the territory specified in paragraph 5 of the Second Schedule to this Order.

4.—(1) (a) The Governor-General, acting in his discretion, may by Proclamation published in the Official Gazette of the Federation direct that the Southern Cameroons and Lagos shall be divided into areas and that any such area shall be a Division for the purposes of this Order or any regulations made thereunder:

Territorial divisions.

Provided that the number of Divisions shall not exceed—

(i) two in the case of Lagos; and

(ii) six in the case of the Southern Cameroons.

(b) The Governor of a Region, acting in his discretion, may by Proclamation published in the Official Gazette of the Region direct that that Region shall be divided into areas and that any such area shall be a Division for the purposes of this Order or any regulations made thereunder:

Provided that the number of Divisions in a Region shall not exceed—

(i) ninety-two in the case of the Northern Region; and

(ii) forty-two in the case of the Western Region or the Eastern Region.

(a)(2) (a) The Governor-General, acting in his discretion, may by directions in writing declare that Nigeria shall be divided into areas for the purpose of any matter to which the executive authority of the Federation extends.

(b) The Governor of a Region, may by directions in writing declare that that Region shall be divided into areas for the purpose of any matter to which the executive authority of the Region extends.

(c) The Commissioner of the Cameroons may by directions in writing declare that the Southern Cameroons shall be divided into areas for the purpose of any matter to which the executive authority of the Southern Cameroons extends.

(d) In exercise of the powers conferred upon him by this subsection the Governor of the Northern Region shall act in his discretion.

CHAPTER II

THE LEGISLATIVE HOUSES

5.—(1) There shall be, for the Federation, a Legislative House, which shall be styled the House of Representatives.

Establishment of Legislative Houses.

(2) There shall be, for the Northern Region, two Legislative Houses, which shall be styled, respectively, the Northern House of Chiefs and the Northern House of Assembly.

(3) There shall be, for the Western Region, two Legislative Houses, which shall be styled, respectively, the Western House of Chiefs and the Western House of Assembly.

THE CONSTITUTION ORDERS

THE HOUSE OF REPRESENTATIVES

(4) There shall be, for the Eastern Region, a Legislative House, which shall be styled the Eastern House of Assembly.

(5) There shall be, for the Southern Cameroons, a Legislative House, which shall be styled the House of Assembly of the Southern Cameroons.

6. The members of the House of Representatives shall be—

(a) a Speaker appointed in accordance with subsection (1) of section 7 of this Order;

[S. 6 (b) rev., S.I. 1957/1530.]

(c) one hundred and eighty-four Representative Members elected in accordance with regulations made under section 8 of this Order, of whom—

(i) ninety-two shall be elected in the Northern Region;

(ii) forty-two shall be elected in the Western Region;

(iii) forty-two shall be elected in the Eastern Region;

(iv) six shall be elected in the Southern Cameroons; and

(v) two shall be elected in Lagos;

(d) such Special Members as may be appointed in accordance with section 11 of this Order; and

(e) such Temporary Members as may be appointed in accordance with section 12 of this Order.

(a)7.—(1) (a) The Governor-General shall, by Instrument under the Public Seal, appoint to be Speaker of the House of Representatives a person who is not one of the members of the House mentioned in paragraphs (c), (d) and (e) of section 6 of this Order.

(b) The Governor-General shall forthwith report to Her Majesty through a Secretary of State every appointment made under this subsection.

(a)2. The Governor-General may, by Instrument under the Public Seal, appoint to be Deputy Speaker of the House of Representatives one of the members of the House mentioned in paragraphs (c) and (d) of section 6 of this Order.

(3) The Speaker of the House of Representatives shall hold his office during Her Majesty's pleasure:

Provided that he shall in any case vacate his office—

(a) at such time as may be provided by the Instrument by which he is appointed; or

(b) if he resigns his office by writing under his hand addressed to the Governor-General.

(b)4. The Deputy Speaker of the House of Representatives shall hold his office during the Governor-General's pleasure:

Provided that his office shall in any case become vacant—

(a) if he resigns his office by writing under his hand addressed to the Governor-General; or

(aa) when, after any dissolution of the House of Representatives, he is informed by the Governor-General that the Governor-General is about to re-appoint him as Deputy Speaker or to appoint another person as Deputy Speaker; or

(a) S. 7 (1) (2) as am., S.I. 1957/1530.

(b) S. 7 (4) as am., S. I. 1958/1257.

Composition
of House of
Representa-
tives.

Speaker and
Deputy
Speaker of
House of
Representa-
tives.

THE CONSTITUTION ORDERS

(b) if he ceases to be a member of the House of Representatives for any reason other than a dissolution of that House; or if he becomes a Minister or a Parliamentary Secretary to a Minister.

8.—(1) Subject to the provisions of this Order, the Governor-General may by regulation make provision for the election of persons as Representative Members of the House of Representatives, including (without prejudice to the generality of the foregoing power) the following matters:—

Election of Representative Members.

- (a) the qualifications and disqualifications of electors;
- (b) the registration of electors in Nigeria or any part thereof;
- (c) the ascertainment of the qualifications of persons who submit themselves for election;
- (d) the holding of elections, direct or indirect;
- (e) the establishment of electoral districts (by whatever name called) for the purpose of returning Representative Members to the House of Representatives and the allocation to any such electoral district of seats in that House;
- (f) the division of any such electoral district for any purpose connected with elections;

and any regulations made under this subsection may provide for different methods of election in respect of different parts of Nigeria.

(2) The Governor-General may by regulation make provision for—

(a) the disqualification of any person for membership of the House of Representatives by reason of his holding, or acting in, any office the functions of which involve—

(i) any responsibility for, or in connection with, the conduct of any election; or

(ii) any responsibility for, or in connection with, the compilation or revision of any electoral register; and

(b) the definition and trial of offences relating to elections and the imposition of penalties therefor, including disqualification for membership of the House of Representatives or for registration as an elector, or for voting at elections, of any person concerned in any such offence.

(3) (a) The Governor-General may by regulation provide that—

(i) in any case in which an election of members to the House of Representatives is carried out by a process of indirect election, a person shall not be qualified to be elected as a member of that House at such election, unless he is a member of such electoral body as may be prescribed by such regulations;

(ii) in any case in which an election of members to the House of Representatives is carried out by a process of direct election, a person shall not be qualified to be elected as a member of that House at such election unless he is registered as an elector in the electoral district in respect of which such election is held.

(b) In this subsection "electoral body" means a body of persons constituted in accordance with regulations made under this section for the purpose of the election of members to the House of Representatives.

(4) (a) Regulations made under this section may provide that a person shall not be qualified to be elected as a member of the House of Representatives unless he has paid such tax, or is entitled to such exemption from liability to pay tax, as is specified in the regulations.

(b) In this subsection "tax" means tax payable under the Income Tax Ordinance(a) or the Direct Taxation Ordinance(b), as from time to time amended, as they apply in relation to any part of Nigeria or under any enactment replacing either of those Ordinances in relation to any part of Nigeria.

(5) The Governor-General may by regulation provide for determining whether any person has become a Representative Member of the House of Representatives and whether the seat of any Representative Member in that House has become vacant.

(6) (a) Regulations made under this section shall provide that each Division of the Northern Region, the Western Region, the Eastern Region and the Southern Cameroons shall be represented in the House of Representatives by at least one Representative Member.

(b) For the purposes of this subsection a Representative Member shall be held to represent a Division in the House of Representatives if he has been elected thereto either in respect of that Division as a whole or in respect of any part of that Division.

(c)9.—(1) Subject to the provisions of section 10 of this Order, a person shall be qualified to be elected as a Representative Member of the House of Representatives if—

(a) he is a British subject or a British protected person of the age of twenty-one years or more and, in the case of a person who seeks election in the Northern Region, is a male person; and

(b) (i) he was born in the Region in which he seeks election or his father was born in that Region; or

(ii) he has resided in that Region for a continuous period immediately before the date of election of at least three years in the case of a person who seeks election in the Northern Region, or of at least one year in the case of a person who seeks election in any other Region, and no other person shall be qualified to be so elected.

(2) In this section references to a Region shall, except where express reference is made to the Northern Region, include references to the Southern Cameroons and to Lagos.

* (a) 10.—(1) No person shall be qualified to be elected as a Representative Member of the House of Representatives who—

(a) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to any foreign Power or State; or

(b) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions; or

(a) Laws of Nigeria, Rev. 1948, Chapter 92.

(b) Laws of Nigeria, Rev. 1948, Chapter 54.

(c) S. 9 (1) as am., S.I. 1955/432.

* For saving provisions in respect of members who held an office of emolument before the 31st August, 1957, see section 6 (2) of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957.

(a) S. 10 as am., S.I. 1957/1530, 1958/429.

Qualifications for representative membership of House of Representatives.

Disqualifications for representative membership of House of Representatives.

THE CONSTITUTION ORDERS

(c) has been sentenced by a court in any part of Her Majesty's dominions to death, or to imprisonment (by whatever name called) for a term exceeding six months, and has not either suffered the punishment to which he was sentenced, or such other punishment as may by competent authority have been substituted therefor, or received a free pardon; or

(d) holds, or is acting in, any office of emolument under the Crown; or

(e) is, under any law in force in any part of Nigeria, adjudged to be a lunatic or otherwise declared to be of unsound mind; or

(f) is a member of the Northern House of Chiefs by virtue of being a first-class Chief; or

(g) is a member of the Western House of Chiefs by virtue of being the only Head Chief in a Division of the Western Region; or

(h) is, by any regulations made under section 8 of this Order, disqualified for election to that House.

(2) (a) No person shall be qualified to be elected as a Representative Member of the House of Representatives if he has, within a period of five years immediately before the date of election, been sentenced by a court in Nigeria to death, or to imprisonment (by whatever name called) for a term exceeding six months, upon conviction of any offence mentioned in the Third Schedule to this Order, and has not received a free pardon.

(b) No person shall be qualified to be elected in the Northern Region as a Representative Member of the House of Representatives if he has, within a period of five years immediately before the date of election, been sentenced by a court in Nigeria to death, or to imprisonment (by whatever name called) for a term exceeding six months, upon conviction of any offence that is declared, under paragraph (b) of subsection (2) of section 39 of this Order, to be an offence that contains all the ingredients of any offence mentioned in the Third Schedule to this Order, and has not received a free pardon.

(3) (a) For the purposes of subsection (1) of this section a person shall not be deemed to hold an office of emolument under the Crown by reason only that he is in receipt of a salary or other emoluments or any allowance in respect of his tenure of any office mentioned in sub-paragraphs (iii) and (iv) of paragraph (b) of subsection (4) of section 2 of this Order.

(b) If it is declared by any law enacted by the Federal Legislature that any office shall be deemed not to be an office of emolument under the Crown for the purposes of subsection (1) of this section, or that the person holding or acting in any office shall be deemed not to be a person holding or acting in an office of emolument under the Crown for those purposes, the provisions of that subsection shall have effect accordingly.

(c) For the purposes of subsection (1) of this section the office of any member of any body corporate incorporated directly by a law enacted by any legislature in Nigeria shall, save as otherwise provided in any law made under this subsection, be deemed to be an office under the Crown.

11.—(1) The Governor-General, acting in his discretion, may, by Instrument under the Public Seal, appoint persons to be Special Members of the House of Representatives to represent interests or communities that, in his opinion, are not otherwise adequately represented in the House:

Special
Members
of House
Representatives

Provided that the number of such members shall not at any time exceed six.

THE CONSTITUTION ORDERS

(2) The Governor-General shall forthwith report to Her Majesty through a Secretary of State every appointment made under this section.

Temporary
Members
of House of
Representatives.

12.—(1) If a Special Member of the House of Representatives is incapable of taking part in the proceedings of the House by reason of a declaration made under section 13 of this Order, the Governor-General, acting in his discretion, may, by Instrument under the Public Seal, appoint a person to be a Temporary Member of the House.

(2) The Governor-General shall forthwith report to Her Majesty through a Secretary of State every appointment made under this section.

(3) (a) The seat of a Temporary Member of the House of Representatives shall become vacant when the Special Member on account of whose incapacity he has been appointed is, under section 13 of this Order, declared to be able again to discharge his functions or when the seat of that Special Member in the House becomes vacant.

(b) Subject to the provisions of paragraph (a) of this subsection, the provisions of section 15 of this Order shall apply in relation to a Temporary Member of the House of Representatives as they apply in relation to a Special Member of that House.

Special
Member
of House of
Representatives
unable to
act.

13. The Governor-General, acting in his discretion, may, by Instrument under the Public Seal, declare that a Special Member of the House of Representatives is, by reason of absence or illness, temporarily unable to discharge his functions as a member of that House, and thereupon that member shall not take part in the proceedings of that House until he is declared, in manner aforesaid, to be able again to discharge his said functions.

(a) 14. The seat in the House of Representatives of any Representative Member shall become vacant—

(a) upon a dissolution of the House; or

(b) if he resigns his seat in the House by writing under his hand addressed to the Speaker of the House; or

(c) if he is absent from two consecutive meetings of the House and the Speaker of the House does not, by writing under his hand, excuse his absence within one month after the end of the second meeting; or

(d) if he becomes a member of a Regional Legislative House, the House of Assembly of the Southern Cameroons or the House of Chiefs of the Southern Cameroons; or

(e) if he ceases to be a British subject, or ceases to be a British protected person without becoming a British subject; or

(f) if any circumstances arise that, if he were not a Representative Member of the House, would cause him to be disqualified for election as such under paragraph (a), (b), (c), (d), (e) or (h) of subsection (1) of section 10 of this Order.

15. A Special Member of the House of Representatives shall hold his seat in the House during Her Majesty's pleasure:

Provided that his seat shall in any case become vacant—

(a) upon a dissolution of the House; or

Tenure of
seats by
Special
Members of
House of
Representatives.

(a) S. 14 mod., S.I. 1957/1530, and as am., S.I. 1958/429.

THE CONSTITUTION ORDERS

(b) if he resigns his seat in the House by writing under his hand addressed to the Governor-General; or

(c) if he is absent from two consecutive meetings of the House and the Speaker of the House does not, by writing under his hand, excuse his absence within one month after the end of the second meeting.

16.—(1) Any question whether—

(a) any person has become a member (other than a Representative Member) of the House of Representatives; or

(b) the seat of any member (other than a Representative Member) of the House of Representatives has become vacant; or

(c) any Special Member of the House of Representatives is incapable of taking part in the proceedings of that House by reason of a declaration made under section 13 of this Order,

shall be referred to, and determined by, the Governor-General, acting in his discretion.

(2) Any question whether any person has become a Representative Member of the House of Representatives or whether the seat of any such member has become vacant shall be determined in accordance with regulations made under section 8 of this Order.

THE LEGISLATIVE HOUSES OF THE NORTHERN REGION

(a) 17.—(1) The members of the Northern House of Chiefs shall be—

(a) all first-class Chiefs;

(b) forty-seven Chiefs, other than first-class Chiefs, selected for membership of the House in accordance with regulations made under section 18 of this Order;

(c) those members of the Executive Council of the Northern Region who are members of the Northern House of Assembly; and

(d) an adviser on Moslem law appointed in accordance with section 19 of this Order.

(2) For the purposes of this section—

“Chief” means any person who is for the time being recognised as a Chief by the Governor;

“first-class Chief” means any Chief who is for the time being graded as a first-class Chief under the Appointment and Deposition of Chiefs Ordinance(b), as from time to time amended, as it applies in relation to the Northern Region or any enactment replacing that Ordinance in its application to the Northern Region.

(c) 18. Subject to the provisions of this Order, the Governor, may by regulation—

(a) make provision for the selection of Chiefs, other than first-class Chiefs, to be members of the Northern House of Chiefs in accordance with section 17 of this Order;

(b) prescribe qualifications for selection as aforesaid;

(c) prescribe conditions on which any person selected as aforesaid shall hold his seat in the Northern House of Chiefs.

Determination of questions as to membership of House of Representatives.

Composition of Northern House of Chiefs.

Selection of Chiefs as members of Northern House of Chiefs.

(a) S. 17 as subst., S.I. 1958/429.

(b) Laws of Nigeria, Rev. 1948, Chapter 12.

(c) S. 18 as am., S.I. 1958/429.

THE CONSTITUTION ORDER

Adviser on
Moslem
law.

19.—(1) The adviser on Moslem law shall be appointed by the Governor, acting in his discretion, by Instrument under the Public Seal.

(2) The adviser on Moslem law shall hold his seat in the Northern House of Chiefs during the Governor's pleasure :

Provided that his seat shall in any case become vacant—

(a) upon a dissolution of the House ; or

(b) if he resigns his seat by writing under his hand addressed to the Governor.

(3) The Governor, acting in his discretion, may, by Instrument under the Public Seal, declare that the adviser on Moslem law is, by reason of absence or illness or any other cause, temporarily unable to discharge his functions as a member of the Northern House of Chiefs, and thereupon the adviser on Moslem law shall not take part in the proceedings of the House until he is declared, in manner aforesaid, to be able again to discharge his said functions.

(4) (a) If the adviser on Moslem law is incapable of taking part in the proceedings of the Northern House of Chiefs by reason of a declaration made under subsection (3) of this section, the Governor, acting in his discretion, may appoint another person temporarily to discharge his functions.

(b) A person appointed under this subsection, shall, while discharging the functions of the adviser on Moslem law, be deemed to have been appointed to be the adviser on Moslem law under subsection (1) of this section and, subject to the provisions of this section, the provisions of this Order shall have effect accordingly,

(c) A person appointed under this subsection shall discharge the functions of the adviser on Moslem law during the Governor's pleasure :

Provided that he shall in any case cease to discharge those functions—

(i) when the adviser on Moslem law is, under subsection (3) of this section, declared to be able again to discharge his functions ; or

(ii) if the seat of the adviser on Moslem law becomes vacant ; or

(iii) if he resigns his appointment by writing under his hand addressed to the Governor.

(5) Any question whether—

(a) any person has become, or is entitled to discharge the functions of, the adviser on Moslem law ; or

(b) the adviser on Moslem law is incapable of taking part in the proceedings of the Northern House of Chiefs by reason of a declaration made under subsection (3) of this section ; or

(c) the seat in that House of the adviser on Moslem law has become vacant,

shall be referred to, and determined by, the Governor, acting in his discretion.

(6) Unless it is otherwise expressly provided, none of the following provisions of this Order shall be construed as applying or referring to, or having any effect with respect to, the adviser on Moslem law.

THE CONSTITUTION ORDERS

(a)20.—(1) The Governor shall, by Instrument under the Public Seal, appoint to be President and Deputy President of the Northern House of Chiefs respectively two of the members of the House mentioned in paragraphs (a) and (b) of subsection (1) of section 17 of this Order.

President and Deputy President of Northern House of Chiefs.

(2) The President and the Deputy President of the Northern House of Chiefs shall hold their offices during the Governor's pleasure :

Provided that the office of the President or the Deputy President, as the case may be, shall in any case become vacant—

(a) in the case of the President, when, after any dissolution of the Northern House of Chiefs, he is informed by the Governor that the Governor is about to reappoint him as President or to appoint another person as President ; or

(b) in the case of the Deputy President, when, after any dissolution of the Northern House of Chiefs, he is informed by the Governor that the Governor is about to re-appoint him as Deputy President or to appoint another person as Deputy President ; or

(c) if he ceases to be a member of the Northern House of Chiefs for any reason other than a dissolution of that House ; or

(d) if he resigns his office by writing under his hand addressed to the Governor ; or

(e) if he becomes a Regional Minister or a Parliamentary Secretary to a Regional Minister.

*21.—(1) The members of the Northern House of Assembly shall be—

Composition of Northern House of Assembly.

(b)(a) the Attorney-General of the Northern Region ;

(b) one hundred and seventy-four Elected Members elected in accordance with regulations made under section 37 of this Order ;

(c) such Special Members as may be appointed in accordance with section 22 of this Order ; and

(d) such Temporary Members as may be appointed in accordance with section 40 of this Order.

(2) A person appointed Speaker of the Northern House of Assembly in pursuance of paragraph (b) of subsection (1) of section 23 of this Order shall be deemed to be a member of the House.

22. The Governor, acting in his discretion, may, by Instrument under the Public Seal, appoint persons to be Special Members of the Northern House of Assembly to represent interests or communities that, in his opinion, are not otherwise adequately represented in the House ;

Special Members of Northern House of Assembly.

Provided that the number of such members shall not at any time exceed five.

(c)23.—(1) The Governor, acting in his discretion, may, by Instrument under the Public Seal, appoint to be Speaker of the Northern House of Assembly—

Speaker and Deputy Speaker of Northern House of Assembly.

(a) one of the members of the House mentioned in paragraphs (a), (b) and (c) of subsection (1) of section 21 of this Order ; or

(b) a person who is not a member of the House.

(a) S. 20 as subst., S.I. 1958/429, and as am., S.I. 1958/1257.

(b) S. 21 as am., (prop.), S.I. 1957/1530, 1958/429.

(c) S. 23 as am., S.I. 1958/429, 1257.

* For date of commencement of the amendments to this section made by section 9 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, increasing the membership of the House, see section 1 (3) (a) of that Order.

THE CONSTITUTION ORDERS

(2) The Governor may, by Instrument under the Public Seal, appoint to be Deputy Speaker of the Northern House of Assembly one of the members of the House mentioned in paragraphs (a), (b) and (c) of subsection (1) of section 21 of this Order.

(3) The Speaker and the Deputy Speaker of the Northern House of Assembly shall hold office during the Governor's pleasure:

Provided that the office of the Speaker or the Deputy Speaker shall in any case become vacant—

(a) at such time as may be provided by the Instrument by which he is appointed; or

(aa) in the case of a person appointed Speaker in pursuance of paragraph (a) of subsection (1) of this section, when, after any dissolution of the Northern House of Assembly, he is informed by the Governor that the Governor is about to re-appoint him as Speaker or to appoint another person as Speaker; or

(aaa) in the case of the Deputy Speaker, when, after any dissolution of the Northern House of Assembly, he is informed by the Governor that the Governor is about to re-appoint him as Deputy Speaker or to appoint another person as Deputy Speaker; or

(b) if he resigns his office by writing under his hand addressed to the Governor; or

(c) in the case of a person appointed Speaker in pursuance of paragraph (a) of subsection (1) of this section, or in the case of a person appointed Deputy Speaker, if—

(i) he ceases to be a member of the Northern House of Assembly for any reason other than a dissolution of that House; or

(ii) he becomes a Regional Minister or a Parliamentary Secretary to a Regional Minister.

THE LEGISLATIVE HOUSES OF THE WESTERN REGION

24.—(1) The members of the Western House of Chiefs shall be—

(a) such Head Chiefs and other Chiefs as are referred to in subsection (3) of section 26 of this Order;

(b) those members of the Executive Council of the Western Region who are members of the House of Assembly;

(c) such Special Members as may be appointed in accordance with section 27 of this Order; and

(d) such Temporary Members as may be appointed in accordance with section 40 of this Order.

(2) A person elected as President of the Western House of Chiefs in pursuance of paragraph (b) of subsection (1) of section 28 of this Order shall be deemed to be a Member of the House.

25.—(1) The Governor of the Western Region may—

(a) recognise persons as Chiefs for the purposes of this Order;

(b) designate as a Head Chief for the purposes of this Order any person whom he so recognises as a Chief; and

(c) withdraw any such recognition and revoke any such designation as aforesaid.

Composition of Western House of Chiefs.

Recognition of Chiefs and designation of Head Chiefs.

THE CONSTITUTION ORDERS

(2) In deciding whether to recognise any person as a Chief in pursuance of this section, the Governor shall have regard to whether such person holds a title that is associated with any part of the territory comprised in the Western Region or with any community, or class or group of persons, therein.

(3) In recognising any person as a Chief in pursuance of this section, the Governor shall specify a Division of the Western Region in respect of which such person is so recognised; and such person shall for the purposes of this Order be deemed to be a Chief, and, if so designated, a Head Chief, in that Division.

(4) (a) The powers conferred by this section on the Governor shall be exercised by him in his discretion.

(b) The decision of the Governor, in the exercise of the powers aforesaid—

(i) to recognise a person as a Chief or designate a Chief as a Head Chief, or

(ii) to withhold, withdraw or revoke any such recognition or designation, or

(iii) to recognise a person as a Chief in respect of a particular Division shall be final, and shall not be called in question in any court.

26.—(1) In this section—

“Chief” means any person who is for the time being recognised as a Chief in pursuance of section 25 of this Order, and includes a Head Chief;

“Head Chief” means any person who is for the time being designated as a Head Chief in pursuance of that section;

“prescribed” means prescribed by regulations made under subsection (4) of this section.

(2) The Chiefs who are members of the House of Chiefs by virtue of this section shall not at any time exceed fifty in number.

(3) Subject to the provisions of this section, the following Chiefs in a Division shall be members of the House of Chiefs, that is to say—

(a) in a Division in which there is only one Head Chief—

(i) the Head Chief; and

(ii) one other Chief, or such greater number as may be prescribed, who shall be selected for such membership in accordance with regulations made under subsection (4) of this section;

(b) in a Division in which there is more than one Head Chief—two Chiefs, or such greater number as may be prescribed, who shall be selected for such membership in accordance with regulations made under subsection (4) of this section;

Provided that the said Chiefs shall include at least one Head Chief;

(c) in a Division in which there is no Head Chief—two Chiefs, or such greater number as may be prescribed, who shall be selected for such membership in accordance with regulations made under subsection (4) of this section.

(4) Subject to the provisions of this Order, the Governor, acting in his discretion, may by regulation—

(a) make provision for the selection of Chiefs to be members of the House of Chiefs in accordance with paragraph (a) of subsection (1) of section 24 of this Order;

Head Chiefs
and
Chiefs to be
members of
Western
House of
Chiefs.

THE CONSTITUTION ORDERS

(b) prescribe the qualifications for selection as aforesaid;

(c) prescribe conditions on which any person selected as aforesaid shall hold his seat in the House of Chiefs; and

(d) prescribe anything that is by subsection (3) of this section to be prescribed.

Special
Members of
Western
House of
Chiefs.

27. The Governor may, by Instrument under the Public Seal, appoint persons who are for the time being recognised as Chiefs in pursuance of section 25 of this Order to be Special Members of the Western House of Chiefs:

Provided that the number of such members shall not at any time exceed four.

President
and Deputy
President
of Western
House of
Chiefs.

28.—(1) When the Western House of Chiefs first sits after any dissolution of the House, and before it proceeds to the despatch of any other business, the members thereof shall elect to be President of the House—

(a) one of the members of the House mentioned in paragraphs (a) and (c) of subsection (1) of section 24 of this Order; or

(b) a person who is not a member of the House.

(2) When the Western House of Chiefs first sits after any dissolution of the House, and before it proceeds to the despatch of any other business except the election of a President, the members thereof shall elect to be Deputy President of the House one of the members of the House mentioned in paragraphs (a) and (c) of subsection (1) of section 24 of this Order.

(a)(3) As often as the office of the President or the Deputy President falls vacant otherwise than when the Western House of Chiefs first sits after any dissolution thereof, the members of that House shall as soon as is practicable elect a person to that office in like manner as is provided in subsection (1) or subsection (2) of this section, as the case may be.

(b)(4) The office of the President or the Deputy President of the Western House of Chiefs shall become vacant—

(a) when the House first sits after any dissolution thereof; or

(b) if he resigns his office by writing under his hand addressed to the House; or

(c) in the case of a person elected to be President in pursuance of paragraph (a) of subsection (1) of this section or in the case of a person elected as Deputy President, if—

(i) he ceases to be a member of the House otherwise than by reason of a dissolution thereof; or

(ii) he becomes a Regional Minister, Attorney-General of the Western Region or a Parliamentary Secretary to a Regional Minister.

Composition
of
Western
House of
Assembly.

(c)29.—(1) The members of the Western House of Assembly shall be—

(a) eighty Elected Members elected in accordance with regulations made under section 37 of this Order; and

(b) those members of the Executive Council of the Region who are members of the Western House of Chiefs.

(a) S. 28 (3) as am., S.I. 1958/1257.

(b) S. 28 (4) as am., S.I. 1958/429, 1257.

(c) S. 29 as am., S.I. 1958/429.

THE CONSTITUTION ORDERS

(2) A person elected as Speaker of the Western House of Assembly in pursuance of paragraph (b) of subsection (1) of section 31 of this Order shall be deemed to be a member of the House.

(3) A person appointed as Attorney-General of the Western Region who is not a member of either of the Legislative Houses of the Region shall (save for the purposes of section 75 of this Order) be deemed to be a member of the Western House of Assembly.

[S. 30 rev., S.I. 1958/429.]

(d) 31.—(1) When the Western House of Assembly first sits after any dissolution of the House, and before it proceeds to the despatch of any other business, the members thereof shall elect to be Speaker of the House—

(a) one of the members of the House mentioned in paragraph (a) of subsection (1) of section 29 of this Order; or

(b) a person who is not a member of the House.

(2) When the Western House of Assembly first sits after any dissolution of the House, and before it proceeds to the despatch of any other business except the election of a Speaker, the members thereof shall elect to be Deputy Speaker of the House one of the members of the House mentioned in paragraph (a) of subsection (1) of section 29 of this Order.

(3) As often as the office of the Speaker or the Deputy Speaker falls vacant otherwise than when the Western House of Assembly first sits after any dissolution thereof, the members of that House shall as soon as is practicable elect a person to that office in like manner as is provided in subsection (1) or subsection (2) of this section, as the case may be.

(4) The office of the Speaker or the Deputy Speaker of the Western House of Assembly shall become vacant—

(a) when the House first sits after any dissolution thereof; or

(b) if he resigns his office by writing under his hand addressed to the House; or

(c) in the case of a person elected as Speaker in pursuance of paragraph (a) of subsection (1) of this section or in the case of a person elected as Deputy Speaker, if—

(i) he ceases to be a member of the House otherwise than by reason of a dissolution thereof; or

(ii) he becomes a Regional Minister, Attorney-General of the Western Region or a Parliamentary Secretary to a Regional Minister.

THE EASTERN HOUSE OF ASSEMBLY

32.—(1) The members of the Eastern House of Assembly shall be eighty-four Elected Members elected in accordance with regulations made under section 37 of this Order.

(2) A person elected Speaker of the Eastern House of Assembly in pursuance of paragraph (b) of subsection (1) of section 33 of this Order shall be deemed to be a member of the House.

Speaker and Deputy Speaker of Western House of Assembly.

Composition of Eastern House of Assembly.

(d) S. 31 as am., S.I. 1958/429, 1257.

(a) S. 32 (2) as am., S.I. 1958/1257.

THE CONSTITUTION ORDERS

(b)(3) A person appointed as Attorney-General of the Eastern Region who is not a member of the Eastern House of Assembly shall (save for the purposes of section 75 of this Order) be deemed to be a member of the House.

(c)33.—(1) When the Eastern House of Assembly first sits after any dissolution of the House, and before it proceeds to the despatch of any other business, the members thereof shall elect to be Speaker of the House—

(a) a member of the House; or

(b) a person who is not a member of the House.

(2) When the Eastern House of Assembly first sits after any dissolution of the House, and before it proceeds to the despatch of any other business except the election of a Speaker, the members thereof shall elect to be Deputy Speaker of the House one of the members of the House.

(3) As often as the office of the Speaker or the Deputy Speaker falls vacant otherwise than when the Eastern House of Assembly first sits after any dissolution thereof, the members of that House shall as soon as practicable elect a person to that office in like manner as is provided in subsection (1) or subsection (2) of this section, as the case may be.

(4) The office of the Speaker or the Deputy Speaker of the Eastern House of Assembly shall become vacant—

(a) when the House first sits after any dissolution thereof; or

(b) if he resigns his office by writing under his hand addressed to the House; or

(c) in the case of a person elected as Speaker in pursuance of paragraph (a) of subsection (1) of this section or in the case of a person elected as Deputy Speaker, if—

(i) he ceases to be a member of the House otherwise than by reason of a dissolution thereof; or

(ii) if he becomes a Regional Minister, Attorney-General of the Eastern Region or a Parliamentary Secretary to a Regional Minister.

THE HOUSE OF ASSEMBLY OF THE SOUTHERN CAMEROONS

* (a)34.—(1) The members of the House of Assembly of the Southern Cameroons shall be—

(a) [S. 34 (1) (a) *rev.*, S.I. 1958/429.]

(b) three Ex-officio Members, namely the Deputy Commissioner of the Cameroons, the Legal Secretary of the Southern Cameroons and the Financial Secretary of the Southern Cameroons;

(c) twenty-six Elected Members elected in accordance with regulations made under section 37 of this Order;

(d) [S. 34 (1) (d) *rev.*, S.I. 1958/429.]

(e) such Special Members as may be appointed in accordance with section 36 of this Order; and

(f) such Temporary Members as may be appointed in accordance with section 40 of this Order.

(b) S. 32 (3) inserted, S.I. 1958/429.

(c) S. 33 as subst., S.I. 1958/1257.

(a) S. 34 as am., (prosp.), S.I. 1958/429, 1257.

* For date of commencement of the amendments made to this section by section 17 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, altering the membership of the House, see section 1 (3) (b) of that Order.

Speaker
and Deputy
Speaker of
Eastern
House of
Assembly.

Composition
of
House of
Assembly of
Southern
Cameroons.

THE CONSTITUTION ORDERS

(2) A person appointed Speaker of the House of Assembly of the Southern Cameroons in pursuance of paragraph (b) of subsection (1) of section 35 of this Order shall be deemed to be a member of the House.

†(b)35.—(1) The Commissioner of the Cameroons, after consultation with the Premier of the Southern Cameroons, may, by writing under his hand, appoint to be Speaker of the House of Assembly of the Southern Cameroons—

Speaker of
House of
Assembly of
Southern
Cameroons.

(a) one of the members of the House mentioned in paragraphs (b), (c) and (e) of subsection (1) of section 34 of this Order; or

(b) a person who is not a member of the House.

(2) The Speaker of the House of Assembly shall hold office during the pleasure of the Commissioner of the Cameroons:

Provided that his office shall in any case become vacant—

(a) at such time as may be provided by the Instrument by which he is appointed; or

(aa) in the case of a person appointed Speaker in pursuance of paragraph (a) of subsection (1) of this section, when, after any dissolution of the House of Assembly of the Southern Cameroons, he is informed by the Commissioner that the Commissioner is about to re-appoint him as Speaker or to appoint another person as Speaker; or

(b) if he resigns his office by writing under his hand addressed to the Commissioner; or

(c) in the case of a person appointed Speaker in pursuance of paragraph (a) of subsection (1) of this section of this Order, if—

(i) he ceases to be a member of the House of Assembly of the Southern Cameroons for any reason other than a dissolution of that House; or

(ii) he becomes a Minister of the Southern Cameroons.

(a)36. The High Commissioner for the Southern Cameroons, may, by Instrument under the Public Seal of the Southern Cameroons, appoint persons to be Special Members of the House of Assembly of the Southern Cameroons to represent interests or communities that, in his opinion, are not otherwise adequately represented in the House:

Special
Members
of House of
Assembly of
Southern
Cameroons.

Provided that the number of such members shall not at any time exceed two.

ELECTED MEMBERS OF THE HOUSES OF ASSEMBLY

(a)37.—(1) Subject to the provisions of this Order, the Governor may by regulation make provision for the election of persons as Elected Members of the House of Assembly of a Region, including (without prejudice to the generality of the foregoing power) the following matters:—

Election of
Elected
Members.

(a) the qualifications and disqualifications of electors;

(b) the registration of electors in the Region or any part thereof;

† For date of commencement of this substituted section which was inserted by section 18 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, see section 1 (3) (b) of that Order.

(b) S. 35 as subst., (prop.), S.I. 1958/429, 1257.

(a) Ss. 36, 37 as am., S.I. 1958/429.

THE CONSTITUTION ORDERS

(c) the ascertainment of the qualifications of persons who submit themselves for election;

(d) the holding of elections, direct or indirect;

(e) the establishment of electoral districts (by whatever name called) for the purpose of returning Elected Members to the House of Assembly and the allocation to any such electoral district of seats in that House;

(f) the division of any such electoral district for any purpose connected with elections,

and any regulations made under this subsection may provide for different methods of election in respect of different parts of the Region.

(2) The Governor may by regulation make provision for—

(a) the disqualification of any person for membership of the House of Assembly by reason of his holding, or acting in, any office the functions of which involve—

(i) any responsibility for, or in connection with, the conduct of any election; or

(ii) any responsibility for, or in connection with, the compilation or revision of any electoral register; and

(b) the definition and trial of offences relating to elections and the imposition of penalties therefor, including disqualification for membership of the House of Assembly or for registration as an elector, or for voting at elections, of any person concerned in any such offence.

(3) (a) The Governor may by regulation provide that—

(i) in any case in which an election of members to the House of Assembly is carried out by a process of indirect election, a person shall not be qualified to be elected as a member of that House at such election unless he is a member of such electoral body as may be prescribed by such regulations;

(ii) in any case in which an election of members to the House of Assembly is carried out by a process of direct election, a person shall not be qualified to be elected as a member of that House at such election unless he is registered as an elector in the electoral district in respect of which such election is held.

(b) In this subsection "electoral body" means a body of persons constituted in accordance with regulations made under this section for the purpose of the election of members to a House of Assembly.

(4) (a) Regulations made under this section may provide that a person shall not be qualified to be elected as a member of the House of Assembly of a Region unless he has paid such tax, or is entitled to such exemption from liability to pay tax, as is specified in the regulations.

(b) In this subsection "tax" means tax payable under the Income Tax Ordinance or the Direct Taxation Ordinance, as from time to time amended, as they apply in relation to any part of Nigeria or under any enactment replacing either of those Ordinances in relation to any part of Nigeria.

(5) The Governor may by regulation provide for determining whether any person has become an Elected Member of the House of Assembly of a Region and whether the seat of any Elected Member in that House has become vacant.

THE CONSTITUTION ORDERS

(6) The foregoing provisions of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region, and for that purpose references therein to a Region, to the Governor and to the House of Assembly of that Region shall be construed as if they were references to the Southern Cameroons, to the High Commissioner for the Southern Cameroons, and to the House of Assembly of the Southern Cameroons.

(a) 38.—(1) Subject to the provisions of section 39 of this Order a person shall be qualified to be elected as an Elected Member of the House of Assembly of a Region if—

(a) he is a British subject or a British protected person of the age of twenty-one years or more and, in the case of the Northern House of Assembly, is a male person; and

(b) (i) he was born in that Region or his father was born in that Region; or

(ii) he has resided in that Region for a continuous period immediately before the date of election of at least three years in the case of the Northern Region, or of at least one year in the case of any other Region,

and no other person shall be qualified to be so elected.

(2) The foregoing provisions of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region other than the Northern Region, and for that purpose references therein to such Region, and to the House of Assembly thereof, shall be construed as if they were references to the Southern Cameroons, and to the House of Assembly of the Southern Cameroons.

* (b) 39.—(1) No person shall be qualified to be elected as an Elected Member of the House of Assembly of a Region or of the Southern Cameroons who—

(a) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to any foreign Power or State; or

(b) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions; or

(c) has been sentenced by a court in any part of Her Majesty's dominions to death, or to imprisonment (by whatever name called) for a term exceeding six months, and has not either suffered the punishment to which he was sentenced, or such other punishment as may by competent authority have been substituted therefor, or received a free pardon; or

(d) holds, or is acting in, any office of emolument under the Crown; or

(e) is, under any law in force in any part of Nigeria, adjudged to be a lunatic or otherwise declared to be of unsound mind; or

(f) is a member of any other House of Assembly or of a House of Chiefs; or

(g) is, by any regulations made under section 37 of this Order, disqualified for election to that House.

(2) (a) No person shall be qualified to be elected as an Elected Member of the House of Assembly of a Region or of the Southern Cameroons if he has, within a period of five years immediately before the date of election,

(a) S. 38 (1) as am., S.I. 1955/432.

(b) S. 39 as am., S.I. 1957/1530, 1958/429.

* For saving provision in respect of members who held an office of emolument before the 31st August, 1957, see section 8(2) of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957.

Qualifications for elected membership of House of Assembly.

Disqualifications for elected membership of House of Assembly.

THE CONSTITUTION ORDERS

been sentenced by a court in Nigeria to death, or to imprisonment (by whatever name called) for a term exceeding six months, upon conviction of any offence mentioned in the Third Schedule to this Order, and has not received a free pardon.

(b) No person shall be qualified to be elected as an Elected Member of the Northern House of Assembly if he has, within a period of five years immediately before the date of election, been sentenced by a court in Nigeria to death, or to imprisonment (by whatever name called) for a term exceeding six months, upon conviction of any offence that is declared by the Governor of the Northern Region to be an offence that contains all the ingredients of any offence mentioned in the Third Schedule to this Order, and has not received a free pardon.

(3) (a) For the purposes of subsection (1) of this section a person shall not be deemed to hold an office of emolument under the Crown by reason only that he is in receipt of a salary or other emoluments or any allowance in respect of his tenure of any office mentioned in sub-paragraphs (iii) and (iv) of paragraph (b) of subsection (4) of section 2 of this Order.

(b) If it is declared by any law enacted by the Legislature of a Region or the Southern Cameroons that any office shall be deemed not to be an office of emolument under the Crown for the purposes of subsection (1) of this section, or that the person holding or acting in any office shall be deemed not to be a person holding or acting in an office of emolument under the Crown for those purposes, the provisions of that subsection shall have effect accordingly in their application to the House of Assembly of the Region or the House of Assembly of the Southern Cameroons, as the case may be.

(c) For the purposes of subsection (1) of this section the office of any member of any body corporate incorporated directly by a law enacted by any legislature in Nigeria shall, save as otherwise provided in any law made under this subsection, be deemed to be an office under the Crown.

TEMPORARY MEMBERSHIP OF THE NORTHERN HOUSE OF ASSEMBLY
AND THE LEGISLATIVE HOUSES OF THE WESTERN REGION AND THE
SOUTHERN CAMEROONS

(a) 40.—(1) If a Special Member of the Northern House of Assembly or the Western House of Chiefs is incapable of taking part in the proceedings of such House by reason of a declaration made under section 41 of this Order, the Governor may, by Instrument under the Public Seal, appoint a person to be a Temporary Member of such House:

Provided that—

(i) [S. 40 (1) proviso (i) rev., S.I. 1957/1530.]

(ii) if the member in respect of whom such person is appointed is a Special Member of the Western House of Chiefs, such person shall be a person who is for the time being recognised as a Chief in pursuance of section 25 of this Order.

(2) The powers conferred by this section on the Governor shall, except in relation to a Temporary Member of the Western House of Chiefs, be exercised by the Governor in his discretion.

THE CONSTITUTION ORDERS

(3) The foregoing provisions of this section shall apply in relation to the Special Members of the House of Assembly of the Southern Cameroons as they apply in relation to the Special Members of the Northern House of Assembly, and for that purpose references to the Governor shall be construed as if they were references to the High Commissioner for the Southern Cameroons and the reference to the Public Seal shall be construed as if it were a reference to the Public Seal of the Southern Cameroons.

(4) (a) The seat of a Temporary Member appointed under this section shall become vacant when the Special Member on account of whose incapacity he has been appointed is, under section 41 of this Order, declared to be able again to discharge his functions or when the seat of that Special Member becomes vacant.

(b) Subject to the provisions of paragraph (a) of this subsection, the provisions of sections 42, 43 and 44 of this Order shall apply in relation to a Temporary Member appointed under this section as they apply in relation to the Special Member on account of whose incapacity that Temporary Member has been appointed.

(a) 41.—(1) (a) The Governor may, by Instrument under the Public Seal, declare that a Special Member of the Northern House of Assembly, or the Western House of Chiefs is, by reason of absence or illness, temporarily unable to discharge his functions as a member of such House, and thereupon that member shall not take part in the proceedings of such House until he is declared, in manner aforesaid, to be able again to discharge his said functions.

Certain members of Northern House of Assembly and Legislative Houses of Western Region and Southern Cameroons unable to act.

(b) The power conferred by this subsection upon the Governor of a Region shall, except in relation to a Special Member of the Western House of Chiefs, be exercised by the Governor in his discretion.

(2) The High Commissioner for the Southern Cameroons may, by Instrument under the Public Seal of the Southern Cameroons, declare that a Special Member of the House of Assembly of the Southern Cameroons is, by reason of absence or illness, temporarily unable to discharge his functions as a member of that House, and thereupon that member shall not take part in the proceedings of that House until he is declared, in manner aforesaid, to be able again to discharge his said functions.

TENURE OF OFFICE BY MEMBERS OF REGIONAL LEGISLATIVE HOUSES
AND HOUSE OF ASSEMBLY OF SOUTHERN CAMEROONS

[S. 42 *rev.*, S.I. 1957/1530.]

(a) 43.—(1) A Special Member of the Northern House of Assembly shall hold his seat in the House during the Governor's pleasure:

Tenure of seats by Special Members of Houses of Assembly.

Provided that his seat shall in any case become vacant—

(a) upon a dissolution of the House; or

(b) if he resigns his seat in the House by writing under his hand addressed to the Governor; or

(c) if he is absent from two consecutive meetings of the House and the Speaker of the House does not, by writing under his hand, excuse his absence within one month after the end of the second meeting.

(a) S. 41 as am., S.I. 1957/1530, 1958/429.

(a) S. 43 as am., S.I. 1958/429.

THE CONSTITUTION ORDERS

(2) The provisions of subsection (1) of this section shall apply in relation to the Special Members of the House of Assembly of the Southern Cameroons as they apply in relation to the Special Members of the Northern House of Assembly, and for that purpose references to the Governor shall be construed as if they were references to the High Commissioner for the Southern Cameroons.

44. The seat of a Special Member of the Western House of Chiefs shall become vacant—

- (a) upon a dissolution of the House; or
- (b) if he resigns his seat in the House by writing under his hand addressed to the Governor; or
- (c) if he is absent from two consecutive meetings of the House and the President of the House does not, by writing under his hand, excuse his absence within one month after the end of the second meeting; or
- (d) if the Governor so directs.

45. The seat in the Northern House of Chiefs of any Chief who is a member of that House by virtue of having been selected in accordance with regulations made under section 18 of this Order shall become vacant—

- (a) upon a dissolution of the House; or
- (b) if he becomes a first-class Chief for the purposes of section 17 of this Order; or
- (c) if he becomes a member of the House of Representatives; or
- (d) in such circumstances (if any) as may be prescribed by such regulations as aforesaid.

46.—(1) In this section "Chief" includes Head Chief.

(2) The seat in the Western House of Chiefs of any person who is a member of that House by virtue of his being the Head Chief in a Division in which there is only one Head Chief shall become vacant upon his ceasing to be the only Head Chief in that Division.

(3) The seat in the Western House of Chiefs of any Chief who is a member of that House by virtue of having been selected in accordance with regulations made under section 26 of this Order shall become vacant—

- (a) upon a dissolution of the House; or
- (b) if he ceases to be a Chief in the Division from which he was selected; or
- (c) if he becomes a member of the House by virtue of being the only Head Chief in that Division; or
- (d) if he becomes a member of the House of Representatives; or
- (e) in such other circumstances (if any) as may be prescribed by such regulations as aforesaid.

(a) 47. The seat in the House of Assembly of a Region or of the Southern Cameroons of any Elected Member of that House shall become vacant—

- (a) upon a dissolution of the House; or
- (b) if he resigns his seat in the House of Assembly by writing under his hand addressed to the Speaker of the House; or
- (c) if he is absent from two consecutive meetings of the House and the Speaker of the House does not, by writing under his hand, excuse his absence within one month after the end of the second meeting; or

Tenure of seats by Special Members of Western House of Chiefs.

Tenure of seats by Chiefs in Northern House of Chiefs.

Tenure of seats by Chiefs in Western House of Chiefs.

Tenure of seats by Elected Members of House of Assembly.

THE CONSTITUTION ORDERS

- (d) if he becomes a member of the House of Representatives; or
 (e) if he ceases to be a British subject, or ceases to be a British protected person without becoming a British subject; or
 (f) if any circumstances arise that, if he were not an Elected Member of the House, would cause him to be disqualified for election as such under paragraph (a), (b), (c), (d), (e) or (g) of subsection (1) of section 39 of this Order.
- [S. 48 rev., (prosp.) S.I. 1958/429.]

MISCELLANEOUS

†(b)49.—(1) Any question whether—

- (a) any person has become a member (other than an Elected Member) of a Regional Legislative House; or
 (b) the seat of any member (other than an Elected Member) of a Regional Legislative House has become vacant; or
 (c) any member of a Regional Legislative House is incapable of taking part in the proceedings of that House by reason of a declaration made under subsection (1) of section 41 of this Order,

shall be referred to, and determined by, the Governor, acting in his discretion.

(2) Any question whether—

- (a) any person has become a member (other than an Elected Member) of the House of Assembly of the Southern Cameroons; or
 (b) the seat of any member (other than an Elected Member) of the House of Assembly of the Southern Cameroons has become vacant; or
 (c) any member of the House of Assembly of the Southern Cameroons is incapable of taking part in the proceedings of that House by reason of a declaration made under subsection (2) of section 41 of this Order,

shall be referred to, and determined by, the High Commissioner for the Southern Cameroons.

(3) Any question whether any person has become an Elected Member of a Regional Legislative House or the House of Assembly of the Southern Cameroons or whether the seat of any such member has become vacant shall be determined in accordance with regulations made under section 37 of this Order.

(a)50.—(1) If the office of Speaker or President of a Legislative House (other than the House of Assembly of the Southern Cameroons) is vacant, or if the Speaker or President is for any reason unable to perform any functions conferred upon him by this Order or any other law, those functions may be performed by the Deputy Speaker or Deputy President of the House.

(2) If the office of Speaker of the House of Assembly of the Southern Cameroons is vacant, or the Speaker is for any reason unable to perform any functions conferred upon him by this Order or any other law, those functions may be performed by such person, if any, as the Commissioner of the Cameroons, acting in his discretion, may appoint in that behalf.

(3) The references in this section to the functions conferred upon the Speaker or President of a Legislative House by this Order do not include the functions conferred upon him by sections 61, 62, 72 and 75 of this Order.

(b) S. 49 as am., S.I. 1958/429.

(a) S. 50 as subat., S.I. 1958/1257.

* For date of revocation of section 48 which was revoked by section 26 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, see section 1 (3) (b) of that Order.

† For date of commencement of the amendments to this section made by section 27 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, deleting the references to native authority members, see section 1 (3) (b) of that Order.

Determina-
tion of ques-
tions as to
membership
of Legislative
Houses of
Regions and
Southern
Cameroons.

Discharge
of functions
of Speaker or
President of
Legislative
House.

THE CONSTITUTION ORDERS

CHAPTER III

LEGISLATIVE POWERS AND PROCEDURE

(b)51.—(1) Subject to the provisions of this Order, the Governor-General may, with the advice and consent of the House of Representatives, make laws for the peace, order and good government of Nigeria (other than Lagos) or any part thereof with respect to any matter that is included in the Exclusive Legislative List or the Concurrent Legislative List.

(2) Subject to the provisions of this Order, the Governor-General may, with the advice and consent of the House of Representatives, make laws for the peace, order and good government of Lagos or any part thereof with respect to any matter whether or not it is included in the Exclusive Legislative List or the Concurrent Legislative List.

(3) Subject to the provisions of this Order, the Governor of a Region may, with the advice and consent of the Legislative Houses of that Region, make laws for the peace, order and good government of that Region or any part thereof with respect to any matter other than a matter that is included in the Exclusive Legislative List.

(4) Subject to the provisions of this Order, the High Commissioner for the Southern Cameroons may, with the advice and consent of the House of Assembly of the Southern Cameroons, make laws for the peace, order and good government of the Southern Cameroons or any part thereof with respect to any matter other than a matter that is included in the Exclusive Legislative List.

(a)52.—(1) A law enacted by the Legislature of a Region may, confer upon the Federal Legislature authority to make laws for that Region with respect to any matter that is not included in the Exclusive Legislative List or the Concurrent Legislative List.

(2) Any such authority may be general or may be conferred for such period or subject to such conditions or restrictions as may be specified in the law by which it is conferred, and it may be revoked at any time by law by the Legislature by which it was conferred, whereupon any law enacted by the Federal Legislature in pursuance of that authority shall have effect as if it were a law enacted by the Legislature of the Region by which that authority was conferred.

(3) The foregoing provisions of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region, and for that purpose references therein to a Region shall be construed as if they were references to the Southern Cameroons.

(a)53.—(1) A law enacted by the Federal Legislature may make provision in relation to any Region or the Southern Cameroons for the implementation in Nigeria of treaties, conventions and agreements with and other obligations towards or arrangements relating to, countries or international or similar organisations outside Nigeria with respect to any matter, whether or not that matter is included in the Exclusive Legislative List or the Concurrent Legislative List:

(b) S. 51 as am., S.I. 1958/429.

(a) Ss. 52, 53 as am., S.I. 1953/432.

Establishment of Legislatures.

Federal Legislature may be authorised to make laws by Legislatures of Regions and Southern Cameroons.

Implementation of treaties, etc.

THE CONSTITUTION ORDERS

Provided that where any such provision is made after the commencement of this Order with respect to any matter that is not included in the Exclusive Legislative List or the Concurrent Legislative List, that provision shall not have effect—

(a) in relation to a Region unless and until the Governor has declared by notice published in the Official Gazette of the Region that it shall so have effect;

(b) in relation to the Southern Cameroons unless and until the Commissioner of the Cameroons has declared by notice published in the Official Gazette of the Southern Cameroons that it shall so have effect.

(2) A law enacted by the Legislature of a Region may make provision for the implementation in that Region of treaties, conventions and agreements with and other obligations towards or arrangements relating to, countries or international or similar organisations outside Nigeria with respect to any matter other than a matter that is included in the Exclusive Legislative List.

(3) A law enacted by the Legislature of the Southern Cameroons may make provision for the implementation in the Southern Cameroons of treaties, conventions and agreements with and other obligations towards or arrangements relating to, countries or international or similar organisations outside Nigeria with respect to any matter other than a matter that is included in the Exclusive Legislative List.

(a) 54.—(1) Subject to the provisions of this section, a law enacted by the Federal Legislature may make provision in relation to any Region or the Southern Cameroons with respect to trade and commerce between Nigeria and other countries, including (without prejudice to the generality of the foregoing power) the export of commodities from Nigeria and the import of commodities into Nigeria and the establishment and enforcement of grades and standards of quality for commodities to be exported from Nigeria.

External
trade.

(2) A law enacted by the Federal Legislature in pursuance of subsection (1) of this section may make provision for conferring on any authority (including a body corporate incorporated by or under a law enacted by the Federal Legislature) exclusive power—

(a) to acquire any commodity for export from Nigeria;

(b) to export any commodity from Nigeria;

(c) to sell any commodity outside Nigeria.

(3) The powers conferred by the foregoing provisions of this section shall not extend to any matter with respect to which provision may be made by law enacted by the Legislature of a Region or by law enacted by the Legislature of the Southern Cameroons in pursuance of subsection (4), (5), (6) or (7) of this section:

Provided that a law enacted by the Federal Legislature may make provision, in respect of commodities to be exported from Nigeria, for the inspection of such commodities at the port of their shipment from Nigeria and provision for the enforcement of grades and standards of quality in respect of commodities so inspected.

(4) Subject to the provisions of this section, a law enacted by the Legislature of a Region may establish an authority (to be styled the Marketing Board of that Region) for the purchase in that Region of commodities for export from Nigeria in accordance with the provisions of any law enacted by the Federal Legislature and may confer on that authority exclusive power to purchase any commodity in that Region for export from Nigeria as aforesaid.

(5) Subject to the provisions of this section, a law enacted by the Legislature of the Southern Cameroons may establish an authority (to be styled the Southern Cameroons Marketing Board) for the purchase in the Southern Cameroons of commodities for export from Nigeria in accordance with the provisions of any law enacted by the Federal Legislature and may confer on that authority exclusive power to purchase any commodity in the Southern Cameroons for export from Nigeria as aforesaid.

(6) A law enacted by the Legislature of a Region may—

(a) make provision for the powers and functions of the Marketing Board of that Region and in particular (without prejudice to the generality of the foregoing power) may empower the Board—

(i) to acquire any commodity in that Region for export from Nigeria in accordance with the provision of any law enacted by the Federal Legislature;

(ii) to regulate the prices to be paid for commodities so acquired;

(b) make provision for the regulation and prohibition in that Region of dealings with or processing of any commodity that is to be exported from Nigeria;

(c) make provision for the enforcement in that Region of any grades and standards of quality for commodities to be exported from Nigeria that may have been established by any law enacted by the Federal Legislature.

(7) The provisions of subsection (6) of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region, and for that purpose references therein to a Region shall be construed as if they were references to the Southern Cameroons.

(a)55. A law enacted by the Federal Legislature or the Legislature of a Region or the Southern Cameroons may authorise the making of any grant or loan of money for any purpose whether or not that purpose is one with respect to which that Legislature may otherwise make laws.

(a)56. A law enacted by the Legislature of the Southern Cameroons may make provision for paying the emoluments of the Commissioner of the Cameroons and of any other officer employed in connection with the government of the Southern Cameroons, notwithstanding that he is an officer in the public service of the Federation.

(b)56A.—(1) Subject to the provisions of this section, a law enacted by the Federal Legislature may make provision with respect to electricity or gas in relation to any Region or the Southern Cameroons.

(2) Save to the extent that it may be authorised in that behalf by a law enacted in pursuance of section 52 of this Order, the Federal Legislature shall not make a law in pursuance of subsection (1) of this section that—

(a) prohibits or restricts the establishment by or on behalf of the Government of a Region or the Southern Cameroons of an agency for the manufacture, distribution or supply of electricity or gas in that Region or the Southern Cameroons, as the case may be; or

(a) Ss. 55, 56 as am., S.I. 1955/432.

(b) Ss. 56A, 56B inserted, S.I. 1957/1530.

Legislatures may authorise grants or loans for any purpose.

Emoluments of officers employed in connection with government of Southern Cameroons.

Electricity and gas.

THE CONSTITUTION ORDERS

(b) regulates the production, distribution or supply of electricity or gas by the Government of a Region or the Southern Cameroons or any such agency.

(3) In this section "gas" does not include natural gas.

(b)56b. A law enacted by the Legislature of a Region or the Southern Cameroons may establish an authority for the purpose of carrying on (subject to and in compliance with the laws enacted by the Federal Legislature for the time being in force, and in particular such of those laws as relate to banks and banking) the business of banking in Nigeria or elsewhere, notwithstanding that banks and banking are not matters with respect to which the Legislature of a Region or the Southern Cameroons, as the case may be, is otherwise competent to make laws, and may make such provision for the constitution of that authority, and for regulating the performance by that authority of its functions, as is not inconsistent with the laws enacted by the Federal Legislature for the time being in force.

Establishment of Banks by Legislatures of Regions and Southern Cameroons.

(c)56c.—(1) A law enacted by the Federal Legislature may make provision in relation to a Region or the Southern Cameroons with respect to evidence in regard to any matter, whether or not that matter is included in the Exclusive Legislative List or the Concurrent Legislative List.

Evidence.

(2) A law enacted by the Legislature of a Region or the Southern Cameroons relating to any matter within the competence of that legislature may make provision with respect to evidence in regard to that matter.

(3) If any law enacted by the Federal Legislature contains any provision with respect to evidence in regard to any matter that is not included in the Exclusive Legislative List or the Concurrent Legislative List that is inconsistent with any provision, with respect to evidence in regard to that matter contained in any law enacted by the Legislature of a Region or the Southern Cameroons, the provision contained in the law enacted by the Legislature of the Region or the Southern Cameroons, as the case may be, shall prevail over the provision contained in the law enacted by the Federal Legislature.

*57.—(1) For the purposes of this section "an existing law" means a law in force or having any effect immediately before the commencement of this Order that was enacted by any legislature in Nigeria.

Existing laws.

(2) Subject to the provisions of this Order, an existing law shall have effect in relation to Lagos as if it were a law enacted by the Federal Legislature.

(a)(3) Subject to the provisions of this Order—

(a) an existing law shall, in relation to any part of Nigeria other than Lagos, have effect, in so far as it relates to any matter included in the Exclusive Legislative List, as if it were a law enacted by the Federal Legislature;

(b) an existing law shall, so far as it relates to any matter other than a matter included in the Exclusive Legislative List, have effect—

(i) in relation to a Region, as if it were a law enacted by the Legislature of that Region;

(ii) in relation to the Southern Cameroons, as if it were a law enacted by the Legislature of the Southern Cameroons;

(a) S. 57 (3) as subat., S.I. 1957/1530.

(c) S. 56c inserted, S.I. 1958/429.

* For the effect of amendments to existing laws relating to matters in the Concurrent Legislative List made prior to the 31st August, 1957, see the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957.

THE CONSTITUTION ORDERS

Provided that the Police Ordinance^(b) and any Ordinance amending that Ordinance shall have effect as if it were a law enacted by the Federal Legislature.

(4) Subject to the provisions of this Order, any existing law, in so far as it has effect by virtue of this section as if it were a law enacted by any legislature in Nigeria, shall, for the purposes of this Order, be deemed to have been enacted by that legislature, and may be amended and repealed as if it were a law enacted by that legislature.

(5) (a) The Governor-General may, by Order published in the Official Gazette of the Federation, at any time within twelve months after the commencement of this Order, provide that any existing law shall be read and construed with such adaptations and modifications as may appear to the Governor-General to be necessary or expedient for bringing the provisions of that law into accord with the provisions of this Order, or otherwise for giving effect or enabling effect to be given to those provisions; and any existing law shall, subject to the provisions of subsection (4) of this section, have effect accordingly from such date as may be specified in the Order, not being a date earlier than the commencement of this Order.

(b) In this subsection "existing law" includes any instrument made in pursuance of an existing law.

(c)(6) The Governor-General may, by Order published in the Official Gazette of the Federation, declare that any existing law shall, in so far as it relates to any matter included in the Concurrent Legislative List, have effect in relation to each Region and the Southern Cameroons as if it were a law enacted by the Federal Legislature, and that existing law and any law amending that law shall have effect accordingly from the date of publication of the Order or such later date as may be specified therein.

(d)58.—(1) Subject to the provisions of section 56c of this Order, if any law enacted by the Legislature of a Region or of the Southern Cameroons is inconsistent with any law enacted by the Federal Legislature, then, to the extent of the inconsistency, the law enacted by the Legislature of the Region, or of the Southern Cameroons, as the case may be, if enacted before the law enacted by the Federal Legislature, shall cease to have effect and, if enacted after the law enacted by the Federal Legislature, shall be void.

(2) For the purposes of this section a law enacted by the Federal Legislature that has effect under section 52 of this Order as if it were a law enacted by the Legislature of a Region or of the Southern Cameroons shall be deemed to have been enacted by that Legislature.

LEGISLATIVE PROCEDURE

(d)59.—(1) Subject to the provisions of this Order, the Federal Legislature shall, in the transaction of business and the making of laws conform as nearly as may be to the directions contained in any Instructions under Her Majesty's Sign Manual and Signet that may from time to time be addressed to the Governor-General in that behalf.

(2) Subject to the provisions of this Order, the Legislature of a Region shall, in the transaction of business and the making of laws, conform as nearly as may be to the directions contained in any Instructions under Her Majesty's Sign Manual and Signet that may from time to time be addressed to the Governor of that Region in that behalf.

(b) Laws of Nigeria, Rev. 1948, Chapter 172.

(c) S. 57 (6) inserted, S.I. 1958/429.

(d) Ss. 58, 59 as am., S.I. 1958/429.

Inconsistency between laws enacted by different Legislatures.

Legislatures to observe Royal Instructions.

THE CONSTITUTION ORDERS

(3) Subject to the provisions of this Order, the Legislature of the Southern Cameroons shall, in the transaction of business and the making of laws, conform as nearly as may be to the directions contained in any Instructions under Her Majesty's Sign Manual and Signet that may from time to time be addressed to the High Commissioner for the Southern Cameroons in that behalf.

(a)60.—(1) Subject to the provisions of this Order and of the Standing Orders of the House, any member of a Legislative House may introduce any Bill in that House or propose any motion for debate in, or may present any petition to, that House, and the same shall be debated and disposed of according to the Standing Orders of the House.

Introduction
of Bills in
Legislative
Houses.

(2) (a) In the Northern Region and the Western Region a Bill may, save as otherwise provided by paragraph (b) of this subsection, be introduced either in the House of Chiefs or in the House of Assembly.

(b) A Bill shall not be introduced in the House of Chiefs if the Governor, certifies in writing that it is a money Bill.

(c) In this subsection "a money Bill" means a Bill that, in the opinion of the Governor, contains only provisions dealing with all or any of the following matters, namely, the imposition, repeal, remission, alteration or regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on public money or the variation or repeal of any such charges; the grant of money to the Crown or to any authority or person, or the variation or revocation of any such grant; the appropriation, receipt, custody, investment, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof; or subordinate matters incidental to those matters or any of them.

(d) In paragraph (c) of this subsection the expressions "taxation", "public money" and "loan", respectively, do not include any taxation, money or loan raised by local authorities or bodies for public purposes.

(e) In exercise of the powers conferred upon him by this subsection the Governor of the Northern Region shall act in his discretion.

(b)61.—(1) Except upon the recommendation of the Governor-General, the House of Representatives shall not—

Restrictions
with regard
to Bills, etc.,
that charge
the revenue.

(a) proceed upon any Bill (including any amendment to a Bill) that, in the opinion of the Speaker or other person presiding in the House, makes provision for imposing or increasing any tax, for imposing or increasing any charge on the Consolidated Revenue Fund of the Federation or the other public funds of the Federation or for altering any such charge otherwise than by reducing it, or for compounding or remitting any debt due to the Federation; or

(b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the Speaker or other person presiding in the House, is that provision should be made as aforesaid; or

(c) receive any petition that, in the opinion of the Speaker or other person presiding in the House, requests that provision should be made as aforesaid.

(2) The provisions of subsection (1) of this section shall apply in relation to a Regional Legislative House as they apply in relation to the House of Representatives, and for that purpose references to the Federation and the Governor-General shall be construed as if they were references to the Region and the Governor of the Region.

(a) S. 60 as am., S.I. 1957/1530, 1958/429.

(b) S. 61 as subst., S.I. 1958/1257.

THE CONSTITUTION ORDERS

(3) The provisions of subsection (1) of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the House of Representatives, and for that purpose references to the Federation and the Governor-General shall be construed as if they were references to the Southern Cameroons and the Commissioner of the Cameroons.

Bills and
Motions in
House of
Representatives
affecting
public
officers, etc.

(a) 62.—(1) In this section "reserved Bill or motion" means any Bill or motion that would effect any alteration in the salary, allowances or conditions of service (including leave, passages and promotion) of any public officer, or in the law, regulations or practice governing the payment of pensions, gratuities or other like benefits to any public officer or former public officer or his widow, children, dependants or personal representatives.

(2) It shall be the duty of the Speaker or other person presiding in the House of Representatives, or in any committee thereof, to consider whether any Bill or motion before the House or the committee, as the case may be, is a reserved Bill or motion, and if he is of opinion that it is a reserved Bill or motion he shall forthwith so inform the House and the Governor-General, and no further proceedings shall, save with the consent of the Governor-General, be taken upon the Bill or motion during the period commencing on the day on which the House is informed or the day on which the Governor-General is informed, whichever is the earlier, and ending two days after the day on which the Governor-General is informed.

(3) The Governor-General may, with respect to any Bill or motion that is before the House of Representatives, or any committee thereof, at any time give notice to the Speaker or other person presiding in the House or the committee, as the case may be, that the Bill or motion is, in the opinion of the Governor-General, a reserved Bill or motion, and when such notice has been given, no further proceedings shall, save with the consent of the Governor-General, be taken upon the Bill or motion.

(4) Where a Bill or motion, other than a motion for the amendment of a Bill, appears to the Governor-General to be a Bill or motion that would affect any public officer or former public officer or his widow, children, dependants or personal representatives prejudicially, then—

(a) in the case of a Bill, he shall, when the Bill is presented for his assent, reserve the Bill for the signification of Her Majesty's pleasure;

(b) in the case of a motion, he may, within a period of seven days from the date on which it was carried, certify by writing under his hand that he considers that any alteration that has been or would be effected by such motion is one that affects, or would so affect, any public officer or former public officer or his widow, children, dependants or personal representatives prejudicially, and in such case the motion shall not have effect unless and until it is approved by a Secretary of State.

(5) Any such notice as is referred to in subsection (3) of this section may be given by the Governor-General in such manner as he may think fit.

(6) The powers conferred by the foregoing provisions of this section on the Governor-General shall be exercised by him in his discretion.

(7) The Governor-General shall not withhold consent to the taking of further proceedings upon any Bill or motion in respect of which notice has been given in accordance with subsection (3) of this section if, in his opinion,

THE CONSTITUTION ORDERS

any alteration that would be effected by such Bill or motion would not affect any public officer or former public officer or his widow, children, dependants or personal representatives prejudicially.

(8) The provisions of a Bill or motion that would effect only the abolition of any office that is vacant shall be deemed not to affect any person prejudicially for the purposes of this section.

(9) Nothing in this section shall be construed so as to derogate from the powers of the House of Representatives conferred by this Order to debate or dispose of any Bill or motion relating to the creation of any new office.

(a) 62A.—(1) If the Governor or the Attorney-General of the Northern Region gives notice to either Legislative House of the Northern Region or any committee thereof that, in his opinion, a Bill or motion that is before the House or the committee, as the case may be, would effect any alteration in the salary, allowances or conditions of service (including leave, passages and promotion) of any public officer, or in the law, regulations or practice governing the payment of pensions, gratuities or other like benefits to any public officer or former public officer or his widow, children, dependants or personal representatives, the following provisions of this subsection shall have effect, that is to say—

Bills and motions in Legislative Houses of Northern Region and Southern Cameroons affecting public officers, etc.

(a) except with the consent of the Governor no further proceedings shall be taken upon any such Bill or motion after such notice as aforesaid has been given in respect thereof;

(b) no such motion, other than a motion for the amendment of a Bill, shall have effect until the expiration of seven days from the date on which it was carried; and if the Governor, within that period, certifies by writing under his hand that any alteration that would be effected by such motion would affect any public officer or former public officer or his widow, children, dependants or personal representatives prejudicially, such motion shall not have effect unless and until it has been approved by a Secretary of State.

(2) If the Governor considers that any such alteration as aforesaid, which would be effected by any Bill presented to him for his assent, would affect any public officer or former public officer or his widow, children, dependants or personal representatives prejudicially, he shall reserve the Bill for the signification of Her Majesty's pleasure.

(3) Any such notice as is referred to in subsection (1) of this section may be given by the Governor or the Attorney-General of the Northern Region, as the case may be, in such manner as he may think fit.

(4) The powers conferred by the foregoing provisions of this section on the Governor shall be exercised by him in his discretion.

(5) The Governor shall not withhold consent to the taking of further proceedings upon any Bill or motion in respect of which notice has been given in accordance with subsection (1) of this section if, in his opinion, any alteration that would be effected by any such Bill or motion would not affect any public officer or former public officer or his widow, children, dependants or personal representatives prejudicially.

(6) The provisions of a Bill or motion that would effect only the abolition of any office that is vacant shall be deemed not to affect any person prejudicially for the purposes of this section.

(7) Nothing in this section shall be construed so as to derogate from the powers of either Legislative House of the Northern Region conferred by this Order to debate or dispose of any Bill or motion relating to the creation of any new office.

THE CONSTITUTION ORDERS

(8) The provisions of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to a Legislative House of the Northern Region, and for that purpose references to the Governor shall be construed as if they were references to the High Commissioner for the Southern Cameroons and references to the Attorney-General of the Northern Region shall be construed as if they were references to the Commissioner of the Cameroons or the Legal Secretary of the Southern Cameroons.

[S. 63 *rev.*, S.I. 1958/429].

Reserved
powers.

(a) 64.—(1) If the Governor-General considers that it is expedient in the interest of public order, public faith or good government (which expressions shall, without prejudice to their generality, include the responsibility of Nigeria as a territory within the British Commonwealth of Nations, and all matters pertaining to the creation or abolition of any public office or to the salary or other conditions of service of any public officer) that any Bill introduced, or any motion proposed, in the House of Representatives should have effect, then, if the House fail to pass such Bill or to carry such motion within such time and in such form as the Governor-General thinks reasonable and expedient, the Governor-General may, at any time that he thinks fit, and notwithstanding any provisions of this Order or of any Standing Orders of the House, declare that such Bill or motion shall have effect as if it had been passed or carried by the House of Representatives either in the form in which it was so introduced or proposed or with such amendments as the Governor-General thinks fit that have been moved or proposed in the House of Representatives, including any committee thereof; and the Bill or the motion shall be deemed thereupon to have been so passed or carried, and the provisions of this Order, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly.

(2) The Governor-General shall forthwith report to a Secretary of State every case in which he makes any such declaration and the reasons therefor.

(3) If any member of the House of Representatives objects to any declaration made under this section, he may, within seven days of the making thereof, submit to the Governor-General a statement in writing of his reasons for so objecting, and a copy of such statement shall, if furnished by such member, be forwarded by the Governor-General as soon as practicable to a Secretary of State.

(4) Any declaration made under this section other than a declaration relating to a Bill may be revoked by a Secretary of State and the Governor-General shall cause notice of such revocation to be published in the Official Gazette of the Federation; and from the date of such publication any motion that is deemed to have been carried by virtue of the declaration shall cease to have effect and the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such revocation as they apply to the repeal of an Act of Parliament.

(5) The powers conferred on the Governor-General by this section shall be exercised by him in his discretion.

(6) The provisions of this section shall apply in relation to the Legislative Houses of the Northern Region as they apply in relation to the House of Representatives, and for that purpose shall have effect as if—

(a) references to the Governor-General and the Official Gazette of the Federation were references to the Governor and the Official Gazette of that Region;

(a) S. 64 as am., S.I. 1958/429.

THE CONSTITUTION ORDERS

(b) the words "or in any joint sitting of delegates convened under section 69 of this Order" were inserted in subsection (1) of this section immediately after the words "including any committee thereof".

(7) The provisions of subsections (1), (2), (3), (4) and (5) of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the House of Representatives, and for that purpose references to the Governor-General and the Official Gazette of the Federation shall be construed as if they were references to the High Commissioner for the Southern Cameroons and the Official Gazette of the Southern Cameroons.

(a) 65.—(1) A Bill passed by the House of Representatives shall not become a law unless either the Governor-General has assented thereto in Her Majesty's name and on Her Majesty's behalf and has signed the same in token of such assent, or Her Majesty has given Her assent thereto through a Secretary of State.

Assent to
Bills.

(2) When a Bill has been passed by the House of Representatives it shall be presented to the Governor-General for assent; and thereupon the Governor-General shall, acting in his discretion, declare that he assents, or refuses to assent, thereto, or that he reserves the Bill for the signification of Her Majesty's pleasure:

Provided that the Governor-General shall reserve for the signification of Her Majesty's pleasure any Bill that determines or regulates the privileges, immunities or powers of the House of Representatives or the members thereof, unless he has been authorized by a Secretary of State to assent thereto.

(3) A law assented to by the Governor-General in pursuance of subsection (2) of this section shall come into operation on the date of its publication in the Official Gazette of the Federation or, if it is provided either in such law or in some other law (including any law in force at the commencement of this Order) that it shall come into operation on some other date, on that date.

(4) (a) A Bill reserved for the signification of Her Majesty's pleasure in pursuance of subsection (2) of this section shall become a law as soon as Her Majesty has given Her assent thereto through a Secretary of State and the Governor-General has signified such assent by Proclamation published in the Official Gazette of the Federation.

(b) Every such law shall come into operation on the date of such Proclamation or, if it is provided either in such law or in some other law (including any law in force at the commencement of this Order) that it shall come into operation on some other date, on that date.

(5) The provisions of this section shall apply in relation to a Bill passed by the Legislative Houses of the Northern Region as they apply in relation to a Bill passed by the House of Representatives, and for that purpose references to the Governor-General, the House of Representatives and the Official Gazette of the Federation shall be construed as if they were references to the Governor of the Northern Region, a Regional Legislative House and the Official Gazette of that Region.

(5A) The provisions of this section shall apply in relation to a Bill passed by the Legislative Houses of the Western Region or the Eastern Region as they apply in relation to a Bill passed by the House of Representatives, and for that purpose—

(a) references to the Governor-General, the House of Representatives and the Official Gazette of the Federation shall be construed as if they were references to the Governor of a Region, the Legislative Houses of that Region and the Official Gazette of that Region; and

THE CONSTITUTION ORDERS

(b) subsection (2) shall have effect as if the words 'acting in his discretion', were deleted and as if for the proviso there were substituted the following proviso :—

"Provided that, unless he has been authorized by a Secretary of State to assent thereto, the Governor shall reserve for the signification of Her Majesty's pleasure any Bill which appears to the Governor, acting in his discretion—

(a) to be inconsistent with any obligation imposed on Her Majesty by any treaty, convention or agreement or arrangement relating to any country or international or similar organization outside Nigeria ;

(b) to be likely to prejudice the Royal prerogative, or the rights of property of British subjects not residing in Nigeria, or the trade or transport or communications of any part of Her Majesty's dominions ; or

(c) to be likely to impede or prejudice the performance by the Government of the Federation of any of its functions or to endanger the continuance of federal government in Nigeria."

(6) For the purposes of this section—

(a) a Bill shall be held to have been passed by the Legislative Houses of the Northern Region or the Western Region only if it has been agreed to by both Houses either—

(i) without amendment ; or

(ii) with such amendments only as are agreed to by both Houses ;

(b) a Bill or amendment shall be deemed to have been, or to be, agreed to by any Legislative House if it is deemed to have been passed by that House by virtue of a declaration made under section 64 of this Order.

(7) The provisions of subsections (1), (2), (3) and (4) of this section shall apply in relation to a Bill passed by the House of Assembly of the Southern Cameroons as they apply in relation to a Bill passed by the House of Representatives, and for that purpose—

(a) references to the Governor-General, the House of Representatives and the Official Gazette of the Federation shall be construed as if they were references to the High Commissioner for the Southern Cameroons, the House of Assembly of the Southern Cameroons, and the Official Gazette of the Southern Cameroons ; and

(b) subsection (2) shall have effect as if the words "acting in his discretion" were deleted.

* (a) 66.—(1) Any law enacted by the Federal Legislature to which the Governor-General has given his assent, any law enacted by the Legislature of the Northern Region to which the Governor has given his assent or any law enacted by the Legislature of the Southern Cameroons to which the High Commissioner for the Southern Cameroons has given his assent may be disallowed by Her Majesty through a Secretary of State.

(1A) Any law to which the Governor of the Western Region or the Eastern Region has given his assent may be disallowed by Her Majesty through a Secretary of State if the law contains any provision that appears to Her Majesty—

(a) to be inconsistent with any obligation imposed on Her Majesty by any treaty, convention or agreement or arrangement relating to any country or international or similar organization outside Nigeria ;

(a) S. 66 as am. S.I. 1958/429.

* For laws to which assent was given before this section came into operation, see section 41 (2) of the Nigeria (Constitution) (Amendment) Order in Council, 1958.

THE CONSTITUTION ORDERS

(b) to be likely to prejudice the Royal prerogative, or the rights of property of British subjects not residing in Nigeria, or the trade or transport or communications of any part of Her Majesty's dominions;

(c) to be likely to impede or prejudice the performance by the Government of the Federation of any of its functions or to endanger the continuance of federal government in Nigeria; or

(d) to alter, to the injury of the stock-holders, any provisions relating to stock forming part of the public debt of the Federation that is registered in the United Kingdom in accordance with the provisions of the Colonial Stock Acts, 1877 to 1948(c), as from time to time amended, or to involve a departure from the original contract in respect of any such stock.

(2) (a) Whenever any law enacted by the Federal Legislature has been disallowed by Her Majesty, the Governor-General shall cause notice of such disallowance to be published in the Official Gazette of the Federation.

(b) Whenever any law enacted by the Legislature of a Region has been disallowed by Her Majesty, the Governor of that Region shall cause notice of such disallowance to be published in the Official Gazette of the Region.

(c) Whenever any law enacted by the Legislature of the Southern Cameroons has been disallowed by Her Majesty, the High Commissioner for the Southern Cameroons shall cause notice of such disallowance to be published in the Official Gazette of the Southern Cameroons.

(3) (a) Every law so disallowed shall cease to have effect as soon as notice of such disallowance is published as aforesaid and thereupon any enactment repealed or amended by, or in pursuance of, the law disallowed shall have effect as if that law had not been made.

(b) Subject as aforesaid, the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such disallowance as they apply to the repeal of an Act of Parliament.

(b)66A.—(1) The Governor-General, acting in his discretion, may—

(a) send by message to the Speaker of the House of Representatives a draft of any Bill or motion that it appears to the Governor-General should be introduced or moved in that House;

(b) in the same or a later message require that the Bill or motion shall be introduced or moved not later than a date specified in such message.

(2) If a request of the Governor-General made in accordance with paragraph (b) of subsection (1) of this section is not complied with, the Bill or motion to which the message relates shall be deemed for all purposes to have been introduced or moved in the House of Representatives on the date specified in the message.

[S. 67 rev., S.I. 1958/429.]

(b)68.—(1) If, after a Bill has been passed by one House of the Legislature of the Northern Region or the Western Region and sent to the other House of that Region (in this section referred to as "the second House")—

(a) the Bill is rejected by the second House; or

(b) the Governor is otherwise satisfied that there is no reasonable prospect of the Bill's being passed by both Houses without amendment or with such amendments only as are agreed to by both Houses; or

Introduction of Bills by message of Governor-General.

Bills liable to special procedure.

(b) S. 66A inserted, S.I. 1957/1530.

(c) 40 & 41 Vict. c. 59, 55 & 56 Vict. c. 35, 63 & 64 Vict. c. 62, 24 & 25 Geo. 5 c. 47 and 12, 13 & 14 Geo. 6, c. 1.

THE CONSTITUTION ORDERS

(c) more than six months elapse from the date on which the Bill is sent to the second House (or, if the second House is not sitting on that date, from the date when it next sits thereafter) without the Bill's being passed as aforesaid by both Houses;

the Governor, may, unless the Bill has lapsed by reason of a dissolution of the Houses, declare the Bill to be liable to the special procedure prescribed by section 70 of this Order, and as from the date of such declaration the Bill shall be liable to such procedure.

(2) (a) The foregoing provisions of this section shall have effect with respect to a money Bill as if the reference therein to a period of six months were a reference to a period of one month.

(b) In this subsection the expression "money Bill" has the meaning assigned to it by section 60 of this Order.

(b)69.—(1) When a Bill has become liable to the special procedure prescribed by section 70 of this Order, the Governor, may, at any time before the next dissolution of the Houses, by message or Proclamation—

(a) give notice to both Houses of the Legislature of his intention to summon a joint sitting of representatives of both Houses for the purpose of deliberating and voting on the Bill; and

(b) require each House of the Legislature to elect representatives for the purpose aforesaid within such period (in this section referred to as "the prescribed period") as may be specified in such message or Proclamation.

(2) When the Governor has sent or made with respect to a Bill any such message or Proclamation as is referred to in subsection (1) of this section, the following provisions of this section shall have effect, that is to say:—

(a) Neither House of the Legislature shall proceed further with the Bill.

(b) Each House of the Legislature may, within the prescribed period but before the next dissolution of the Houses, elect not more than twenty of its members (in this section referred to as "delegates") for the purpose specified in such message or Proclamation:

Provided that the Northern House of Chiefs or the Western House of Chiefs shall not so elect the President or the Deputy President of that House.

(c) The Governor may summon such delegates as have been selected in pursuance of this subsection to meet together in a joint sitting to deliberate and vote on the Bill at any time after the prescribed period but before such dissolution as aforesaid and, if he does so, the delegates shall meet accordingly and the provisions of section 70 of this Order shall have effect.

(a)70.—(1) In this section "the joint sitting" means any joint sitting of delegates convened by the Governor under section 69 of this Order and "the Bill" means the Bill in respect of which such joint sitting is so summoned.

(2) (a) When the Governor of the Northern Region has convened the joint sitting, the President of the Northern House of Chiefs, or in his absence the Deputy President of that House, shall preside thereat, and whenever the Governor of the Western Region has convened the joint sitting, the President of the Western House of Chiefs, or in his absence the Deputy President of that House, shall preside thereat.

(b) Ss. 68, 69 as am., S.I. 1958/429.

(a) S. 70 as am., S.I. 1958/429.

Notice of
joint sitting
and
summoning
of joint
sitting.

Procedure
in joint
sitting and
powers of
joint
sitting.

THE CONSTITUTION ORDERS

(b) No delegate shall sit or vote in the joint sitting if he has, since the date of his election as a delegate, vacated his seat in the House by which he was elected. All questions that may arise as to the right of any person to sit or vote in the joint sitting shall be determined by the Governor, acting in his discretion.

(c) The joint sitting shall not be disqualified for the transaction of business by reason of the absence of any delegate or by reason of the fact that either House has failed to elect delegates in accordance with section 69 of this Order.

(d) When any question is dependent on the decision of the joint sitting, a decision shall be regarded as the decision of the joint sitting if a majority of the votes of the delegates present and voting are cast in favour thereof:

Provided that if, on any question, the votes of the delegates are equally divided the person presiding shall have, and shall exercise, a casting vote.

(e) Subject to the provisions of this Order, the proceedings in the joint sitting shall be regulated by such Standing Orders as the Governor may make in that behalf.

(3) (a) The delegates present at the joint sitting may deliberate and shall vote together on the Bill as last proposed by the House in which it originated and upon such admissible amendments thereto as may be proposed in the joint sitting; and if the Bill, with such admissible amendments (if any) as are agreed to by the joint sitting, is affirmed by the joint sitting, the Bill as so affirmed shall be deemed thereupon to have been passed by both Houses of the Legislature and the provisions of this Order, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly.

(b) For the purposes of this subsection—

(i) if the Bill, having been passed by one House of the Legislature has not been passed by the other House with amendments and returned to the House in which it originated, there shall be admissible only such amendments (if any) as are made necessary by the delay in the passage of the Bill;

(ii) if the Bill has been so passed and returned, there shall be admissible only such amendments (if any) as are made necessary by the delay in the passage of the Bill and such other amendments as are relevant to the matters with respect to which the Houses have not agreed;

and the decision of the person presiding as to the amendments that are so admissible shall be final.

(a) 71.—(1) Subject to the provisions of this Order and of any Instructions under Her Majesty's Sign Manual and Signet, the House of Representatives may make Standing Orders for the regulation and orderly conduct of its own proceedings, and for the passing, intituling and numbering of Bills, and for the presentation thereof to the Governor-General for assent:

Standing
Orders for
Legislative
Houses.

Provided that no such Orders shall have effect unless they have been approved by the Governor-General, acting in his discretion.

(2) The provisions of subsection (1) of this section shall apply in relation to a Regional Legislative House as they apply in relation to the House of Representatives, and for that purpose—

(a) references to the Governor-General shall be construed as if they were references to the Governor; and

THE CONSTITUTION ORDERS

(b) that subsection shall have effect in relation to the Legislative Houses of the Western Region and the Eastern Region as if the proviso thereto were deleted.

(3) The provisions of subsection (1) of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the House of Representatives and for that purpose—

(a) references to the Governor-General shall be construed as if they were references to the High Commissioner for the Southern Cameroons; and

(b) that subsection shall have effect as if the words "acting in his discretion" were deleted.

Presiding in
Legislative
Houses.

(a)72.—(1) There shall preside at the sittings of the House of Representatives—

(a) the Speaker of that House; or

(b) in the absence of the Speaker, the Deputy Speaker of the House; or

(c) in the absence of the Speaker and of the Deputy Speaker, such member of the House as the House may elect for that purpose.

(2) There shall preside at the sittings of a Regional Legislative House—

(a) the President or Speaker of that House; or

(b) in the absence of the President or Speaker, the Deputy President or Deputy Speaker of the House; or

(c) in the absence of the President or Speaker and of the Deputy President or Deputy Speaker, such member of the House as the House may elect for that purpose.

(3) There shall preside at the sittings of the House of Assembly of the Southern Cameroons—

(a) the Speaker; or

(b) in the absence of the Speaker, such member of the House as the Commissioner of the Cameroons may appoint; or

(c) in the absence of the Speaker and of any member so appointed, such member of the House as the House may elect for that purpose.

Legislative
Houses may
transact
business
notwith-
standing
vacancies,
etc.

73. A Legislative House shall not be disqualified for the transaction of business by reason of any vacancy in the membership thereof including any vacancy not filled when the House is first constituted or is reconstituted at any time; and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do sat or voted in the House.

Quorum in
Legislative
Houses.

74. No business except that of adjournment shall be transacted in a Legislative House if objection is taken by any member present that there are present (besides the President or Speaker or other member presiding) less than—

(a) fifty members, in the case of the House of Representatives;

(b) fifteen members, in the case of a House of Chiefs;

(c) twenty-five members, in the case of a House of Assembly of a Region;

(d) eleven members, in the case of the House of Assembly of the Southern Cameroons.

THE CONSTITUTION ORDERS

(a) 75. Save as is otherwise provided in this Order—

Voting in
Legislative
Houses.

(a) all questions proposed for decision in a Legislative House shall be determined by a majority of the votes of the members present and voting:

Provided that—

(i) the President or Speaker or other member presiding shall not have an original vote but he may give a casting vote if on any question the votes are equally divided;

(ii) the members of the Northern House of Chiefs mentioned in paragraph (c) of subsection (1) of section 17 of this Order, the members of the Western House of Chiefs mentioned in paragraph (b) of subsection (1) of section 24 of this Order and the members of the Western House of Assembly mentioned in paragraph (b) of subsection (1) of section 29 of this Order shall not have an original vote.

(b) if on any question the votes are equally divided and the President or Speaker or other member presiding does not exercise his casting vote, the motion shall be lost.

76.—(1) Subject to the provisions of subsection (2) of this section, no member of the House of Representatives shall (except for the purpose of enabling this section to be complied with) sit or vote in the House until he has taken the oath of allegiance before the House.

Oath of
allegiance
to be taken
by members
of
Legislative
Houses.

(2) If, between the time when a person becomes a member of such House and the time when the House next sits thereafter, a meeting takes place of any committee of the House of which such person is a member, such person may, in order to enable him to attend the meeting and take part in the proceedings of the committee, take and subscribe the oath of allegiance before a judge of such court as the Governor-General may direct; and the taking and subscribing of the oath in such manner shall suffice for all purposes of this section.

In any such case the judge shall forthwith report to the House through the Speaker that the person in question has taken and subscribed the oath of allegiance before him.

(3) The provisions of this section shall apply in relation to the members of a Legislative House of a Region (including, in the case of the Northern House of Chiefs, the adviser on Moslem law) as they apply in relation to the members of the House of Representatives, and for that purpose references in subsections (1) and (2) of this section to the Governor-General and the Speaker shall be construed as if they were references to the Governor of that Region and the President or Speaker of the House.

(a) (4) The provisions of subsections (1) and (2) of this section shall apply in relation to the members of the House of Assembly of the Southern Cameroons as they apply in relation to the members of the House of Representatives, and for that purpose subsection (2) shall have effect—

(a) as if for the words "a judge of such court as the Governor-General may direct" there were substituted the words "such judge or magistrate as the Commissioner of the Cameroons may direct"; and

(b) as if after the words "the judge" there were inserted the words "or magistrate".

(a) S. 75 as am., S.I. 1958/429, 1257.

(a) S. 76 (4) as subet., S.I. 1958/429,

Privileges
of
Legislative
Houses.

(b)77.—(1) A law enacted by the Federal Legislature may determine and regulate the privileges, immunities and powers of the House of Representatives and the members thereof, but no such privileges, immunities or powers shall exceed those of the Commons House of Parliament of the United Kingdom of Great Britain and Northern Ireland or of the members thereof.

(2) (a) The provisions of this section shall apply in relation to the Legislative Houses of a Region as they apply in relation to the House of Representatives, and for that purpose references to the Federal Legislature shall be construed as if they were references to the Legislature of that Region.

(b) For the purpose of the application of this section to the Northern House of Chiefs references to the members thereof shall include the adviser on Moslem law.

(3) The provisions of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the House of Representatives, and for that purpose references to the Federal Legislature shall be construed as if they were references to the Legislature of the Southern Cameroons.

Official
languages
in
Legislative
Houses.

78.—(1) The official language of the House of Representatives and of the Legislative Houses of the Western Region, the Eastern Region and the Southern Cameroons shall be English.

(2) The official languages of the Legislative Houses of the Northern Region shall be English and Hausa:

Provided that all Bills introduced in either of such Houses and all laws enacted by the Legislature of the Northern Region shall be printed in the English language and, if any such Bill or law is also printed in the Hausa language, the English text shall prevail in the case of a conflict between the two texts.

Penalty for
unqualified
persons
sitting or
voting in
Legislative
Houses.

79.—(1) Any person who sits or votes in a Legislative House knowing or having reasonable ground for knowing that he is not entitled to do so shall be liable to a penalty not exceeding twenty pounds for each day on which he so sits or votes in that House.

(2) The said penalty shall be recoverable by action—

(a) in the case of a person sitting or voting in the House of Representatives, at the suit of the Attorney-General of the Federation in the High Court of Lagos;

(b) in the case of a person sitting or voting in any Legislative House of a Region, at the suit of the Attorney-General of the Region in the High Court of that Region;

(c) in the case of a person sitting or voting in the House of Assembly of the Southern Cameroons, at the suit of the Legal Secretary of the Southern Cameroons in the High Court of the Southern Cameroons:

Sessions of
Legislative
Houses.

(a)80.—(1) (a) Subject to the provisions of this Order, the sessions of the House of Representatives shall be held in such places and shall begin at such times as the Governor-General may, from time to time, by Proclamation published in the Official Gazette of the Federation appoint.

(b) S. 77 as am., S.I. 1955/432.

(a) S. 80 as am., S.I. 1958/429. 1257.

THE CONSTITUTION ORDERS

(b) Sessions of the House of Representatives shall be held from time to time, but so that a period of twelve months shall not intervene between the last sitting of the House in any one session and the date appointed for its first sitting in the next session, whether or not a dissolution of the House occurs between such sessions.

(2) The provisions of this section shall apply in relation to a Legislative House of a Region as they apply in relation to the House of Representatives, and for that purpose references in subsection (1) of this section to the Governor-General and the Official Gazette of the Federation shall be construed as if they were references to the Governor and the Official Gazette of that Region.

(3) The provisions of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the House of Representatives, and for that purpose references in subsection (1) of this section to the Governor-General and the Official Gazette of the Federation shall be construed as if they were references to the High Commissioner for the Southern Cameroons and the Official Gazette of the Southern Cameroons.

(b)81.—(1) The Governor-General may, in his discretion, address the House of Representatives at any time that he thinks fit, and may for that purpose require the attendance of members.

Powers of Governor-General and Governors to address Legislative House

(2) The Governor of a Region may, in his discretion, address the House of Assembly or, in the case of the Northern Region or the Western Region, either Legislative House or both such Houses assembled together, at any time that he thinks fit, and may for that purpose require the attendance of members.

(3) The High Commissioner for the Southern Cameroons or the Commissioner of the Cameroons, acting in his discretion, may address the House of Assembly of the Southern Cameroons at any time that he thinks fit, and may for that purpose require the attendance of members.

82.—(1) The Governor-General may at any time by Proclamation published in the Official Gazette of the Federation prorogue or dissolve the House of Representatives:

Prorogation and dissolution of Legislative Houses.

Provided that, unless it has been sooner dissolved, he shall in any case dissolve the House at the expiration of five years from the date of the first sitting of the House after any dissolution.

(2) The Governor of the Northern Region or the Western Region may at any time by Proclamation published in the Official Gazette of the Region—

- (a) prorogue the Legislative Houses of that Region or either of them; or
- (b) dissolve the Legislative Houses of that Region:

Provided that, unless they have been sooner dissolved, he shall in any case dissolve the Legislative Houses at the expiration of five years from the date of the first sitting of either of those Houses after any dissolution.

(3) The Governor of the Eastern Region may at any time by Proclamation published in the Official Gazette of that Region prorogue or dissolve the Eastern House of Assembly:

Provided that, unless it has been sooner dissolved, he shall in any case dissolve the House at the expiration of five years from the date of the first sitting of the House after any dissolution.

(a)(4) The High Commissioner for the Southern Cameroons may at any time by Proclamation published in the Official Gazette of the Southern Cameroons prorogue or dissolve the House of Assembly of the Southern Cameroons:

Provided that, unless it has been sooner dissolved, he shall in any case dissolve the House at the expiration of five years from the date of the first sitting of the House after any dissolution.

CHAPTER IV

EXECUTIVE POWERS

Extent of executive authority of Federation.

83. The executive authority of the Federation shall extend to the execution and maintenance of the constitution of the Federation and to all matters with respect to which the Federal Legislature has for the time being power to make laws.

Use and operational control of police.

84. The use and operational control of the police shall be directed and exercised by the Governor-General, acting in his discretion, either directly or through such officers or authorities as may be duly authorised by him in that behalf.

Extent of executive authority of Regions.

85. The executive authority of a Region shall extend to the execution and maintenance of the constitution of the Region and to all matters with respect to which the Legislature of the Region has for the time being power to make laws.

Extent of executive authority of Southern Cameroons.

86. The executive authority of the Southern Cameroons shall extend to the execution and maintenance of the constitution of the Southern Cameroons and to all matters with respect to which the Legislature of the Southern Cameroons has for the time being power to make laws.

THE COUNCIL OF MINISTERS

Establishment of Council of Ministers.

87. There shall be a Council of Ministers for the Federation.

Composition of Council of Ministers.

(a) 88.—(1) The members of the Council of Ministers shall be—

(a) the Governor-General, who shall be the President of the Council; and

(b) not less than eleven other members, who shall be styled Ministers; and

(c) such Temporary Ministers as may be appointed in accordance with section 92 of this Order.

(2) The number of Ministers who shall be appointed in addition to the Prime Minister shall, subject to the provisions of this section, be such as the Governor-General may on the recommendation of the Prime Minister from time to time prescribe.

Appointment of Ministers.

(a) 88A.—(1) Every Minister shall be appointed by Instrument under the Public Seal from among the members of the House of Representatives, and at least one Minister shall be appointed from among the Representative Members of that House elected in the Southern Cameroons.

(a) S. 82 (4) as am., S.I. 1958/429.

(a) S. 88 as subst., S. 88A inserted, S.I. 1957/1530. S. 88 am., by S.I. 1958/2331.

THE CONSTITUTION ORDERS

(2) Of the Ministers—

(a) one, who shall be styled the Prime Minister, shall be appointed by the Governor-General in accordance with subsection (3) of this section;

(b) the others shall be appointed by the Governor-General on the recommendation of the Prime Minister.

(3) Whenever the Governor-General has occasion to appoint a person to be a Prime Minister he shall appoint as such the person who appears to him to be best able to command a majority in the House of Representatives and who is willing to be appointed.

(b)89.—(1) The Council of Ministers shall be the principal instrument of policy for Nigeria in matters to which the executive authority of the Federation extends and shall perform such functions and duties, and exercise such powers, as may from time to time be prescribed by or under this Order, any other Orders of Her Majesty in Council, any Instructions under Her Majesty's Sign Manual and Signet or, subject to the provisions of this Order and of such other Orders and Instructions as aforesaid, by or under any other law.

Functions of Council of Ministers and exercise of Governor-General's powers.

(2) Save as is otherwise provided by this Order or by any Instructions under Her Majesty's Sign Manual and Signet, the Governor-General shall—

(a) consult with the Council of Ministers in the exercise of all powers conferred upon him by this Order other than—

(i) powers that he is by this Order directed or empowered to exercise in his discretion or on the recommendation of or after consultation with any person or authority other than the Council of Ministers; or

(ii) powers conferred upon him by subsections (1) and (2) of section 7, paragraph (a) of subsection (2) of section 88A and paragraph (a) of subsection (2) of section 97 of this Order; or

(iii) powers conferred upon him by any provision of this Order under which any person holds any office during the Governor-General's pleasure; and

(b) act in accordance with the advice of the Council in any matter on which he is by this subsection obliged to consult with the Council.

(3) Where by this Order the Governor-General is directed to exercise a power on the recommendation of any person or of any authority other than the Council of Ministers he shall exercise that power in accordance with such recommendation.

(4) Where by this Order the Governor-General is directed to exercise a power after consultation with any person or with any authority other than the Council of Ministers he shall not be obliged to act in accordance with the advice of that person or authority.

(5) Where by this Order the High Commissioner for the Southern Cameroons is directed to exercise a power on the recommendation of any person or authority he shall exercise that power in accordance with such recommendation, but, save as aforesaid, the High Commissioner shall not be obliged to consult with or act in accordance with the advice of any person or authority in the exercise of the powers conferred upon him by this Order.

(6) In this section references to the powers of the Governor-General do not include references to the powers of the High Commissioner for the Southern Cameroons.

Tenure of
office of
Prime
Minister.

(a)90. The Prime Minister shall hold his seat in the Council of Ministers during the Governor-General's pleasure :

Provided that his seat shall in any case become vacant—

(a) when, after any dissolution of the House of Representatives, he is informed by the Governor-General that the Governor-General is about to re-appoint him as Prime Minister or to appoint another person as Prime Minister ;

(b) if he ceases to be a member of the House of Representatives for any reason other than the dissolution of that House ;

(c) if he resigns his seat by writing under his hand addressed to the Governor-General ; or

(d) if he absents himself from Nigeria without written permission given by the Governor-General, acting in his discretion.

Tenure of
office of
Minister.

(a)91. The seat in the Council of Ministers of a Minister other than the Prime Minister shall become vacant—

(a) if the seat of the Prime Minister in the Council becomes vacant ;

(b) if he ceases to be a member of the House of Representatives for any reason other than the dissolution of that House ;

(c) if he resigns his seat by writing under his hand addressed to the Governor-General ;

(d) if he absents himself from Nigeria without written permission given by the Governor-General on the recommendation of the Prime Minister ; or

(e) if the Governor-General, on the recommendation of the Prime Minister, so directs.

Temporary
Ministers.

(b)92.—(1) Whenever a Minister is ill or absent from Nigeria, the Governor-General, acting on the recommendation of the Prime Minister, may, by Instrument under the Public Seal, appoint a person from among the members of the House of Representatives to be temporarily a member of the Council of Ministers :

Provided that, if a person is so appointed on account of the illness or absence of a Minister who is a Representative Member of the House of Representatives elected in the Southern Cameroons, that person shall be appointed from among the Representative Members of the House elected in the Southern Cameroons.

(2) Members of the Council of Ministers appointed under this section shall be styled Temporary Ministers.

(3) The seat in the Council of Ministers of a Temporary Minister shall become vacant when he is notified by the Governor-General, acting on the recommendation of the Prime Minister, that the Minister on account of whose illness or absence he was appointed is no longer ill or absent from Nigeria or when the seat in the Council of that Minister becomes vacant.

(4) The provisions of section 91 of this Order shall, subject to the provisions of subsection (3) of this section, apply in relation to a Temporary Minister as they apply in relation to a Minister other than the Prime Minister and the references in sections 7, 97, 98, 100, 102 and 154n of this Order to a Minister shall be construed as if they included references to a Temporary Minister.

(a) Ss. 90, 91 as subst., S.I. 1957/1530.

(b) S. 92 as subst., S.I. 1958/2331.

THE CONSTITUTION ORDERS

(a)93. Any question whether any person is a member of the Council of Ministers shall be referred to, and determined by, the Governor-General, acting in his discretion.

Determination of questions as to membership of Council of Ministers.

(a)94. There shall preside at meetings of the Council of Ministers—

(a) the Governor-General; or

(b) in the absence of the Governor-General, the Prime Minister.

Presiding in Council of Ministers.

95. The Council of Ministers shall not be disqualified for the transaction of business by reason of any vacancy among the members thereof including any vacancies not filled when the Council is first constituted or is reconstituted at any time; and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do took part in the proceedings.

Council of Ministers may transact business notwithstanding vacancies, etc.

(b)96.—(1) The Council of Ministers shall not be summoned except by the authority of the Governor-General, acting in his discretion:

Summoning Council of Ministers and quorum therein.

Provided that the Governor-General shall summon the Council if the Prime Minister requests him in writing so to do.

(2) No business shall be transacted in the Council of Ministers if objection is taken by any member present that, in addition to the Governor-General or other member presiding, there are present less than five members.

(b)97.—(1) Where any matter is dependent upon the decision of the Council of Ministers any decision shall be regarded as the decision of the Council if a majority of the votes of the members present and voting are cast in favour thereof.

Voting in Council of Ministers.

(2) (a) The Governor-General may, when presiding in the Council of Ministers, give a casting vote if on any question the votes are equally divided, but shall not have an original vote.

(b) A Minister shall have an original vote in the Council of Ministers, and the Prime Minister may, when presiding in the Council, also give a casting vote if on any question the votes are equally divided.

(a)98.—(1) (a) Subject to the provisions of this Order, the Governor-General may by directions in writing charge any Minister with responsibility for any matter or group of matters to which the executive authority of the Federation extends:

Assignment of responsibility to Ministers.

Provided that, except for the purpose of conducting government business relating to such matters in the House of Representatives, a Minister shall not be charged with responsibility for the matters specified in sections 98A and 98B of this Order.

(b) For the purposes of this section the Governor-General may charge any Minister with responsibility for any department of government.

(a) Ss. 93, 94 as subst., S.I. 1957/1530.

(b) Ss. 96, 97 as am., S.I. 1957/1530.

(a) S. 98 as subst., Ss. 98A, 98B inserted, S.I. 1957/1530.

(2) The powers conferred upon the Governor-General by this section shall be exercised on the recommendation of the Prime Minister.

(b)(3) Nothing in this section shall empower the Governor-General to confer on any Minister authority to exercise any power or to discharge any duty that is conferred by this Order or any other law on the Governor-General or on any person or authority other than that Minister.

Governor-General to be responsible for certain matters.

(a) 98A. The Governor-General, acting in his discretion, shall be responsible for the following matters:—

(a) external affairs, that is to say, such external relations as may from time to time be entrusted to the Federation by Her Majesty's Government in the United Kingdom;

(b) defence; and

(c) the use and operational control of the police.

Attorney-General to be responsible for certain matters.

(a) 98B. The Attorney-General of the Federation shall be responsible for legal matters, which expression shall, without prejudice to its generality, include the initiation, conduct and discontinuance of civil and criminal proceedings.

Parliamentary Secretaries to Ministers.

(c) 99.—(1) The Governor-General may appoint Parliamentary Secretaries from among the Representative Members and Special Members of the House of Representatives to assist Ministers in the discharge of responsibilities assigned to them in pursuance of section 98 of this Order.

(2) The office of a Parliamentary Secretary to a Minister shall become vacant—

(a) if the seat of the Prime Minister in the Council of Ministers becomes vacant;

(b) if he ceases to be a member of the House of Representatives for any reason other than the dissolution of that House;

(c) if he resigns his office by writing under his hand addressed to the Governor-General;

(d) if he absents himself from Nigeria without written permission given by the Governor-General; or

(e) if the Governor-General so directs.

(3) The powers conferred by this section on the Governor-General shall be exercised by him on the recommendation of the Prime Minister.

Secretaries to supervise certain Federal departments.

100.—(1) Where any Minister has been charged with responsibility for a department of government he shall exercise general direction and control over that department; and, subject to such direction and control, the department shall be under the supervision of such officer in the public service of the Federation (who shall be styled a Permanent Secretary) as the Governor-General, acting in his discretion, may select.

(2) An officer in the public service of the Federation may be a Permanent Secretary in respect of more than one department of government.

[S. 101 rev., S.I. 1957/1530.]

(b) S. 98 (3) inserted, S.I. 1958/429.

(c) S. 99 as am., S.I. 1957/1530, 1958/429.

THE CONSTITUTION ORDERS

(a)102.—(1) The Governor-General, acting in his discretion, may grant leave of absence from his duties to the Prime Minister.

Leave of absence for Ministers and Parliamentary Secretaries.

(2) The Governor-General, acting on the recommendation of the Prime Minister, may grant leave of absence from his duties to any Minister other than the Prime Minister or to a Parliamentary Secretary.

(a)102A.—(1) Whenever the Prime Minister is ill or absent from Nigeria, the Governor-General may, by Instrument under the Public Seal, authorize one of the other Ministers to perform the functions conferred on the Prime Minister by this Order (other than the function conferred by subsection (3) of this section) and any Minister so authorized may perform these functions.

Performance of functions of Prime Minister.

(2) The Governor-General may, by Instrument under the Public Seal, revoke any authority given under this section.

(3) The powers conferred upon the Governor-General by this section shall be exercised by the Governor-General acting in his discretion if in the opinion of the Governor-General it is impracticable to obtain the advice of the Prime Minister owing to his illness or absence, and in any other case shall be exercised by the Governor-General on the recommendation of the Prime Minister.

103. No person shall enter upon the duties of his office as a member of the Council of Ministers or as a Parliamentary Secretary to a Minister until he has taken the oath of allegiance and, except in the case of the Governor-General, has taken an oath for the due execution of that office in the form and manner prescribed by any law enacted by the Federal Legislature.

Oaths to be taken by Ministers, etc.

THE EXECUTIVE COUNCILS OF THE REGIONS

104. There shall be an Executive Council for each Region.

Establishment of Executive Councils for Regions.

(b)105.—(1) The Executive Council of a Region shall be the principal instrument of policy for the Region in matters to which the executive authority of the Region extends, and shall perform such functions and duties, and exercise such powers, as may from time to time be prescribed by or under this Order, any other Orders of Her Majesty in Council, any Instructions under Her Majesty's Sign Manual and Signet, or, subject to the provisions of this Order and of such other Orders and Instructions as aforesaid, by or under any other law.

Functions of Executive Councils and exercise of Governors' powers.

(2) Save as is otherwise provided by this Order or by any Instructions under Her Majesty's Sign Manual and Signet, the Governor of a Region shall—

(a) consult with the Executive Council of the Region in the exercise of all powers conferred upon him by this Order other than—

(i) powers that he is by this Order directed or empowered to exercise in his discretion or on the recommendation of or after consultation with any person or authority other than the Executive Council; or

(ii) powers conferred upon him by subsection (2) of section 23, subsection (1) of section 33, paragraph (a) of subsection (2) of section 107, paragraph (a) of subsection (2) of section 109, paragraph (a) of subsection (2) of section 111 or section 118 of this Order; or

(a) S. 102 as subst., S. 102A inserted, S.I. 1957/1530.

(b) S. 105 as am., S.I. 1957/1530, 1958/429

THE CONSTITUTION ORDERS

(iii) powers conferred upon him by any provision of this Order under which any person holds any office during the Governor's pleasure; and

(b) act in accordance with the advice of the said Council in any matter on which he is by this subsection obliged to consult with the said Council.

(3) Where by this Order the Governor of a Region is directed to exercise a power on the recommendation of any person or of any authority other than the Executive Council he shall exercise that power in accordance with such recommendation.

(4) Where by this Order the Governor of a Region is directed to exercise a power after consultation with any person or with any authority other than the Executive Council he shall not be obliged to act in accordance with the advice of that person or authority.

(a)106. The members of the Executive Council of the Northern Region shall be—

(a) the Governor, who shall be the President of the Council;

(b) the Attorney-General of the Region; and

(c) not less than fourteen members appointed in accordance with the provisions of section 107 of this Order, who shall be styled Regional Ministers.

(b)107.—(1) Every Regional Minister of the Northern Region shall be appointed by Instrument under the Public Seal either from among the members of the Northern House of Chiefs mentioned in paragraphs (b) and (c) of subsection (1) of section 17 of this Order or from among the members of the Northern House of Assembly mentioned in paragraphs (b) and (c) of subsection (1) of section 21 of this Order.

(2) Of the Regional Ministers of the Northern Region—

(a) one, who shall be styled the Premier of the Region, shall be appointed by the Governor from among the members of the Northern House of Assembly mentioned in paragraph (b) or (c) of subsection (1) of section 21 of this Order in accordance with the provisions of subsection (3) of this section; and

(b) the others shall be appointed by the Governor on the recommendation of the Premier:

Provided that at least eleven shall be appointed from among the members of the Northern House of Assembly and at least two but not more than four shall be appointed from among the members of the Northern House of Chiefs.

(3) Whenever the Governor has occasion to appoint a person to be Premier he shall appoint as such the person who appears to him to be best able to command a majority in the Northern House of Assembly and who is willing to be appointed.

(4) The number of Regional Ministers of the Northern Region who shall be appointed in addition to the Premier shall, subject to the provisions of section 106 of this Order, be such as the Governor may on the recommendation of the Premier from time to time prescribe.

(a) S. 106 as subst., S.I. 1957/1530.

(b) S. 107, as am., S.I. 1957/1530.

Composition
of Executive
Council of
Northern
Region.

Appointment
of Regional
Ministers in
Northern
Region.

THE CONSTITUTION ORDERS

108. The members of the Executive Council of the Western Region shall be—

Composition of Executive Council of Western Region.

(a) [S. 108 (a) rev., S.I. 1957/1363.]

(b) not less than nine members appointed in accordance with the provisions of section 109 of this Order, who shall be styled Regional Ministers.

(c) 109.—(1) (a) Every Regional Minister of the Western Region shall be appointed by Instrument under the Public Seal either from among the members of the Western House of Chiefs mentioned in paragraphs (a) and (c) of section 24 of this Order or from among the Elected Members of the Western House of Assembly.

Appointment of Regional Ministers in Western Region.

(b) For the purposes of this subsection a person who is deemed to be a member of the Western House of Assembly by virtue of subsection (3) of section 29 of this Order shall be deemed to be an Elected Member of that House.

(2) Of the Regional Ministers of the Western Region—

(a) one, who shall be styled the Premier of the Region, shall be appointed by the Governor in accordance with the provisions of subsection (4) of this section; and

(b) the others shall be appointed by the Governor on the recommendation of the Premier;

Provided that if the Premier is a member of the Western House of Assembly, three (but not more than three) of the other Ministers shall be appointed from among the members of the Western House of Chiefs, and if the Premier is not a member of the Western House of Assembly, two (but not more than two) of the other Ministers shall be appointed from among the members of the Western House of Chiefs.

(3) The number of Regional Ministers of the Western Region who shall be appointed in addition to the Premier shall, subject to the provisions of section 108 of this Order, be such as the Governor may on the recommendation of the Premier from time to time prescribe.

(4) Whenever the Governor has occasion to appoint a person to be Premier he shall appoint as such the person who appears to him to be best able to command a majority in the Western House of Assembly and who is willing to be appointed.

110. The members of the Executive Council of the Eastern Region shall be—

Composition of Executive Council of Eastern Region.

[S. 110 (a) rev., S.I. 1957/1363.]

(b) not less than nine members appointed in accordance with the provisions of section 111 of this Order, who shall be styled Regional Ministers.

(a) 111.—(1) (a) Every Regional Minister of the Eastern Region shall be appointed by Instrument under the Public Seal from among the Elected Members of the Eastern House of Assembly.

Appointment of Regional Ministers in Eastern Region.

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

(a) S. 111, as am., S.I. 1957/1530, 1958/429.

(c) S. 109 as am., S.I. 1957/1530, 1958/429, 1257.

THE CONSTITUTION ORDERS

(2) Of the Regional Ministers of the Eastern Region—

(a) one, who shall be styled the Premier of the Region, shall be appointed by the Governor in accordance with the provisions of subsection (4) of this section; and

(b) the others shall be appointed by the Governor on the recommendation of the Premier.

(3) The number of Regional Ministers of the Eastern Region who shall be appointed in addition to the Premier shall, subject to the provisions of section 110 of this Order, be such as the Governor may on the recommendation of the Premier from time to time prescribe.

(4) Whenever the Governor has occasion to appoint a person to be Premier he shall appoint as such the person who appears to him to be best able to command a majority in the Eastern House of Assembly and who is willing to be appointed.

112. The Premier shall hold his seat in the Executive Council of a Region during the Governor's pleasure:

Provided that his seat shall in any case become vacant—

(a) when, after any dissolution of the Regional Legislative House from among the members of which he was appointed, he is informed by the Governor that the Governor is about to reappoint him as Premier or to appoint another person as Premier; or

(b) if he ceases to be a member of the Regional Legislative House from among the members of which he was appointed for any reason other than a dissolution of that House; or

(c) if he resigns his seat by writing under his hand addressed to the Governor; or

(d) if he absents himself from Nigeria without written permission given by the Governor, acting in his discretion.

(b) 113.—(1) The seat in the Executive Council of a Region of a Regional Minister other than the Premier shall become vacant—

(a) if the seat of the Premier in the Council becomes vacant; or

(b) if he ceases to be a member of the Regional Legislative House from among the members of which he was appointed for any reason other than a dissolution of that House; or

(c) if he resigns his seat by writing under his hand addressed to the Governor; or

(d) if he absents himself from Nigeria without written permission given by the Governor on the recommendation of the Premier; or

(e) if the Governor, on the recommendation of the Premier, so directs.

114. Any question whether any person is a member of the Executive Council of a Region shall be referred to, and determined by, the Governor, acting in his discretion.

(b) S. 113 as am., S.I. 1957/1530.

Tenure of office of Premier.

Tenure of office of Regional Minister.

Determination of questions as to membership of Executive Councils of Regions.

THE CONSTITUTION ORDERS

(a) 115.—(1) There shall preside at meetings of the Executive Council of the Northern Region—

- (a) the Governor;
- (b) in the absence of the Governor, the Premier; and
- (c) in the absence of the Governor and the Premier, such other member of the Council as the Governor, acting in his discretion, may appoint.

(2) There shall preside at meetings of the Executive Council of the Western Region or the Eastern Region—

- (a) the Premier; or
- (b) in the absence of the Premier, such other Regional Minister as the Premier may appoint.

116. The Executive Council of a Region shall not be disqualified for the transaction of business by reason of any vacancy among the members thereof, including any vacancies not filled when the Council is first constituted or is reconstituted at any time; and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do took part in the proceedings.

(a) 117.—(1) (a) The Executive Council of the Northern Region shall not be summoned except by the authority of the Governor, acting in his discretion:

Provided that the Governor shall summon the Council if the Premier requests him in writing so to do.

(b) No business shall be transacted in the Executive Council of the Northern Region if objection is taken by any member present that, in addition to the Governor or other member presiding, there are present less than eight members.

(2) (a) The Executive Council of the Western Region or the Eastern Region shall not be summoned except by the authority of the Premier of the Region.

(b) No business shall be transacted in the Executive Council of the Western Region or the Eastern Region if objection is taken by any member present that, in addition to the Premier or other member presiding, there are present less than six members.

118.—(1) Where any matter is dependent upon the decision of the Executive Council of a Region, any decision shall be regarded as the decision of the Council if the majority of the votes of the members present and voting are cast in favour thereof.

(a) (2) (a) The Governor of the Northern Region may, when presiding in the Executive Council of the Region, give a casting vote if on any question the votes are equally divided, but shall not have an original vote.

(b) A member of the Executive Council of a Region other than the Governor of the Northern Region shall have an original vote in the Council, and may, when presiding in the Council, also give a casting vote if on any question the votes are equally divided.

Presiding in Executive Councils of Regions.

Executive Councils of Regions may transact business notwithstanding vacancies etc.

Summoning Executive Councils of Regions and quorum therein.

Voting in Executive Councils of Regions.

Assignment of responsibility to members of Executive Council of Northern Region.

(a) 119.—(1) (a) Subject to the provisions of this Order, the Governor may by directions in writing charge any member of the Executive Council of the Northern Region with responsibility for any matter or group of matters to which the executive authority of the Region extends.

(b) For the purposes of this section the Governor may charge any member of the Executive Council of the Northern Region with responsibility for any department of government.

(c) The powers conferred by this section on the Governor of the Northern Region shall be exercised by him in his discretion.

(2) Responsibility for legal matters, which expressions shall, without prejudice to its generality, include the initiation, conduct and discontinuance of civil and criminal proceedings, shall not be assigned to a Regional Minister but shall vest in the Attorney-General of the Northern Region :

Provided that a Regional Minister may be charged with responsibility for submitting questions relating to such matters to the Executive Council and for conducting government business relating to such matters in the Legislative Houses of the Region.

(3) Nothing in this section shall empower the Governor to confer on any member of the Executive Council of the Northern Region authority to exercise any power or to discharge any duty that is conferred by this Order or any other law on the Governor or on any other person or authority other than that member.

(b) 119A.—(1) (a) Subject to the provisions of this Order, the Governor of the Western Region or the Eastern Region, acting on the recommendation of the Premier of the Region, may by directions in writing charge any Regional Minister with responsibility for any matter or group of matters to which the executive authority of the Region extends :

Provided that, except for the purpose of submitting questions relating to such matters to the Executive Council and conducting government business relating to such matters in the Legislative Houses of the Region, a Regional Minister shall not be charged with responsibility for—

(i) the initiation, conduct and discontinuance of criminal proceedings ;

(ii) the audit of the accounts of the Region ;

(iii) the making of appointments to offices in the public service of the Region, the dismissal or disciplinary control of officers in that public service and the grant of any benefits in pursuance of subsection (1) of section 190B of this Order ;

(iv) the discharge by the courts of the Region of their judicial functions ;
or

(v) the matters specified in section 18 of the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954.

(b) Subject to the provisions of this section, the Governor, acting on the recommendation of the Premier of the Region, may charge any Regional Minister with responsibility for any department of government.

(2) Nothing in this section shall empower the Governor to confer on any Regional Minister authority to exercise any power or to discharge any duty that is conferred by this Order or any other law on the Governor or any person or authority other than that Regional Minister.

(a) S. 119 as am., S.I. 1958/429.

(b) Ss. 119A, 119B inserted, S.I. 1958/429.

Assignment of responsibility to members of Executive Councils of Western and Eastern Regions.

THE CONSTITUTION ORDERS

(b)119B.—(1) There shall be an Attorney-General for the Western Region who shall be a person qualified for appointment as a judge of the High Court of the Region and shall be appointed by the Governor.

Attorney-General of Western and Eastern Regions.

(2) The office of the Attorney-General shall become vacant—

(a) if the seat of the Premier in the Executive Council of the Region becomes vacant;

(b) if he resigns his office by writing under his hand addressed to the Governor;

(c) if he absents himself from Nigeria without written permission given by the Governor;

(d) if he ceases to be qualified for appointment as a judge of the High Court of the Region; or

(e) if the Governor so directs.

(3) The powers of the Governor under this section shall be exercised by him on the recommendation of the Premier.

(4) The foregoing provisions of this section shall apply in relation to the Eastern Region as they apply in relation to the Western Region and for that purpose references to the Western Region shall be construed as if they were references to the Eastern Region.

(c)120.—(1) The Governor of a Region may appoint Parliamentary Secretaries from among those members of the Legislative Houses of the Region who are eligible for appointment as Regional Ministers to assist Regional Ministers in the discharge of responsibilities assigned to them in pursuance of section 119 or section 119A of this Order.

Parliamentary Secretaries to Regional Ministers.

(2) The office of a Parliamentary Secretary to a Regional Minister shall become vacant—

(a) if the seat of the Premier in the Executive Council of the Region becomes vacant; or

(b) if he ceases to be a member of the Regional Legislative House from among the members of which he was appointed for any reason other than a dissolution of that House; or

(c) if he resigns his office by writing under his hand addressed to the Governor; or

(d) if he absents himself from Nigeria without written permission given by the Governor; or

(e) if the Governor so directs.

(3) The powers conferred by this section on the Governor of a Region shall be exercised by him on the recommendation of the Premier.

121.—(1) Where any Regional Minister of the Northern Region has been charged with responsibility for a department of government he shall exercise general direction and control over that department; and, subject to such direction and control, the department shall be under the supervision of such officer in the public service of the Region (who shall be styled a Permanent Secretary) as the Governor, acting in his discretion, may select.

Permanent Secretaries to supervise certain Regional departments.

(1A) Where any Regional Minister of the Western Region or the Eastern Region has been charged with responsibility for a department of government he shall exercise general direction and control over that department; and, subject to such direction and control, the department shall be under the supervision of a Permanent Secretary appointed in accordance with the provisions of section 180i of this Order.

(2) An officer in the public service of a Region may be a Permanent Secretary in respect of more than one department of government.

Oaths to be taken by Regional Ministers etc.

122. No person shall enter upon the duties of his office as a member of the Executive Council of a Region or as a Parliamentary Secretary to a Regional Minister until he has taken the oath of allegiance and, except in the case of the Governor, has taken an oath for the due execution of that office in the form and manner prescribed by any law enacted by the Legislature of that Region.

Leave of absence for Regional Ministers and Parliamentary Secretaries.

(a) 123.—(1) The Governor of a Region, acting in his discretion, may grant leave of absence from his duties to the Premier of the Region.

(2) The Governor of a Region, acting on the recommendation of the Premier, may grant leave of absence from his duties to a Regional Minister other than the Premier and to a Parliamentary Secretary to a Regional Minister.

(3) The Governor of the Western Region or the Eastern Region, acting on the recommendation of the Premier, may grant leave of absence from his duties to the Attorney-General of the Region.

Governor of Western and Eastern Regions to be kept informed concerning administration of government.

(b) 123A.—(1) The Premier of the Western Region or the Eastern Region shall—

(a) cause to be transmitted to the Governor copies of all papers submitted for consideration by the Executive Council of the Region at the same time as those papers are transmitted to the members of the Council;

(b) cause the Governor to be informed of the summoning of any meeting of the Council and of the matters to be discussed at that meeting at the same time as members of the Council are so informed; and

(c) cause the Governor to be furnished, immediately after each meeting of the Council, with a copy of the record of the proceedings at that meeting, showing the matters discussed and the conclusions reached by the Council at that meeting.

(2) The Premier of the Western Region or the Eastern Region shall keep the Governor fully informed concerning the general conduct of the government of the Region, and shall furnish the Governor with such information as he may request with respect to any particular matter relating to the government of the Region.

(c) 123B.—(1) Whenever the Premier of a Region is ill or absent from Nigeria, the Governor may, by Instrument under the Public Seal, authorize one of the other Regional Ministers to perform the functions conferred on the Premier by this Order (other than the function conferred by subsection (3) of this section) and any Regional Minister so authorized may perform those functions.

(a) S. 123 as subst., S.I. 1957/1530, and as am., S.I. 1958/429.

(b) S. 123A inserted, S.I. 1957/1363.

(c) S. 123B inserted, S.I. 1957/1530.

Performance of functions of Premier.

THE CONSTITUTION ORDERS

(2) The Governor may, by Instrument under the Public Seal, revoke a authority given under this section.

(3) The powers conferred upon the Governor by this section shall be exercised by the Governor, acting in his discretion, if in the opinion of the Governor it is impracticable to obtain the advice of the Premier owing to his illness or absence, and in any other case shall be exercised by the Governor on the recommendation of the Premier.

THE EXECUTIVE COUNCIL OF THE SOUTHERN CAMEROONS

124. There shall be an Executive Council for the Southern Cameroons.

Establishment of Executive Council for Southern Cameroons.

(d)125.—(1) Subject to the provisions of this Order, the Executive Council of the Southern Cameroons shall be the principal instrument of policy for the Southern Cameroons and shall perform such functions and duties, and exercise such powers, as may from time to time be prescribed by or under any Order of Her Majesty in Council, any Instructions under Her Majesty's Sign Manual and Signet or, subject to the provisions of such Orders and Instructions as aforesaid, by or under any other law.

Functions of Executive Council of Southern Cameroons.

(2) Save as is otherwise provided by this Order or by any directions given to him by the High Commissioner for the Southern Cameroons, the Commissioner of the Cameroons shall—

(a) consult with the Executive Council of the Southern Cameroons in the exercise of all powers conferred upon him by this Order other than—

(i) powers that he is by this Order directed or empowered to exercise in his discretion or on the recommendation of or after consultation with any person or authority other than the Executive Council; or

(ii) powers conferred upon him by any provision of this Order under which any person holds any office during the pleasure of the Commissioner of the Cameroons; and

(b) act in accordance with the advice of the said Council in any matter on which he is by this subsection obliged to consult the Council.

(3) Where by this Order the Commissioner of the Cameroons is directed to exercise a power on the recommendation of any person or of any authority other than the Executive Council he shall exercise that power in accordance with such recommendation.

(4) Where by this Order the Commissioner of the Cameroons is directed to exercise a power after consultation with any person or with any authority other than the Executive Council he shall not be obliged to act in accordance with the advice of that person or authority.

(b)126. The members of the Executive Council of the Southern Cameroons shall be—

(a) the Commissioner of the Cameroons, who shall be the President of the Council;

Composition of Executive Council of Southern Cameroons.

THE CONSTITUTION ORDERS

(b) three Ex-officio Members, namely the Deputy Commissioner of the Cameroons, the Legal Secretary of the Southern Cameroons and the Financial Secretary of the Southern Cameroons;

(c) not less than five members appointed in accordance with the provisions of section 127 of this Order, who shall be styled Ministers of the Southern Cameroons.

[S. 126 (d) rev., S.I. 1958/429.]

Appointment
of Ministers
of Southern
Cameroons.

(a) 127.—(1) Every Minister of the Southern Cameroons shall be appointed by Instrument under the Public Seal of the Southern Cameroons from among the members of the House of Assembly of the Southern Cameroons mentioned in paragraphs (c) and (e) of subsection (1) of section 34 of this Order.

(2) Of the Ministers of the Southern Cameroons—

(a) one, who shall be styled the Premier of the Southern Cameroons, shall be appointed by the High Commissioner for the Southern Cameroons; and

(b) the others shall be appointed by the High Commissioner for the Southern Cameroons on the recommendation of the Premier.

(3) Wherever the High Commissioner for the Southern Cameroons has occasion to appoint a person to be Premier he shall appoint as such the person who appears to him to be best able to command a majority in the House of Assembly of the Southern Cameroons and who is willing to be appointed.

(4) The number of Ministers of the Southern Cameroons who shall be appointed in addition to the Premier shall, subject to the provisions of section 126 of this Order, be such as the High Commissioner for the Southern Cameroons may from time to time prescribe:

Provided that the High Commissioner shall not prescribe a number greater than four unless the Commissioner of the Cameroons, having consulted the other members of the Executive Council of the Southern Cameroons, represents to him that it is desirable to do so.

Tenure of
office of
Premier.

(b) 128. The Premier shall hold his seat in the Executive Council of the Southern Cameroons during the pleasure of the High Commissioner for the Southern Cameroons:

Provided that his seat shall in any case become vacant—

(a) when, after any dissolution of the House of Assembly of the Southern Cameroons, he is informed by the High Commissioner that the High Commissioner is about to re-appoint him as Premier or to appoint another person as Premier; or

(b) if he ceases to be a member of the House of Assembly of the Southern Cameroons for any reason other than a dissolution of that House; or

(a) Se. 127, 129 as subst., (prop.), S.I. 1958/429.

(b) S. 128 as subst., S.I. 1958/429, and as am., S.I. 1958/1257.

THE CONSTITUTION ORDERS

(c) if he resigns his seat by writing under his hand addressed to the High Commissioner; or

(d) if he absents himself from Nigeria without written permission given by the Commissioner of the Cameroons, acting in his discretion.

(a) 129. The seat in the Executive Council of the Southern Cameroons of a Minister of the Southern Cameroons other than the Premier shall become vacant—

Tenure of office of Ministers of Southern Cameroons.

(a) if the seat of the Premier in the Council becomes vacant; or

(b) if he ceases to be a member of the House of Assembly of the Southern Cameroons for any reason other than the dissolution of that House; or

(c) if he resigns his seat by writing under his hand addressed to the High Commissioner for the Southern Cameroons; or

(d) if he absents himself from Nigeria without written permission given by the Commissioner of the Cameroons on the recommendation of the Premier; or

(e) if the High Commissioner for the Southern Cameroons, on the recommendation of the Premier, so directs.

130.—(1) The Commissioner of the Cameroons shall, so far as is practicable, preside at meetings of the Executive Council of the Southern Cameroons.

Presiding in Executive Council of Southern Cameroons.

(2) (a) In the absence of the Commissioner there shall preside at any meeting of the Council—

(i) such member as the Commissioner may appoint; or

(ii) in the absence of a member so appointed, the senior Ex-officio Member of the Council present.

(b) For the purposes of this subsection, the Ex-officio Members of the Council shall have seniority in the order in which they are mentioned in section 126 of this Order.

(a) 131.—(1) The Executive Council of the Southern Cameroons shall not be summoned except by the authority of the Commissioner of the Cameroons:

Summoning Executive Council of Southern Cameroons and quorum therein.

Provided that the Commissioner shall summon the Council if the Premier requests him in writing to do so.

(2) No business shall be transacted in the Council if objection is taken by any member present that, in addition to the Commissioner or other member presiding, there are present less than five members.

(a) 131A.—(1) Where any matter is dependent on the decision of the Executive Council of the Southern Cameroons any decision shall be regarded as the decision of the Council if the majority of the votes of the members present and voting are cast in favour thereof.

Voting in Executive Council of Southern Cameroons.

(c) S. 131 as am., (prosp.), S.I. 1958/429.

(a) Ss. 131A, 131B, 131C, 132A inserted (prosp.), S.I. 1958/429.

THE CONSTITUTION ORDERS

(2) (a) The Commissioner of the Cameroons may, when presiding in the Executive Council of the Southern Cameroons, give a casting vote if on any question the votes are equally divided, but shall not have an original vote.

(b) A member of the Executive Council of the Southern Cameroons other than the Commissioner shall have an original vote in the Council, and may, when presiding in the Council, also give a casting vote if on any question the votes are equally divided.

Assignment of responsibility to members of Executive Council of Southern Cameroons.

(a)131b.—(1) (a) Subject to the provisions of this Order, the Commissioner of the Cameroons may, by directions in writing, charge any member of the Executive Council of the Southern Cameroons with responsibility for any matter or group of matters to which the executive authority of the Southern Cameroons extends.

(b) For the purposes of this section the Commissioner of the Cameroons may charge any member of the Executive Council of the Southern Cameroons with responsibility for any department of government.

(c) The powers conferred by this section on the Commissioner of the Cameroons shall be exercised by him in his discretion.

(2) Responsibility for legal matters, which expression shall, without prejudice to its generality, include the initiation, conduct and discontinuance of civil and criminal proceedings, shall not be assigned to a Minister of the Southern Cameroons but shall vest in the Legal Secretary of the Southern Cameroons:

Provided that a Minister of the Southern Cameroons may be charged with responsibility for submitting questions relating to such matters to the Executive Council and for conducting government business relating to such matters in the House of Assembly of the Southern Cameroons.

(3) Nothing in this section shall empower the Commissioner of the Cameroons to confer on any member of the Executive Council of the Southern Cameroons authority to exercise any power or to discharge any duty that is conferred or imposed by this Order or any other law on the Commissioner or on any other person or authority other than that member.

(a)131c.—(1) Where any Minister of the Southern Cameroons has been charged with responsibility for a department of government he shall exercise general direction and control over that department; and, subject to such direction and control, the department shall be under the supervision of such officer in the public service of the Federation (who shall be styled a Permanent Secretary) as the Commissioner of the Cameroons, acting in his discretion, may, with the approval of the Governor-General, acting in his discretion, select.

(2) An officer in the public service of the Federation may be a Permanent Secretary in respect of more than one department of government.

132. No person shall enter upon the duties of his office as a member of the Executive Council of the Southern Cameroons until he has taken the oath of allegiance and, except in the case of the Commissioner of the Cameroons, has taken an oath for the due execution of that office in the form and manner prescribed by any law enacted by the Legislature of the Southern Cameroons.

(a)132a.—(1) The Commissioner of the Cameroons, acting in his discretion, may grant leave of absence from his duties to the Premier of the Southern Cameroons.

Permanent Secretaries to supervise certain Southern Cameroons departments.

Oaths to be taken by members of Executive Council of Southern Cameroons.

Leave of absence for Ministers for Southern Cameroons.

THE CONSTITUTION ORDERS

(2) The Commissioner of the Cameroons, action on the recommendation of the Premier, may grant leave of absence from his duties to a Minister of the Southern Cameroons other than the Premier.

133. The Executive Council of the Southern Cameroons shall not be disqualified for the transaction of business by reason of any vacancy among the members thereof including any vacancies not filled when the Council is first constituted or is reconstituted at any time; and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do took part in the proceedings.

Executive Council of Southern Cameroons may transact business not withstanding vacancies etc.

(b)134. Any question whether any person is a member of the Executive Council of the Southern Cameroons shall be referred to, and determined by, the High Commissioner for the Southern Cameroons.

Determination of questions as to membership of Executive Council of Southern Cameroons.

(b)134A.—(1) Whenever the Premier of the Southern Cameroons is ill or absent from Nigeria, the Commissioner of the Cameroons may, by writing under his hand, authorise one of the other Ministers of the Southern Cameroons to perform the functions conferred upon the Premier by this Order (other than the function conferred by subsection (3) of this section) and any Minister so authorised may perform those functions.

Performance of functions of Premier of Southern Cameroons.

(2) The Commissioner of the Cameroons may, by writing under his hand, revoke any direction given under this section.

(3) The powers conferred upon the Commissioner of the Cameroons by this section shall be exercised by the Commissioner, acting in his discretion, if in the opinion of the Commissioner it is impracticable to obtain the advice of the Premier owing to his illness or absence, and in any other case shall be exercised on the recommendation of the Premier.

ADMINISTRATIVE RELATIONS BETWEEN FEDERATION AND REGIONS

(c)135.—(1) The executive authority of a Region or the Southern Cameroons shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation or to endanger the continuance of federal government in Nigeria.

Co-ordination of executive authority of Federation, Regions and Southern Cameroons.

(2) The Governor-General, acting in his discretion, may give to the Governor of the Western Region or the Eastern Region such directions as appear to him to be necessary for the purpose of ensuring that the executive authority of that Region is not exercised in contravention of subsection (1) of this section.

(3) The Governor-General, acting in his discretion, may by regulation make such provision as he considers to be necessary or expedient in order to ensure that any directions given under subsection (2) of this section are carried out.

(4) Regulations made under subsection (3) of this section shall have effect notwithstanding anything inconsistent therewith in any law enacted by any legislature in Nigeria, and provision may be made by any such regulation for the amendment, suspension or revocation of any such law.

(b) S. 134 as subst., S. 134A inserted (prosp.), S.I. 1958/429.

(c) S. 135 as subst., S.I. 1957/1530.

THE CONSTITUTION ORDERS

(5) The Governor-General shall not exercise the powers conferred upon him by this section unless he has obtained the consent of a Secretary of State.

(6) The question whether the executive authority of a Region or the Southern Cameroons has in any case been exercised in accordance with the provisions of subsection (1) of this section or the question whether any, and if so what, directions have been given under subsection (2) of this section shall not be enquired into in any court.

(d)136.—(1) No functions relating to the exercise of the executive authority of the Federation or of the Southern Cameroons shall be conferred upon any officer or authority of a Region without the consent of the Governor of that Region, which consent shall, in relation to the use and operational control of the police, be given by the Governor, acting in his discretion:

Provided that a regulation made under section 135 of this Order may confer functions upon any officer or authority of a Region without the consent of the Governor of that Region.

(2) No functions relating to the exercise of the executive authority of a Region shall be conferred upon any officer or authority of the Federation without the consent of the Governor-General or upon any officer or authority of the Southern Cameroons without the consent of the Commissioner of the Cameroons.

(e)137.—(1) The High Commissioner for the Southern Cameroons, may give to the Commissioner of the Cameroons such directions with respect to the exercise of the executive authority of the Southern Cameroons as he may decide are desirable.

(2) The Commissioner shall comply with any directions given to him under this section or shall cause them to be complied with.

(3) The question whether any, and if so what, directions have been given under this section shall not be enquired into in any court.

CHAPTER V

JUDICIAL POWERS

THE FEDERAL SUPREME COURT

(f)138.—(1) There shall be a Federal Supreme Court for Nigeria.

(2) The judges of the Federal Supreme Court shall be—

(a) a Chief Justice of the Federation;

(b) two Federal Justices or such greater number as may be prescribed by or under any law enacted by the Federal Legislature;

(bb) the Chief Justice of each Region and the Chief Justice of Lagos; and

(c) such acting Federal Justices as may be appointed under subsection (3) of section 139 of this Order.

(3) The Federal Supreme Court shall be a superior court of record and shall sit in Lagos and in such other places in Nigeria, if any, as the Chief Justice of the Federation may, with the approval of the Governor-General, appoint.

(4) The Chief Justice of the Federation shall be President of the Federal Supreme Court, and shall take precedence of all other judges of that Court,

(d) S. 136 as am., S.I. 1957/1530, 1958/429.

(e) S. 137 as am., S.I. 1958/429.

(f) S. 138 as am., S.I. 1958/1958.

Performance of Federal functions by Regional Officers and of Regional functions by Federal Officers.

Directions by High Commissioner to Commissioner of Cameroons.

Establishment of Federal Supreme Court.

THE CONSTITUTION ORDERS

and the seniority of the other judges of that Court shall be determined in accordance with such directions as may be given by the Governor-General acting in his discretion.

(a) 139.—(1) The Chief Justice of the Federation and the Federal Justices shall be appointed by the Governor-General by Instrument under the Public Seal in pursuance of instructions given by Her Majesty through a Secretary of State.

Judges of
Federal
Supreme
Court.

(2) (a) A person shall not be qualified to be appointed as the Chief Justice of the Federation or a Federal Justice unless—

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

(ii) he is qualified to practise as an advocate in such a court and he has been qualified for not less than ten years to practise as an advocate or solicitor in such a court.

(b) In computing, for the purposes of paragraph (a) of this subsection, the period during which any person has been qualified to practise as an advocate or solicitor, any period during which he has held judicial office after becoming so qualified shall be included.

(3) (a) If the office of Chief Justice of the Federation is vacant, or if the Chief Justice of the Federation is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the Chief Justice has resumed those functions, as the case may be, those functions shall be performed by such one of the other judges of the Federal Supreme Court as the Governor-General, acting in his discretion, may appoint for that purpose.

(b) If the office of any Federal Justice is vacant, or if any Federal Justice is appointed to act as the Chief Justice of the Federation or is for any reason unable to perform the functions of his office, the Governor-General, acting in his discretion, may appoint a person qualified for appointment as a Federal Justice to act as a Federal Justice and any person so appointed shall continue to act until his appointment is revoked by the Governor-General.

(4) The Chief Justice of the Federation and the Federal Justices shall hold office during Her Majesty's pleasure:

Provided that the office of the Chief Justice or a Federal Justice shall in any case become vacant—

(a) if he resigns his office by writing under his hand addressed to the Governor-General; or

(b) when he attains the age of sixty-five years, or, if the Governor-General, acting in his discretion, so directs, within six months of his attaining that age.

140. No person shall enter upon the duties of his office as a judge of the Federal Supreme Court until he has taken before the Governor-General, or some person authorised by the Governor-General in that behalf, the oath of allegiance and an oath for the due execution of his office in the form prescribed by any law enacted by the Federal Legislature.

Oaths to be
taken by
judges of
Federal
Supreme
Court.

Salaries of
Judges of
Federal
Supreme
Court.

(a) 141. There shall be paid to the judges of the Federal Supreme Court such salary as may be prescribed by any law enacted by the Federal Legislature and such allowances as may be prescribed by or under any such law:

Provided that the salary of any such judge shall not be diminished during his continuance in office.

ESTABLISHMENT OF COURTS FOR THE REGIONS, THE SOUTHERN
CAMEROONS AND LAGOS

Courts of
Regions
and Lagos.

(b) 142.—(1) Subject to the provisions of this section, a law enacted by the Legislature of the Northern Region may establish Courts of Justice for that Region, and in particular (without prejudice to the generality of the foregoing power) establish a High Court of Justice for that Region.

(2) The following provisions shall apply to a High Court established for the Northern Region in accordance with subsection (1) of this section—

(a) the court shall be a superior court of record and shall consist of a Chief Justice, who shall be President of the Court, and such number of other judges as may be prescribed by or under any law enacted by the Legislature of that Region;

(b) the judges of the court shall be appointed by the Governor by Instrument under the Public Seal in pursuance of instructions given by Her Majesty through a Secretary of State;

(c) (i) a person shall not be qualified to be appointed a judge of the court unless he is, or has been, a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions; or he is qualified to practise as an advocate in such a court and he has been qualified for not less than ten years to practise as an advocate or solicitor in such a court;

(ii) in computing, for the purposes of this paragraph, the period during which any person has been qualified to practise as an advocate or solicitor, any period during which he has held judicial office after becoming so qualified shall be included;

(cc) (i) if the office of Chief Justice is vacant, or if the Chief Justice is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the Chief Justice has resumed those functions, as the case may be, those functions shall be performed by such one of the other judges of the High Court as the Governor, acting in his discretion, may appoint for that purpose;

(ii) if the office of a judge of the High Court other than the Chief Justice, is vacant, or if any such judge is appointed to act as Chief Justice or is for any reason unable to perform the functions of his office, the Governor, acting in his discretion, may appoint a fit and proper person to act as a judge of the High Court and any person so appointed shall continue to act until his appointment is revoked by the Governor.

(iii) the provisions of paragraph (c) of this subsection shall not apply to a person appointed to act as a judge of the High Court under subparagraph (ii) of this paragraph but any person so appointed shall be a person with such qualifications, if any, as may be prescribed by any law enacted by the Legislature of the Region;

(a) S. 141 as am., S.I. 1956/836.

(b) S. 142 as am., S.I. 1955/432, 1956/836, 1958/429, 1958.

THE CONSTITUTION ORDERS

(d) a judge of the court shall hold his office during Her Majesty's pleasure;

Provided that his office shall in any case become vacant—

(i) if he resigns his office by writing under his hand addressed to the Governor; or

(ii) when he attains the age of sixty-two years, or, if the Governor, acting in his discretion, so directs, within six months after his attainment of that age;

(e) no person shall enter upon the duties of his office as a judge of the court until he has taken or made before the Governor, or some person authorised by the Governor in that behalf, the oath of allegiance and an oath for the due execution of his office in the form and manner prescribed by any law enacted by the Legislature of that Region;

(f) there shall be paid to the judges of the court such salary as may be prescribed by any law enacted by the Legislature of the Region and such allowances as may be prescribed by or under any such law:

Provided that the salary of any such judge shall not be diminished during his continuance in office.

(3) The foregoing provisions of this section shall apply in relation to Lagos as they apply in relation to the Northern Region, and for that purpose references therein to the Legislature of the Northern Region and to the Governor shall be construed as if they were references to the Federal Legislature and to the Governor-General.

(a) 142A.—(1) There shall be a High Court of Justice for the Western Region.

(2) The High Court of the Western Region shall consist of the Chief Justice of the Region, who shall be President of the Court, and six other judges or such greater number as may be prescribed by or under any law enacted by the Legislature of the Region:

Provided that the office of a judge shall not be abolished during his continuance in office.

(3) The Chief Justice of the Western Region shall be appointed by the Governor, after consultation with the Chief Justice of the Federation.

(4) The judges of the High Court of the Western Region other than the Chief Justice shall be appointed by the Governor on the recommendation of the Judicial Service Commission of the Region.

(5) (a) A person shall be qualified to be appointed a judge of the High Court of the Western Region if he is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from any such court or he is qualified to practise as an advocate in such a court and he has been qualified for not less than ten years to practise as an advocate or solicitor in such a court and no other person shall be qualified to be so appointed.

(b) In computing, for the purposes of this subsection, the period during which any person has been qualified to practise as an advocate or solicitor, any period during which he has held judicial office after becoming so qualified shall be included.

THE CONSTITUTION ORDERS

(6) (a) If the office of Chief Justice of the Western Region is vacant or if the Chief Justice is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the Chief Justice has resumed those functions, as the case may be, those functions shall be performed by such one of the other judges of the High Court of the Region as the Governor, acting in his discretion, may appoint for that purpose.

(b) If the office of a judge of the High Court of the Western Region other than the Chief Justice is vacant, or if any such judge is appointed to act as Chief Justice or is for any reason unable to perform the functions of his office, the Governor, after consultation with the Chief Justice, may appoint a person to act as a judge of the High Court, and any person so appointed shall continue to act until his appointment is revoked by the Governor, after consultation with the Chief Justice.

(c) The provisions of subsection (5) of this section shall not apply to a person appointed to act as a judge of the High Court of the Western Region under paragraph (b) of this subsection but any person so appointed shall be a person with such qualifications, if any, as may be prescribed by any law enacted by the Legislature of the Region.

(7) No person shall enter upon his duties as a judge of the High Court of the Western Region unless he has taken before the Governor, or some person authorised by the Governor in that behalf, the oath of allegiance and an oath for the due execution of his office in the form prescribed by any law enacted by the Legislature of the Region.

(8) (a) There shall be paid to the judges of the High Court of the Western Region such salary as may be prescribed by any law enacted by the Legislature of the Region and such allowances as may be prescribed by or under any such law:

Provided that the salary of a judge and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(b) The salaries and allowances of the judges of the High Court of the Western Region shall be a charge upon the Consolidated Revenue Fund of the Region.

(9) The provisions of this section shall apply in relation to the Eastern Region as they apply in relation to the Western Region, and for that purpose references to the Western Region shall be construed as if they were references to the Eastern Region.

(a) 142b.—(1) Subject to the provisions of section 142c of this Order, a judge of the High Court of the Western Region or the Eastern Region shall hold office until he attains the age of sixty-two years:

Provided that—

(a) he may at any time resign his office by writing under his hand addressed to the Governor; and

(b) the Governor, acting in his discretion, may permit a judge who has attained the age of sixty-two years to remain in office for a period not exceeding six months after his attainment of that age.

(2) Nothing done by a judge of the High Court of the Western Region or the Eastern Region shall be invalid by reason only that he has attained the age at which he is required by this section to vacate his office.

THE CONSTITUTION ORDERS

(b)142c.—(1) A judge of the High Court of the Western Region or the Eastern Region may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of subsection (2) of this section.

Removal of
judge of
High Court
of Western
or Eastern
Regions.

(2) A judge of the High Court of the Western Region or the Eastern Region shall be removed from office by the Governor by Order under the Public Seal if the question of the removal of that judge from office has, at the request of the Governor made in pursuance of subsection (3) of this section, been referred by Her Majesty to the Judicial Committee of Her Majesty's Privy Council under section 4 of the Judicial Committee Act, 1833, or any other enactment enabling Her Majesty in that behalf, and the Judicial Committee has advised Her Majesty that the judge ought to be removed from office for inability as aforesaid or misbehaviour.

(3) If the Premier of the Western Region or the Eastern Region, or the Chief Justice of the Region after consultation with the Premier of the Region, represents to the Governor that the question of removing a judge of the High Court of the Region from office for inability as aforesaid or misbehaviour ought to be investigated, then—

(a) the Governor shall appoint a tribunal, which shall consist of a Chairman and not less than two other members, selected by the Governor, acting in his discretion, from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from any such court;

(b) that tribunal shall enquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether he should request that the question of the removal of that judge should be referred by Her Majesty to the Judicial Committee; and

(c) if the tribunal so recommends, the Governor shall request that the question should be referred accordingly.

(4) If the question of removing a judge of the High Court of the Western Region or the Eastern Region from office has been referred to a tribunal under subsection (3) of this section, the Governor, acting in his discretion, may suspend the judge from performing the functions of his office, and any such suspension may at any time be revoked by the Governor, acting in his discretion, and shall in any case cease to have effect—

(a) if the tribunal recommends to the Governor that he should not request that the question of the removal of the judge from office should be referred by Her Majesty to the Judicial Committee; or

(b) if the Judicial Committee advises Her Majesty that the judge ought not to be removed from office.

(5) The provisions of section 6, section 7 (other than the proviso) and sections 8 to 20 of the Commissions of Inquiry Ordinance (c) as in force on the twenty-ninth day of August, 1957, shall apply in relation to a tribunal appointed under subsection (3) of this section as they apply in relation to commissioners appointed under that Ordinance, and for that purpose those provisions shall have effect as if they formed part of this Order.

(a)142d. A law enacted by the Legislature of the Western Region or the Eastern Region may establish courts of justice for the Region in addition to the High Court of the Region.

Courts of
Western and
Eastern
Regions.

(b) S. 142c inserted, S.I. 1958/429, and as am., S.I. 1958/1257.

(c) Laws of Nigeria, Rev. 1948, Chapter 37.

THE CONSTITUTION ORDERS

Courts of
Southern
Cameroons.

(b)143.—(1) Subject to the provisions of this section, a law enacted by the Legislature of the Southern Cameroons may establish Courts of Justice for the Southern Cameroons, and in particular (without prejudice to the generality of the foregoing power) establish a High Court of Justice for the Southern Cameroons.

(2) The following provisions shall apply to the High Court established for the Southern Cameroons in accordance with subsection (1) of this section—

(a) the court shall be a superior court of record;

(b) those persons who are for the time being the Chief Justice and the other judges of the High Court established for Lagos under section 142 of this Order shall be the Chief Justice and the other judges of the High Court established for the Southern Cameroons.

JURISDICTION OF THE COURTS

(b)144.—(1) Subject to the provisions of this section, the Federal Supreme Court shall, to the exclusion of any other court in Nigeria, have original jurisdiction—

(a) in any dispute between the Federation and a Region or the Southern Cameroons or between Regions or between the Southern Cameroons and a Region, if and in so far as that dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends;

(b) in any matter in which a writ or order of mandamus or prohibition or an injunction is sought against an officer or authority of the Federation as such;

(c) in any matter arising under any treaty;

(d) in any matter affecting consular officers or other representatives of countries or of international or similar organizations outside Nigeria;

(e) in respect of any question as to the interpretation of this Order that is referred to it in pursuance of section 145 of this Order; and

(f) in any matter with respect to which jurisdiction is conferred upon it in pursuance of section 146 of this Order.

(2) A law enacted by the Federal Legislature may confer jurisdiction, subject to such limitations and conditions, if any, as may be specified therein, upon any court established for a Region or the Southern Cameroons or Lagos with respect to any of the matters mentioned in paragraphs (a), (b), (c) and (d) of subsection (1) of this section.

145.—(1) (a) If any question as to the interpretation of this Order arises in any proceedings in any court established for a Region or the Southern Cameroons or Lagos other than the High Court, the person presiding in that court may apply to the High Court for an order of that High Court referring the question to the Federal Supreme Court:

Provided that he shall so apply to the High Court—

(i) if any party to the proceedings so requires; or

(ii) if the question appears to him to be a substantial question of law as to the validity of a law enacted by the Federal Legislature.

Exclusive
original
jurisdiction
of Federal
Supreme
Court.

Questions
as to
interpre-
tation of
this Order.

THE CONSTITUTION ORDERS

(b) If any application is made in pursuance of this subsection to the High Court established for a Region or the Southern Cameroons or Lagos, that court may, as it sees fit, either make the order or refuse it:

Provided that if the High Court is required by any law enacted by the Federal Legislature to make the order or if, in the opinion of the High Court, the application relates to a substantial question of law as to the validity of a law enacted by the Federal Legislature, the High Court shall make the order.

(2) If any question as to the interpretation of this Order arises in any proceedings in the High Court established for a Region or the Southern Cameroons or Lagos, that High Court may, if it sees fit, refer that question to the Federal Supreme Court:

Provided that if the High Court is required by any law enacted by the Federal Legislature to refer the question to the Federal Supreme Court or if, in the opinion of the High Court, the question is a substantial question of law as to the validity of a law enacted by the Federal Legislature, the High Court shall refer the question to the Federal Supreme Court.

(a) 146. A law enacted by the Federal Legislature may confer original jurisdiction on the Federal Supreme Court with respect to any matter that is included in the Exclusive Legislative List or the Concurrent Legislative List:

Provided that no original jurisdiction shall be conferred on the Federal Supreme Court with respect to any criminal matter.

Federal Legislature may confer original jurisdiction on Federal Supreme Court.

(a) 147.—(1) Subject to the provisions of section 148 of this Order, the Federal Supreme Court—

Appellate jurisdiction of Federal Supreme Court.

(a) shall, to the exclusion of any other court in Nigeria, have jurisdiction to hear and determine appeals from decisions of the High Courts established for any of the Regions, the Southern Cameroons and Lagos on any question as to the interpretation of the provisions of this Order;

(b) shall have such jurisdiction to hear and determine appeals from decisions of the High Courts established for any of the Regions, the Southern Cameroons and Lagos given in the original jurisdiction of those High Courts as may be conferred upon it by any law enacted by the Federal Legislature;

(c) shall have such jurisdiction to hear and determine appeals from decisions of the High Courts established for any of the Regions and the Southern Cameroons given in the appellate jurisdiction of those High Courts as may be conferred upon it—

(i) in respect of any matter that is included in the Exclusive Legislative List or the Concurrent Legislative List by any law enacted by the Federal Legislature;

(ii) in respect of any matter that is not included in the Exclusive Legislative List or the Concurrent Legislative List by any law enacted by the Legislature of the Region or the Southern Cameroons, as the case may be; and

(d) shall have such jurisdiction to hear and determine appeals from decisions of the High Court established for Lagos given in the appellate jurisdiction of that High Court as may be conferred upon it by any law enacted by the Federal Legislature.

(2) In this section—

(a) "decision" includes judgment, decree, order, conviction and sentence;

(b) references to appeals and appellate jurisdiction shall be construed to include references to cases stated and questions of law reserved.

Appeals in
capital cases.

148.—(1) (a) Subject to the provisions of this section, in the case of any person upon whom any court established for a Region other than the High Court has imposed a sentence of death, an appeal shall lie as of right at the instance of that person from that court to the High Court and thence to the Federal Supreme Court or, if it is provided by any law enacted by the Legislature of that Region that an appeal lies from the first-mentioned court to any other court or courts established for the Region, an appeal shall thereafter lie as aforesaid to the High Court and thence to the Federal Supreme Court.

(b) The provisions of paragraph (a) of this subsection shall apply in relation to the Southern Cameroons as they apply in relation to a Region, and for that purpose references therein to a Region shall be construed as if they were references to the Southern Cameroons.

(c) The provisions of paragraph (a) of this subsection shall apply in relation to Lagos as they apply to a Region, and for that purpose references therein to a Region and to the Legislature of that Region shall be construed as if they were references to Lagos and to the Federal Legislature.

(2) The right to appeal to any court conferred by subsection (1) of this section shall be subject to any law and any rules of court for the time being in force regulating the practice and procedure of that court with respect to appeals.

(3) In this section "appeal" means an appeal against conviction and includes, in respect of a conviction of an offence for which it is provided by law that either death or some other punishment may be imposed, an appeal against the sentence of death.

149.—(1) All authorities throughout Nigeria shall act in aid of the Federal Supreme Court.

(2) Without prejudice to section 151 of this Order, the Federal Supreme Court shall have power to make any order for the purpose of securing the attendance of any person, the discovery or production of any document, or the investigation or punishment of any contempt of that Court, that the High Courts established for any of the Regions, the Southern Cameroons and Lagos have power to make as respects the area within their jurisdiction; and any such order, and any other order of the Federal Supreme Court, shall be enforced by all courts and authorities in any of the Regions, the Southern Cameroons or Lagos as if it were an order duly made by the High Court established therefor.

(a) 150.—(1) In this section "rules of court" mean rules for regulating generally the practice and procedure of a court and with respect to appeals to, or reviews by, the court, including (without prejudice to the generality of the foregoing provision) rules as to the persons practising before the court, as to the time within which any requirement of the rules is to be complied with, as to the costs of and incidental to any proceedings in the court, and

Enforcement of
orders of
Federal
Supreme
Court.

Rules of
court.

THE CONSTITUTION ORDERS

as to the fees to be charged in respect of proceedings therein, and rules providing for the summary determination of any appeal that appears to the court to be frivolous or vexatious or to be brought for the purpose of delay.

(2) (a) Subject to the provisions of any law enacted by the Federal Legislature, the Federal Supreme Court may, with the approval of the Governor-General, make rules of court for use by the Court.

(b) Rules made under this section may fix the minimum number of judges who are to sit for any purpose, so, however, that no matter shall be finally determined by less than three judges.

(c) Subject to the provisions of any law enacted by the Federal Legislature or of any rules of court, the Chief Justice of the Federation shall determine what judges are to sit for any purpose.

(d) Subject as aforesaid, any final determination by the Federal Supreme Court shall require the concurrence of a majority of the judges present at the hearing of the matter and shall be delivered in open court:

Provided that nothing in this paragraph shall be deemed to prevent a judge who does not concur from delivering a dissenting opinion.

(3) A law enacted by the Legislature of a Region may make provision for the making of rules of court for use by the courts established for that Region.

(4) A law enacted by the Legislature of the Southern Cameroons may make provision for the making of rules of court for use by the courts established for the Southern Cameroons.

(5) A law enacted by the Federal Legislature may make provision for the making of rules of court for use by the courts established for Lagos.

(b)151.—(1) A law enacted by the Federal Legislature may make provision for the Federal Supreme Court with respect to any of the matters with respect to which rules of court may be made under section 150 of this Order or confer upon the Federal Supreme Court such additional or supplemental powers as may appear to be necessary or desirable for enabling the Court more effectively to exercise any jurisdiction conferred upon it by this Order or by any other law.

Provision for procedure of Federal Supreme Court and enforcement of judgments etc.

(2) A law enacted by the Federal Legislature may make provision for the service and execution of the civil and criminal processes, judgments, decrees, orders and decisions of the Federal Supreme Court or of any court outside Nigeria.

(3) (a) A law enacted by the Federal Legislature may make provision—

(i) for the service and execution in a Region of the civil and criminal processes, judgments, decrees, orders and decisions of the courts of any other Region or the Southern Cameroons or Lagos;

(ii) for the service and execution in the Southern Cameroons of the civil and criminal processes, judgments, decrees, orders and decisions of the courts of a Region or Lagos.

(b) A law enacted by the Legislature of a Region may make provision for the service and execution in that Region of the civil and criminal processes, judgments, decrees, orders and decisions of the courts of that Region, any other Region, the Southern Cameroons or Lagos.

(c) A law enacted by the Legislature of the Southern Cameroons may make provision for the service and execution in the Southern Cameroons of the civil and criminal processes, judgments, decrees, orders and decisions of the courts of the Southern Cameroons, any Region or Lagos.

(4) In this section "processes" includes processes for securing the attendance of any person at a court.

Jurisdiction
of courts of
Regions,
Southern
Cameroons
and Lagos.

152.—(1) Subject to the provisions of this Order, the courts established for a Region shall have such jurisdiction—

(a) with respect to any matter that is included in the Exclusive Legislative List as may be conferred upon them by any law enacted by the Federal Legislature;

(b) with respect to any matter that is included in the Concurrent Legislative List as may be conferred upon them by any law enacted by the Federal Legislature or the Legislature of that Region;

(c) with respect to any matter that is not included in the Exclusive Legislative List or the Concurrent Legislative List as may be conferred upon them by any law enacted by the Legislature of that Region or having effect under section 52 of this Order as if it had been so enacted.

(2) The provisions of subsection (1) of this section shall apply in relation to the courts established for the Southern Cameroons as they apply in relation to the courts of a Region, and for that purpose references to the Legislature of a Region shall be construed as if they were references to the Legislature of the Southern Cameroons.

(3) Subject to the provisions of this Order, the courts established for Lagos shall have such jurisdiction as may be conferred upon them by any law enacted by the Federal Legislature.

CHAPTER VI

FINANCE

Interpre-
tation.

153. In this Chapter—

the references in subsection (2) of section 155, subsection (3) of section 156, subsection (4) of section 157 and subsection (2) of section 158 to drawbacks, refunds and other repayments are references to such drawbacks, refunds and other repayments as are required to be made under any law;

"financial year" means a period of twelve months beginning on the first day of April in any year, and references to a financial year are, except where it is otherwise expressly provided or required by the context, references to a financial year subsequent to the thirty-first day of March, 1955;

"quarter" means a quarter of a financial year and references to a quarter are, except where the context otherwise requires, references to a quarter subsequent to the thirtieth day of September, 1954.

Prescribed
authority.

154.—(1) In this Chapter "the prescribed authority" means, in relation to any declaration that is required to be made by the prescribed authority, such person or authority as the Governor-General may appoint for the purpose of making that declaration.

(2) Any declaration made under this Chapter by the prescribed authority may be varied by a subsequent declaration made by such authority and if any declaration made under this Chapter by the prescribed authority is so varied any reference in this Chapter to that declaration shall be construed as a reference to that declaration as so varied.

THE CONSTITUTION ORDERS

(3) The correctness of anything contained in any declaration made by the prescribed authority under this Chapter shall not be called in question in any court.

(a)154A.—(1) All revenues or other moneys raised or received by the Federation (not being revenues or other moneys allocated by law for specific purposes) shall form one Consolidated Revenue Fund.

Consolidated Revenue Fund.

(2) No moneys shall be withdrawn from the Consolidated Revenue Fund of the Federation or other public funds of the Federation except upon the authority of a warrant under the hand of the Governor-General or the Minister responsible for finance, and no such warrant shall be issued for the purpose of meeting any expenditure other than statutory expenditure unless that expenditure has been authorized by a law enacted by the Federal Legislature.

(a)154B.—(1) The Minister responsible for finance shall cause to be prepared in each financial year estimates of the revenues and expenditure of the Federation for the next following financial year which, when approved by the Governor-General, shall be laid before the House of Representatives.

Authorisation of expenditure.

(2) The proposals for all expenditure contained in the estimates (other than statutory expenditure) shall be submitted to the vote of the House of Representatives by means of an appropriation Bill, which shall contain estimates under appropriate heads for the several services required.

(3) Whenever—

(a) any expenditure is incurred or is likely to be incurred in any financial year upon any service which is in excess of the sum provided for that service by the appropriation law relating to that year; or

(b) any expenditure (other than statutory expenditure) is incurred or is likely to be incurred in any financial year upon any service not provided for by the appropriation law relating to that year,

a supplementary appropriation Bill, which shall contain that expenditure under appropriate heads, shall be introduced in the House of Representatives.

(4) Statutory expenditure, which shall not be submitted to the vote of the House of Representatives for the purposes of this section, means—

(a) the expenditure charged on the Consolidated Revenue Fund of the Federation by any provision of this Order; and

(b) such other expenditure as may by law be charged on the Consolidated Revenue Fund or the general revenue and assets of the Federation, or on the other public funds of the Federation, as the case may be.

(5) A law enacted by the Federal Legislature may make provision for making moneys available in advance of appropriation as aforesaid for the purpose of meeting unforeseen expenditure or to cover any period not exceeding four months between the end of a financial year and the coming into force of the law authorising the appropriation for the next following financial year.

(a)154C.—(1) The provisions of sections 154A and 154B of this Order shall apply in relation to a Region as they apply in relation to the Federation, and for that purpose references to the Federation, to the Governor-General, to a Minister, to the House of Representatives and to the Federal Legislature shall be construed as if they were references to a Region, to the Governor of the Region, to a Regional Minister, to the Legislative Houses of the Region and to the Legislature of the Region:

Application of sections 154A and 154B to Regions and Southern Cameroons.

THE CONSTITUTION ORDERS

Provided that subsection (1) of section 154b shall have effect in relation to the Western Region and the Eastern Region as if the words "when approved by the Governor-General" were deleted.

(2) The provisions of sections 154A and 154b of this Order shall apply in relation to the Southern Cameroons as they apply in relation to the Federation and for that purpose references to the Federation, to the Governor-General, to a Minister, to the House of Representatives and to the Federal Legislature shall be construed as if they were references to the Southern Cameroons, to the Commissioner of the Cameroons, to a member of the Executive Council of the Southern Cameroons, to the House of Assembly of the Southern Cameroons and to the Legislature of the Southern Cameroons.

Public debt.

(a)154d.—(1) The public debt of the Federation shall be a charge on the Consolidated Revenue Fund of the Federation and the other public funds and assets of the Federation, and shall in addition be a charge on the Consolidated Revenue Funds of each Region and the Southern Cameroons and the other public funds and assets of the Regions and the Southern Cameroons:

Provided that a debt to a Region shall not be a charge on the funds and assets of that Region and a debt to the Southern Cameroons shall not be a charge on the funds and assets of the Southern Cameroons.

(2) The public debt of a Region shall be a charge on the Consolidated Revenue Fund of the Region and the other public funds and assets of the Region.

(3) The public debt of the Southern Cameroons shall be a charge on the Consolidated Revenue Fund of the Southern Cameroons and the other public funds and assets of the Southern Cameroons.

(4) In this section references to the public debt of the Federation or a Region or the Southern Cameroons include references to the interest on that debt, sinking fund payments in respect of that debt and the costs, charges and expenses incidental to the management of that debt.

Audit of accounts.

(a)154e.—(1) The accounts of the Federal Supreme Court, the High Court of Lagos, all departments of Government of the Federation, the Public Service Commission of the Federation, the Police Service Commission of the Federation and all other offices and authorities of the Federation (including the offices of Clerk to the House of Representatives and Secretary to the Council of Ministers) shall be audited annually by the Director of Federal Audit, who, with his deputies, shall at all times be entitled to have access to all books, records and returns of the Federation relating to those accounts, and the Director of Federal Audit shall make annual reports to the Governor-General concerning the audit of those accounts, which the Governor-General shall cause to be laid before the House of Representatives.

(2) The accounts of the High Court of each Region, all departments of government of the Region, the public Service Commission and the Judicial Service Commission (if any) of the Region and all other offices and authorities of the Region (including the offices of Clerk to a Regional Legislative House and Secretary of the Executive Council of the Region) shall be audited annually by the Director of Audit of the Region, who, with his deputies, shall at all times be entitled to have access to all books, records and returns of the Region relating to those accounts, and the Director of Audit shall make annual reports to the Governor concerning the audit of those accounts, which the Governor shall cause to be laid before the Legislative Houses of the Region.

THE CONSTITUTION ORDERS

(3) The accounts of the High Court of the Southern Cameroons, all departments of Government of the Southern Cameroons and all other offices and authorities of the Southern Cameroons (including the offices of Clerk to the House of Assembly of the Southern Cameroons and Secretary to the Executive Council of the Southern Cameroons, shall be audited annually by the Director of Audit of the Southern Cameroons, who, with his deputies, shall at all times be entitled to have access to all books, records and returns of the Southern Cameroons relating to those accounts, and the Director of Audit shall make annual reports to the Commissioner of the Cameroons concerning the audit of those accounts, which the Commissioner shall cause to be submitted to the High Commissioner for the Southern Cameroons and laid before the House of Assembly of the Southern Cameroons.

(4) In the exercise of their functions under this section, the Director of Federal Audit, the Director of Audit of a Region and the Director of Audit of the Southern Cameroons shall not be subject to the direction or control of any other person or authority.

(b)155.—(1) Where under any law enacted by the Federal Legislature a duty is levied in respect of the import into Nigeria of any commodity, other than motor spirit or tobacco, there shall be paid by the Federation to the Regions and the Southern Cameroons in respect of each quarter sums equal to the following percentages respectively of the proceeds of that duty for that quarter, that is to say—

- (a) to the Northern Region, fifteen per cent.;
- (b) to the Western Region, twenty per cent.;
- (c) to the Eastern Region, fourteen and one half per cent.;
- (d) to the Southern Cameroons, one per cent.

(2) For the purposes of this section the proceeds of a duty for a quarter shall be the amount that is declared by the prescribed authority to be the amount remaining from the receipts from that duty that are collected in that quarter after any drawbacks, refunds or other repayments relating to those receipts have been made or allowed for.

(b)156.—(1) (a) Where under any law enacted by the Federal Legislature a duty is levied in respect of the import into Nigeria of motor spirit, or of any particular class, variety or description of motor spirit, there shall be paid by the Federation to the Regions in respect of each quarter a sum equal to the proceeds of that duty for that quarter.

(b) When under paragraph (a) of this subsection any sum is payable by the Federation to the Regions in respect of any quarter, payment of the said sum shall be made in such manner that the sum is divided among the Regions in shares proportionate to the respective amounts of motor spirit, or of motor spirit of the particular class, variety or description in question, as the case may be, that are declared by the prescribed authority to have been distributed for consumption in the several Regions in the immediately preceding quarter.

(2) (a) Where under any law enacted by the Federal Legislature a duty is levied in respect of the import into Nigeria of tobacco, or of any particular class, variety or description of tobacco, there shall be paid by the Federation to the Regions in respect of each quarter such sum as is declared by the prescribed authority to be equal to half of the proceeds of that duty for that quarter.

Import duties other than duties on motor spirit and tobacco.

Import duties on motor spirit and tobacco.

THE CONSTITUTION ORDERS

(b) When under paragraph (a) of this subsection any sum is payable by the Federation to the Regions in respect of any quarter, payment of the said sum shall be made in such manner that the sum is divided among the Regions in shares proportionate to the respective amounts of tobacco, or of tobacco of the particular class, variety or description in question, as the case may be, that are declared by the prescribed authority to have been distributed for consumption in the several Regions in the immediately preceding quarter.

(3) For the purposes of this section the proceeds of a duty for a quarter shall be the amount that is declared by the prescribed authority to be the amount remaining from the receipts from that duty that are collected in that quarter after any drawbacks, refunds or other repayments relating to those receipts have been made or allowed for.

(4) For the purposes of this section any amount of motor spirit or tobacco that is distributed for consumption in Lagos shall be deemed to be distributed for consumption in the Western Region.

(5) In this section "Region" includes the Southern Cameroons.

Excise
duties.

(a)157.—(1) Where under any law enacted by the Federal Legislature an excise duty is levied on a commodity, there shall be paid by the Federation to the Regions in respect of each quarter a sum equal to half of the proceeds of that duty for that quarter.

(2) When under subsection (1) of this section any sum is payable by the Federation to the Regions in respect of any quarter, payment of the said sum shall be made in such manner that the sum is divided among the Regions in shares proportionate the respective amounts of the commodity in question that are declared by the prescribed authority to have been distributed for consumption in the several Regions in the immediately preceding quarter.

(3) The Governor-General may by regulation designate, or make provision for designating, any class, variety or description of any commodity as a separate commodity for the purposes of this section, and any such class, variety or description that is so designated shall be regarded as a separate commodity for those purposes.

(4) For the purposes of this section the proceeds for a quarter of a duty levied on any commodity shall be the amount that is declared by the prescribed authority to be the amount remaining from the receipts from that duty that are collected in that quarter after any drawbacks, refunds or other repayments relating to those receipts have been made or allowed for, less any part of that amount that is declared by the prescribed authority to be attributable to quantities of that commodity distributed, or intended to be distributed, for consumption in the Southern Cameroons.

(5) For the purposes of this section any amount of a commodity that is distributed for consumption in Lagos shall be deemed to be distributed for consumption in the Western Region.

(6) In this section "Region" includes the Southern Cameroons.

Export
duties.

(a)158.—(1) Where under any law enacted by the Federal Legislature a duty is levied in respect of the export from Nigeria of any commodity (other than tin or tin ore) there shall be paid by the Federation to each Region in respect of each quarter a sum equal to half of the appropriate percentage of the proceeds of that duty for that quarter.

(a) S. 157 as am., S.I. 1958/429.

(a) Ss. 158, 159 as am., S.I. 1958/429.

THE CONSTITUTION ORDERS

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

(a) the proceeds for a quarter of a duty levied on a commodity shall be the amount that is declared by the prescribed authority to be the amount remaining from such of the receipts from that duty as relate to exports of that commodity during that quarter after any drawbacks, refunds or other repayments relating to those receipts have been made or allowed for;

(b) the appropriate percentage of the proceeds for a quarter of a duty levied on a commodity shall, in relation to any Region, be whichever of the following percentages the Governor-General by regulation prescribes in that behalf, that is to say, either—

(i) the percentage of the said proceeds that is declared by the prescribed authority to be attributable to exports of that commodity that were derived from that Region; or

(ii) the percentage of the said proceeds that is declared by the prescribed authority to be attributable to exports of that commodity that were purchased in that Region; or

(iii) the percentage of the said proceeds that is declared by the prescribed authority to be the appropriate percentage having regard to the respective amounts of that commodity that were purchased for export in the several Regions during the quarter immediately preceding that quarter; or

(iv) the percentage of the said proceeds that is declared by the prescribed authority to be the appropriate percentage having regard to the respective amounts of that commodity that were purchased for export in the several Regions during the calendar year commencing three months before the commencement of the financial year in which that quarter falls.

(3) The Governor-General may by regulation designate, or make provision for designating, any class, variety or description of any commodity as a separate commodity for the purposes of this section, and any such class, variety or description that is so designated shall be regarded as a separate commodity for those purposes.

(4) For the purposes of this section any amount of a commodity that is derived from Lagos shall be deemed to be derived from the Western Region and any amount of a commodity that is purchased in Lagos shall be deemed to be purchased in the Western Region.

(5) In this section "Region" includes the Southern Cameroons.

(a) 159. When in the opinion of the Governor-General it is impossible or impracticable, owing to the imposition of a new duty or for any other reason, to calculate what sum is payable to a Region or the Southern Cameroons in respect of any quarter in accordance with the provisions of section 156, section 157 or section 158 of this Order, there shall be paid by the Federation to that Region or the Southern Cameroons as the case may be a sum calculated in such manner as the Governor-General shall direct; and such sum shall be deemed to have been calculated and paid in accordance with the provisions of those sections.

Calculation of payment certain cases.

(a) 160.—(1) Where under any law enacted by the Federal Legislature any tax is levied on incomes or profits, there shall be paid by the Federation to each Region in respect of each year of assessment after the thirty-first day of March, 1954, a sum equal to the amount of that part of the proceeds of

Federal income tax.

THE CONSTITUTION ORDERS

that tax for that year that is declared by the prescribed authority to be attributable to the incomes and profits of persons, other than bodies corporate, resident in that Region during that year.

(2) (a) For the purposes of this section the proceeds of a tax for a year of assessment shall be the amount that is declared by the prescribed authority to be the amount remaining from the receipts from that tax that are collected in respect of that year after any refunds or other repayments relating to those receipts have been made or allowed for:

Provided that for the purpose of calculating the receipts from any tax collected in respect of the year beginning on the first day of April, 1954, no account shall be taken of any sums collected before the commencement of this Order or of any refunds or other repayments relating to any sums so collected.

(b) In this section "year of assessment" means, in relation to a tax levied under any law, a year of assessment for the purposes of that law.

(3) The Governor-General may by regulation make provision for determining the residence of any person for the purposes of this section.

(4) In this section "Region" includes the Southern Cameroons.

Mining royalties.

(a)161.—(1) The proceeds of any royalty received by the Federation in respect of minerals extracted in a Region shall be paid by the Federation to that Region.

(2) For the purposes of this section the proceeds of a royalty shall be the amount that is declared by the prescribed authority to be the amount remaining from the receipts from that royalty after any refunds or other repayments relating to those receipts have been deducted therefrom or allowed for.

(3) The Governor-General may by regulation make provision for determining for the purposes of this section the Region in which any minerals were extracted.

(4) References in this section to minerals include references to mineral oil.

(5) In this section "Region" includes the Southern Cameroons.

Certain other revenues.

(a)162.—(1) The Federation shall pay to each Region in respect of each financial year such sum as is declared by the prescribed authority to be equal to the amount of revenue derived by the Federation from within that Region during that year from—

(a) the licensing of small craft used on inland waters; and

(b) rents payable under any of the following laws, that is to say:—

The Minerals Ordinance(b), the Mineral Oils Ordinance(c), the Nigerian Coal Corporation Ordinance, 1950(d), the Minerals Development (Lead-Zinc) Ordinance, 1952(e), and any law that is declared by the Governor-General to be a law amending or substituted for any of those Ordinances.

(2) For the purposes of this section the period beginning at the commencement of this Order and ending on the thirty-first day of March, 1955, shall be deemed to be a financial year.

(b) Laws of Nigeria, Rev. 1948, Chapter 134.

(c) Laws of Nigeria, Rev. 1948, Chapter 135.

(d) No. 29 of 1950.

(e) No. 9 of 1952.

THE CONSTITUTION ORDERS

(3) In this section "Region" includes the Southern Cameroons.
[S. 163 rev., S.I. 1958/429.]

(a) 164.—(1) The prescribed authority shall in respect of each financial year declare the amount of the expenditure incurred by the Federation during that year in respect of the Department of Customs and Excise that is reasonably attributable to the Regions having regard to the shares of the proceeds of the duties referred to in sections 155, 156, 157 and 158 of this Order received by the Regions under those sections in respect of that year; and each Region shall pay to the Federation a sum equal to such part of the amount so declared as is declared by the prescribed authority to be proportionate to the share of the proceeds of those duties received by that Region under those sections in respect of that year.

Payments by
Regions to
Federation.

(2) The prescribed authority shall in respect of each financial year declare the amount of the expenditure incurred by the Federation during that year in respect of the collection of the taxes that are referred to in section 160 of this Order; and each Region shall pay to the Federation a sum equal to such part of that expenditure as is declared by the prescribed authority to be proportionate to the share of the proceeds of those taxes received by that Region under that section in respect of that year.

(3) A Region shall pay to the Federation in respect of each financial year such sum as is declared by the prescribed authority to be a reasonable proportion of the expenditure incurred by the Federation during that year in respect of the departments concerned with mines having regard to the amount of any sums received by that Region in respect of that year under section 161 of this Order.

(4) A Region shall pay to the Federation in respect of each financial year such sum as is declared by the prescribed authority to be equal to the amount of the expenditure incurred by the Federation during that year on—

(a) the payment to persons who have been in the public service of the Federation of pensions in respect of their service in offices allocated to that Region under section 182 of this Order; and

(b) the payment in respect of such service of pensions to widows, children, dependants and personal representatives of such persons.

(4A) The Southern Cameroons shall pay to the Federation in respect of each financial year such sum as is declared by the prescribed authority to be equal to the estimated cost to the Federation of making provision for pensions for officers in the public service of the Federation in relation to their service during that year in respect of the government of the Southern Cameroons.

(5) (a) For the purposes of this section the period beginning at the commencement of this Order and ending on the thirty-first day of March, 1955, shall be deemed to be a financial year.

(b) In this section "pension" means a pension granted under any law other than the Widows' and Orphans' Pension Ordinance (a) as from time to time amended, and includes a gratuity.

(c) In subsections (1), (2) and (3) of this section "Region" includes the Southern Cameroons.

(a) S. 164 as am., S.I. 1958/429.

(a) Laws of Nigeria, Rev. 1948, Chapter 231.

THE CONSTITUTION ORDERS

[*Ss. 165, 166, 167 rev., S.I. 1958/429.*]

Sums charged on Consolidated Revenue Funds.

(a) 168. Any payments that are required by this Chapter to be made by the Federation to a Region or the Southern Cameroons shall be a charge on the Consolidated Revenue Fund of the Federation and any payments that are so required to be made by a Region or the Southern Cameroons to the Federation shall be a charge on the Consolidated Revenue Fund of that Region or the Southern Cameroons, as the case may be.

Time and manner of making payments.

(b) 169.—(1) Any sum that is required by this Chapter to be paid by the Federation to a Region in respect of a quarter shall be paid to that Region before the end of the next succeeding quarter unless either—

(a) the Governor-General and the Governor of the Region agree that the sum shall be paid on or before some later date, in which case it shall be paid on or before that later date; or

(b) the amount of the sum is not ascertained in time for payment to be made before the end of the next succeeding quarter, in which case the sum shall be paid on or before such later date as may be agreed between the Governor-General and the Governor of the Region.

(2) Subject to the provisions of subsection (1) of this section and of section 167 of this Order, any payment that is required by this Chapter to be made by the Federation to a Region or by a Region to the Federation shall be made at such time and in such manner as may be provided by or in pursuance of regulations made under section 170 of this Order.

(3) The foregoing provisions of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region, and for that purpose references to a Region and to the Governor of a Region shall be construed as if they were references to the Southern Cameroons and the Commissioner of the Cameroons.

Regulations.

(b) 170.—(1) The Governor-General may, subject to the provisions of this Chapter, make provision by regulation for any of the following matters, that is to say:—

(a) the times at which, and the manner in which, the Federation shall pay to a Region or a Region shall pay to the Federation any sums that are required by this Chapter to be so paid by the Federation or that Region;

(b) the periods in relation to which the proceeds of any royalty referred to in section 161 of this Order shall from time to time be calculated, and the periods in respect of which payments shall from time to time be made in pursuance of that section;

(c) the making of provisional payments by the Federation to a Region or by a Region to the Federation in respect of any sums that are required by this Chapter to be paid by the Federation to that Region or by that Region to the Federation; and the subsequent payment or repayment, as the case may be, of any amounts by which such provisional payments are less than, or exceed, the sums in respect of which they were made;

(d) deciding in case of doubt whether any expenditure is expenditure as defined by section 166 of this Order, and whether any expenditure is expenditure on regional matters for the purposes of that section.

(a) S. 168 as subet., S.I. 1958/429.

(b) Ss. 169, 170 as am., S.I. 1958/429.

THE CONSTITUTION ORDERS

(2) The Governor-General may, subject to the provisions of this Chapter, provide by regulation for the manner in which any amount of money, any amount of expenditure, and any amount of a commodity, shall be calculated for the purposes of this Chapter.

(3) In this section "Region" includes the Southern Cameroons.

171.—(1) The Governor-General may, by regulation, make such provision as appears to him to be necessary for enabling the prescribed authority to discharge any functions that are conferred on the prescribed authority by this Chapter or by any regulations made thereunder.

Regulations to enable prescribed authority to discharge functions.

(2) Without prejudice to the generality of the power conferred by subsection (1) of this section, any regulations made thereunder may make provision for any of the following matters, that is to say—

(a) the imposition upon any person of a duty to furnish information relating to any matter;

(b) the registration or licensing of any person for any purpose;

(c) the imposition upon any person of a duty to keep books, accounts or records relating to any matter;

(d) the prohibition of the import, export or sale of anything in respect of which any person fails to furnish information in accordance with regulations made under this section;

(e) the prohibition of the import, export or sale of anything by persons who are not registered or licensed for that purpose in accordance with regulations made under this section;

(f) the definition and trial of offences connected with any such regulations and the imposition of penalties therefor.

CHAPTER VII

THE PUBLIC SERVICES

Part I—General

*172. [(1) *rev.*, S.I. 1958/1257]

(a)(2) For the avoidance of doubts it is declared that any power conferred by this Chapter upon the Governor-General or the Governor of a Region to make appointments to any public office includes power to appoint persons to act in that office.

(b)173.—(1) Power to make appointments to offices in the public service of the Federation (including appointments on promotion and transfer) and to dismiss and to exercise disciplinary control over officers in that service shall vest in the Governor-General.

Appointment etc. of officers in public service of Federation.

(2) (a) Subject to the provisions of paragraph (b) of this subsection, the Governor-General may delegate (in such manner and on such conditions as he may think fit) to the Commissioner of the Cameroons or any other officer in the public service of the Federation any of the powers conferred on the Governor-General by subsection (1) of this section.

(a) S. 172 (2) inserted, S.I. 1958/429.

(b) S. 173 as am., S.I. 1956/836, 1957/1530.

*For date of deletion of S. 172 (1) by S. 20 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958, see S. 1 (4) of that Order.

THE CONSTITUTION ORDERS

(b) The Governor-General shall not—

(i) delegate any such power unless he has obtained the consent of a Secretary of State to such delegation; or

(ii) delegate any such power with respect to officers whose annual emoluments exceed such sum as may be prescribed by a Secretary of State.

(c) For the purposes of this subsection the emoluments of an officer shall (whether or not he is employed on terms that include eligibility for pension) include only such classes of emoluments as, under the law for the time being in force relating to pensions, are taken into account in computing pensions.

(3) The provisions of this section shall be subject to the provisions of any Instructions that may be issued by Her Majesty under Her Sign Manual and Signet or through a Secretary of State, and any power conferred by this section or delegated under this section shall be exercised in accordance with the provisions of such Instructions.

(4) (a) If it is provided by or under any law or Order to which this subsection applies that any officer in the public service of the Federation shall have power to exercise disciplinary control over other officers in that public service, such power shall be deemed to have been delegated to that officer by the Governor-General in accordance with the provisions of subsection (2) of this section and accordingly the power shall be exercisable by that officer, subject to the provisions of subsection (3) of this section, unless and until it is revoked by the Governor-General.

(b) Any provision of any law or Order to which this subsection applies and any instrument made under such law or Order shall, to the extent that it confers power upon any officer in the public service of the Federation to exercise disciplinary control over other officers in that public service, cease to have effect, unless it shall have been sooner repealed or revoked, upon the revocation of the power by the Governor-General.

(c) This subsection applies to any law that is an existing law for the purposes of subsection (5) of section 57 of this Order, and to any Order made under that subsection.

Federal
Public
Service
Commission.

174.—(1) There shall be for the Federation a Public Service Commission (in this Chapter referred to as "the Federal Commission"), which shall consist of a Chairman and such number of other members as may be prescribed by regulations made under section 177 of this Order.

(2) The members of the Federal Commission shall be appointed by the Governor-General.

(3) The Governor-General may terminate the appointment of any member of the Federal Commission and, subject as aforesaid, the members of the Federal Commission shall hold office on such terms and conditions as may be prescribed by regulations made under section 177 of this Order.

(4) No person shall be appointed as, or shall remain, a member of the Federal Commission if he is, or becomes, a member of a Legislative House.

Federal
Commission
to advise
Governor-
General.

(a) 175.—(1) The Governor-General may (either generally or specially, and in whatever manner he thinks fit) refer to the Federal Commission for their advice any matter relating to the appointment of any person to an office in the public service of the Federation, or the dismissal or disciplinary control of officers in the public service of the Federation, or any other matter that, in his opinion, affects the public service of the Federation :

THE CONSTITUTION ORDERS

Provided that the Governor-General shall not refer to the Federal Commission any question that, in his opinion, affects solely the police of the Federation or any member or members of the police force of the Federation.

(2) It shall be the duty of the Federal Commission to advise the Governor-General on any question that he refers to it in accordance with the provisions of this section, but the Governor-General shall not be obliged to act in accordance with the advice given to him by the Federal Commission.

176.—(1) The Governor-General may (in such manner as he thinks fit) require or permit any officer to whom he delegates any power under section 173 of this Order to refer to the Federal Commission for their advice, on such conditions as the Governor-General may prescribe, any matter relating to the exercise of that power.

Federal
Commission
to advise
other
officers.

(2) It shall be the duty of the Federal Commission to advise any officer on any question that he refers to it in accordance with the provisions of this section, and in any case in which he is required by the Governor-General to refer any matter to the Commission for their advice, that officer shall act in accordance with the advice given to him by the Commission unless the Governor-General authorises him to act otherwise.

(b)177. Subject to the provisions of this Order, the Governor-General may make regulations for giving effect to the provisions of sections 173 to 176 of this Order and in particular and without prejudice to the generality of the foregoing power may by such regulations make provision for any of the following matters, that is to say:—

Regulations
regarding
Federal
Commission.

(a) the membership of the Federal Commission;

(b) the appointment, tenure of office and terms of service of members of the Federal Commission;

(c) the organisation of the work of the Federal Commission and the manner in which the Federal Commission shall perform its functions;

(d) consultation by the Federal Commission with persons other than members of the Federal Commission;

(e) the appointment, tenure of office and terms of service of staff to assist the Federal Commission in the performance of its functions;

(f) the definition and trial of offences connected with the functions of the Federal Commission (including, without prejudice to the generality of this paragraph, offences relating to the bringing of improper influence on the Commission, misconduct by members of the Commission, the giving of false information to the Commission and the improper disclosure of information obtained in the course of the work of the Commission) and the imposition of penalties for such offences;

Provided that no penalty for any such offence shall exceed a fine of two hundred pounds and imprisonment for a term of one year.

(a)177A.—(1) There shall be for the Federation a Police Service Commission, which shall consist of a Chairman and such number of other members as may be prescribed by regulations made under section 177 of this Order, as applied by section 177C of this Order.

Police
Service-
Commission

(b) S. 177 as am., S.I. 1958/429.

(a) Ss. 177A, 177B, 177C, 177D inserted, S.I. 1958/429.

THE CONSTITUTION ORDERS

(2) The members of the Police Service Commission shall be appointed by the Governor-General.

(3) The Governor-General may terminate the appointment of any member of the Police Service Commission and, subject as aforesaid, the members of the Commission shall hold office on such terms and conditions as may be prescribed by regulations made under section 177 of this Order, as applied by section 177c of this Order.

(4) No person shall be appointed as, or shall remain, a member of the Police Service Commission if he is, or becomes, a member of a Legislative House.

Police
Service
Commission
to advise
Governor-
General.

(a)177b.—(1) The Governor-General may (either generally or specially, and in whatever manner he thinks fit) refer to the Police Service Commission for their advice any matter relating to the appointment of any person to an office in the public service of the Federation, being an office in the police service of the Federation, or the dismissal or disciplinary control of persons holding or acting in any such office or any other matter (not being a matter relating to the use or operational control of the police) that, in his opinion, affects the police of the Federation.

(2) It shall be the duty of the Police Service Commission to advise the Governor-General on any question that he refers to it in accordance with the provisions of this section, but the Governor-General shall not be obliged to act in accordance with the advice given to him by the Police Service Commission.

Application
of sections
176 and 177
to Police
Service
Commission.

(a)177c. Sections 176 and 177 of this Order shall apply in relation to the Police Service Commission of the Federation as they apply in relation to the Federal Commission.

Emoluments
of members
of Federal
Commission
and Police
Service
Commission.

(a)177d.—(1) The members of the Federal Commission and the Police Service Commission of the Federation shall be paid such salaries as may be prescribed by any law enacted by the Federal Legislature and such allowances as may be provided by or under any such law :

Provided that the salary of a member of the Federal Commission or the Police Service Commission and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(2) The salaries and allowances of the members of the Federal Commission and the Police Service Commission of the Federation shall be a charge on the Consolidated Revenue Fund of the Federation.

Appointment
etc. of
Regional
public
officers.

(b)178.—(1) Power to make appointments to offices in the public service of the Northern Region (including appointments on promotion and transfer) and to dismiss and to exercise disciplinary control over officers in the public service of that Region shall vest in the Governor.

(2) (a) Subject to the provisions of paragraph (b) in this subsection the Governor of the Northern Region may delegate (in such manner and on such conditions as he may think fit) to any officer in the public service of the Region any of the powers conferred on the Governor by subsection (1) of this section.

THE CONSTITUTION ORDERS

(b) The Governor shall not—

(i) delegate any such power unless he has obtained the consent of a Secretary of State to such delegation; or

(ii) delegate any such power with respect to officers whose annual emoluments exceed such sum as may be prescribed by a Secretary of State.

(c) For the purposes of this subsection the emoluments of an officer shall (whether or not he is employed on terms that include eligibility for pension) include only such classes of emoluments as, under the law for the time being in force relating to pensions, are taken into account in computing pensions.

(3) The provision of this section shall be subject to the provisions of any Instructions that may be issued by Her Majesty under Her Sign Manual and Signet or through a Secretary of State, and any power conferred by this section or delegated under this section shall be exercised in accordance with the provisions of such Instructions.

(c)179.—(1) There shall be for the Northern Region a Public Service Commission which shall consist of a Chairman and such number of other members as may be prescribed by regulations made under section 177, as applied by section 180, of this Order.

Regional
Public
Service
Commis-
sions.

(2) The members of the Commission shall be appointed by the Governor of the Region.

(3) The Governor of the Region may terminate the appointment of any member of the Commission and, subject as aforesaid, the members of the Commission shall hold office on such terms and conditions as may be prescribed by regulations made under section 177, as applied by section 180, of this Order.

(4) No person shall be appointed as, or shall remain, a member of the Commission if he is, or becomes, a member of a Legislative House.

(c)180.—Sections 175 to 177 of this Order shall apply in relation to the Northern Region as they apply in relation to the Federation and for that purpose shall have effect as if the references in the said sections to the Governor-General, the Federal Commission and the public service of the Federation were references to the Governor, the Public Service Commission of the Region and the public service of the Region, as if the references in subsection (1) of section 176 to section 173 of this Order were a reference to section 178 of this Order and as if the reference in section 177 to sections 173 to 176 of this Order were a reference to sections 178 and 179 of this Order and sections 175 and 176 of this Order as applied by this section.

Application
of sections
175, 176 and
177 to
Regional
Commis-
sions.

(a)180A.—(1) Subject to the provisions of this Order, power to make appointments (including appointments on promotion and transfer) to offices in the public service of the Western Region and to dismiss and to exercise disciplinary control over officers in that public service shall vest in the Governor acting on the recommendation of the Public Service Commission of the Region.

Appoint-
ment etc. of
officers in
public
service of
Western
Region.

(2) Before making any appointment to an office in the audit service of the Western Region (not being an office below the rank of Assistant Auditor) the Governor shall consult the Director-General of the Overseas Audit Service.

(c) *Se. 179, 180 as am., S.I. 1958/429.*

(a) *Se. 180A to 180L inserted, S.I. 1958/429, S. 180x as am., S.I. 1958/1522, 1958*

Exercise of
'Governor's'
powers by
other officer
or authority.

(a)180b.—(1) The Governor of the Western Region, acting on the recommendation of the Public Service Commission of the Region, may by Instrument under the Public Seal direct that, subject to such conditions as may be specified in that Instrument, power to make appointments (including appointments on promotion or transfer) to such offices, being offices to which this section applies, as may be specified in that Instrument and to dismiss and exercise disciplinary control over persons holding or acting in those offices, shall (without prejudice to the exercise of such power by the Governor acting on the recommendation of the Public Service Commission) be exercisable by such authority or by such officer in the public service of the Region as may be specified in that Instrument.

(2) The offices to which this section applies are offices in the public service of the Western Region with respect to which the Governor has power to make appointments by virtue of the provisions of section 180A of this Order the holders of which are for the time being in receipt of annual emoluments that do not exceed £600.

(3) The emoluments referred to in subsection (2) of this section include in relation to any office only such classes of emoluments as would be taken into account, if the holder of the office were eligible for a pension in respect of his service in the office, in the computation of that pension under the pensions law governing the grant of that pension.

(a)180c.—(1) There shall be for the Western Region a Public Service Commission.

(2) The members of the Commission shall be a Chairman and not less than two and not more than four other members, who shall be appointed by the Governor by Instrument under the Public Seal.

(3) A person shall not be qualified for appointment as a member of the Commission if he is a member of a Legislative House, or if he holds or is acting in any office of emolument under the Crown other than the office of member of the Federal Commission, the Police Service Commission of the Federation or the Public Service Commission of any other Region or (unless the Governor otherwise directs) if he is party to, or is a partner in a firm that is a party to, or is a director or manager of a company that is a party to, any contract on account of public services with the government of the Western Region:

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

(4) The office of a member of the Commission shall become vacant—

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

(b) if he resigns his office by writing under his hand addressed to the Governor;

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

(d) if the Governor directs that he shall be removed from office for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

Public
Service
Commission
of Western
Region.

THE CONSTITUTION ORDERS

(5) If the office of a member of the Commission is vacant or a member is for any reason unable to perform the functions of his office, the Governor may appoint a person who is qualified for appointment as a member of the Commission to act as a member of the Commission, and any person so appointed shall continue to act until his appointment is revoked by the Governor.

(6) (a) There shall be paid to members of the Commission such salary as may be prescribed by any law enacted by the Legislature of the Region and such allowances as may be prescribed by or under any such law :

Provided that the salary of a member of the Commission and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(b) The salaries and allowances of the members of the Commission shall be a charge upon the Consolidated Revenue Fund of the Region.

(7) A person who has been appointed under subsection (2) of this section to be a member of the Public Service Commission of the Western Region (other than a member performing only part-time duties) shall not thereafter be appointed to any other office in the public service of the Region.

(8) The powers of the Governor under this section shall be exercised by him after consultation with the Premier of the Western Region.

(9) The Public Service Commission shall make annual reports to the Governor on the exercise of its functions under this Order, which the Governor shall cause to be laid before the Legislative Houses of the Region.

(a) 180D. Subject to the provisions of this Order, the Governor of the Western Region after consultation with the Public Service Commission of the Region, may make regulations for giving effect to the provisions of sections 180A to 180C of this Order and, without prejudice to the generality of the foregoing power, may by such regulations provide for any of the following matters, that is to say:—

(a) the appointment, tenure of office and terms of service of staff to assist the Commission in the performance of its functions ;

(b) consultation by the Commission with persons other than members of the Commission ;

(c) the organisation of the work of the Commission ;

(d) the delegation to any member of the Commission of any or all of the functions of the Commission ;

(e) the protection and privileges of members of the Commission in respect of the performance of their duties and the privilege of communications to and from the Commission and its members in case of legal proceedings.

(a) 180E.—(1) Power to make appointments (including appointments on promotion and transfer) to the offices to which this section applies and to dismiss and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Governor acting on the recommendation of the Judicial Service Commission of the Western Region.

(2) This section applies to the offices of members of all courts of the Western Region other than the High Court, being offices the emoluments attaching to which are payable out of the Consolidated Revenue Fund or the other public funds of the Region, the office of Chief Registrar or Registrar of the High Court of the Region, the office of Registrar of any Magistrates' Court of the Region and the offices of Justices of the Peace of the Region and to such other offices connected with any of the courts of the Region as may be prescribed by any law enacted by the Legislature of the Region.

Regulations
regarding
Public
Service
Commission
of Western
Region.

Appoint-
ments etc., of
certain
officers
connected
with courts
of Western
Region.

THE CONSTITUTION ORDERS

(3) Section 180B of this Order shall apply in relation to offices with respect to which the Governor has power to make appointments by virtue of subsection (1) of this section as it applies in relation to offices with respect to which he has power to make appointments by virtue of section 180A of this Order and for that purpose—

(a) the references in subsection (1) of section 180B to the Public Service Commission of the Western Region shall be construed as if they were references to the Judicial Service Commission of the Region; and

(b) that subsection shall have effect as if for the words "by such authority or by such officers in the public service of the Region" there were substituted the words "by such judge or magistrate or other judicial officer of the Region or by such authority consisting wholly or partly of such officers"

(c) subsection (2) of section 180B shall have effect as if the words "in the public service of the Western Region" were deleted and as if for the words "section 180A" there were substituted the words "section 180Z".

(a)180Z.—(1) There shall be for the Western Region a Judicial Service Commission.

(2) The members of the Commission shall be—

(a) the Chief Justice of the Region, who shall be the Chairman of the Commission;

(b) such judge of the High Court of the Region as the Governor, after consultation with the Chief Justice, may from time to time select;

(c) the Chairman of the Public Service Commission of the Region; and

(d) one other member appointed in accordance with the provisions of subsection (3) of this section.

(3) The Governor may by Instrument under the Public Seal appoint to be a member of the Commission a person who is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from any such court.

(4) The office of a member of the Commission appointed under subsection (3) of this section shall become vacant—

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

(b) if he resigns his office by writing under his hand addressed to the Governor; or

(c) if the Governor so directs.

(5) If the office of the member mentioned in paragraph (d) of subsection (2) of this section is vacant or that member is for any reason unable to perform the functions of his office, the Governor may appoint a person qualified for appointment as such a member to act as a member of the Commission, and any person so appointed shall continue to act until his appointment is revoked by the Governor,

(6) (a) A member of the Commission appointed under subsection (3) of this section may be paid such salary as may be prescribed by any law enacted by the Legislature of the Region and such allowances as may be prescribed by or under any such law:

THE CONSTITUTION ORDERS

Provided that the salary of any such member of the Commission and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(b) The salary and allowances of a member of the Commission appointed under subsection (3) of this section shall be a charge upon the Consolidated Revenue Fund of the Region.

(7) The powers of the Governor under subsections (3) and (4) of this section shall be exercised by him in his discretion.

(a)180g. The provisions of section 180d of this Order shall apply in relation to the Judicial Service Commission of the Western Region as they apply in relation to the Public Service Commission of the Region, and for that purpose references to the Public Service Commission of the Region shall have effect as if they were references to the Judicial Service Commission of the Region.

Regulations regarding Judicial Service Commission of Western Region.

(a)180h.—(1) Power to make appointments (including appointments on promotion and transfer) to the offices for the time being prescribed under subsection (2) of section 224 of this Order as offices constituting the personal staff of the Governor of the Western Region and to dismiss and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Governor acting in his discretion.

Appointments etc. of personal staff of Governor of Western Region.

(2) Before exercising any of the powers conferred upon him by this section the Governor shall consult the Public Service Commission of the Region :

Provided that he shall not be obliged to consult the Commission in respect of the exercise of any such power in relation to any person who immediately before his appointment as a member of the personal staff of the Governor was not an officer in the public service of the Region if that person is not eligible to receive a pension in respect of his service as a member of that staff.

(a)180i.—(1) Power to make appointments to any office of Permanent Secretary in the Western Region (including appointments on promotion and transfer) shall vest in the Governor.

Appointments of Permanent Secretaries etc. to Western Region.

(2) The powers of the Governor under this section shall be exercised by him acting in his discretion after consultation with the Premier of the Region and the Public Service Commission of the Region :

Provided that appointments to any office of Permanent Secretary upon transfer from another office of Permanent Secretary carrying the same emoluments shall be made by the Governor on the recommendation of the Premier.

(3) The foregoing provisions of this section shall apply in relation to the office of Secretary to the Premier and Executive Council of the Western Region as they apply in relation to the office of Permanent Secretary in the Region.

(a)180j. Before acting on any recommendation made to him by the Public Service Commission or the Judicial Service Commission of the Western Region the Governor, acting in his discretion, may refer the recommendation back to the Commission once for reconsideration.

Reconsideration by Commission.

(a)180k. Sections 180a to 180j of the Order shall apply in relation to the Eastern Region as they apply in relation to the Western Region, and for that purpose—

Application of sections 180a to 180j to Eastern Region.

(a) references to the Western Region shall be construed as if they were references to the Eastern Region ; and

THE CONSTITUTION ORDERS

(b) the reference in subsection (3) of section 180i to the office of Secretary to the Premier and Executive Council of the Western Region shall be construed as if it were a reference to the office of Chief Secretary to the Premier of the Eastern Region and the office of Secretary to the Executive Council of that Region.

Provisions of Fifth Schedule to apply to Public Service and Judicial Service Commissions of Western and Eastern Regions.

(a) 180l. The provisions contained in the Fifth Schedule to this Order shall have effect with respect to the Public Service Commission and the Judicial Service Commission of the Western Region and the Public Service Commission and the Judicial Service Commission of the Eastern Region.

OFFICES IN EXISTENCE AT THE DATE OF COMMENCEMENT OF THIS ORDER
AND OFFICERS SERVING AT THAT DATE

[Ss. 181 to 187 *rev.*, S.I. 1958/429]

Contracts of service.

188. Any contract made before the commencement of this Order by any person with the Government of Nigeria or with any person acting on behalf of the said Government to serve the said Government for a specified period in a public office shall, as from the date of the commencement of this Order, have effect as if it had been made with the Government of the Federation and references in such contract to the Government of Nigeria or to any officer of the said Government shall be construed, and any such contract shall be enforceable, accordingly.

Exercise of powers under Chapter VII.

EXERCISE OF POWERS

*(a) 189.—(1) In the exercise of the powers conferred on him by this Chapter the Governor-General shall act in his discretion:

Provided that in appointing the members of the Federal Commission other than the Chairman the Governor-General shall consult with the Council of Ministers but shall not be required to act in accordance with the advice of that Council.

(2) Subsection (1) of this section shall apply in relation to the Governor of the Northern Region as it applies in relation to the Governor-General, and for that purpose shall have effect as if the references therein to the Governor-General, the Federal Commission and the Council of Ministers were references to the Governor of the Northern Region, the Regional Commission and the Executive Council of the Region.

(3) The powers of the Governor of the Western Region or the Eastern Region under subsection (1) of section 190b of this Order shall be exercised by him in his discretion.

APPLICATION OF PENSIONS LAWS AND LIABILITY FOR CERTAIN PENSIONS

[S. 190 *rev.*, S.I. 1958/1257.]

† [S. 190A *rev.*, S.I. 1958/1257.]

(a) S. 189 as am., S.I. 1958/429, 1257.

*For date of alteration of certain references in S. 189 by S. 22 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958, see S. 1 (4) of that Order.

† For date of revocation of S. 190 and S. 190A by Ss 23 and 24 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958, see S. 1 (14) of that Order.

THE CONSTITUTION ORDERS

(a) 190s.—(1) Power to grant benefits under any pensions law in force in the Western Region or the Eastern Region shall vest in the Governor.

(2) No benefits as aforesaid shall be withheld, reduced in amount or suspended except in accordance with the provisions of subsection (3) of this section.

(3) If any person who has been granted, or who is eligible for the grant of, any benefits under any pensions law in force in the Western Region or the Eastern Region—

(a) has been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions; or

(b) has been sentenced by a court in any part of Her Majesty's dominions to imprisonment (by whatever name called), and has not received a free pardon; or

(c) has been guilty of negligence, irregularity or misconduct while serving as an officer in the public service of the Region; or

(d) having served as such an officer, has without the written permission of the Governor, acting (in the case of permissions granted after this section comes into force) after consultation with the Public Service Commission of the Region, accepted employment as a director, officer or servant of a company the principal part of whose business is concerned with Nigeria,

the Governor, after consultation with the Public Service Commission of the Region, may withhold, reduce or suspend those benefits in accordance with any provisions in that behalf in that pensions law if he is satisfied that those benefits ought to be withheld, reduced or suspended.

(4) Any benefits granted under any pensions law in force in the Western Region or the Eastern Region shall be a charge on the Consolidated Revenue Fund of the Region.

(5) In this section "pensions law" means any law enacted by any legislature in Nigeria relating to the grant of pensions, gratuities and other like benefits to persons who are or have been officers in the public service of the Western Region or the public service of the Eastern Region in respect of their service in that public service or to the widows, children, dependants and personal representatives of such persons in respect of such service and includes any instrument made under any such law.

(6) The provisions of subsections (1), (2), (3) and (4) of this section (which, by virtue of paragraph 7 of the First Schedule or paragraph 16 of the Second Schedule to the Nigeria (Retirement Benefits) Order in Council, 1958(J), apply, subject to the provisions of that Order, in relation to the grant of certain benefits under that Order and to certain benefits so granted) shall apply, subject as aforesaid, in relation to the grant of all other benefits under the Second Schedule to that Order and to all other benefits so granted as they apply in relation to the grant of benefits, and benefits granted, under a pensions law in force in the Western Region or the Eastern Region and for that purpose subsection (3) shall have effect as if the words "in accordance with any provisions in that behalf in that pensions law" were deleted:

Provided that those provisions shall not apply—

(a) in relation to the grant of any benefits under paragraph 6 of the Second Schedule to that Order in respect of which it is provided by any law enacted by the Federal Legislature that they shall be granted by the Governor-General and paid by the Federation or in respect of which it is

Grant of pensions etc. by Governors of Western and Eastern Regions.

provided by any law enacted by the Legislature of the Northern Region that they shall be granted by the Governor of that Region and paid by that Region or

(b) in relation to any benefits granted under that paragraph by the Governor-General or the Governor of the Northern Region and payable by the Federation or that Region, as the case may be.

[S. 191 *rev.*, S.I. 1958/1257.]

§[Ss. 191A, 192, 193, 194, 195, 196, 197 *rev.*, (*prosp.*) S.I. 1958/1257.]

[S. 198 *rev.*, S.I. 1957/1530.]

CHAPTER VIII

TRANSITIONAL PROVISIONS

TRANSITIONAL PROVISIONS RELATING TO CHAPTER I

199.—(1) (a) Any Proclamation declaring any area to be a Division for the purposes of the Nigeria (Constitution) Order in Council, 1951, made under section 6 of that Order or having effect as if it had been so made that was in force immediately before the commencement of this Order shall have effect—

(i) in so far as it relates to Lagos or the Southern Cameroons as if it were a Proclamation made under paragraph (a) of subsection (1) of section 4 of this Order;

(ii) in so far as it relates to a Region as if it were a Proclamation made under paragraph (b) of subsection (1) of section 4 of this Order.

(b) Any Proclamation that has effect by virtue of this subsection shall, for the purposes of this Order, be deemed to have been made under paragraph (a) or paragraph (b), as the case may be, of subsection (1) of section 4 of this Order and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended and revoked as if it were a Proclamation made under paragraph (a) or paragraph (b), as the case may be, of that subsection.

(2) (a) Subject to the provisions of subsection (1) of this section, any direction given for the division of Nigeria or any part thereof into areas that was in force for any purpose immediately before the commencement of this Order shall have effect as if it were a direction given under subsection (2) of section 4 of this Order.

(b) Any direction that has effect by virtue of this subsection shall be deemed to have been given under subsection (2) of section 4 of this Order and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended and revoked as if it were a direction given under that subsection.

TRANSITIONAL PROVISIONS RELATING TO CHAPTER II

200. Any person who, immediately before the commencement of this Order, was a person recognised by the Governor of Nigeria as a Chief in the former Northern Region shall, until the Governor of the Northern Region, acting in his discretion, withdraws recognition from that person as a Chief, be deemed to be a Chief for the purposes of section 17 of this Order.

201.—(1) Any regulations made under section 56 of the Nigeria (Constitution) Order in Council, 1951, in respect of the House of Chiefs of the former Northern Region and in force immediately before the commencement of this Order shall have effect as if they were regulations made under section

§For date of revocation of Ss. 191A, 192, 193, 194, 195, 196 and 197 by Ss. 27 and 28 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958, see S. 1 (4) of that Order.

Provisions relating to section 4.

Provisions relating to section 17.

Provisions relating to section 18.

18 of this Order, and the persons who immediately before the commencement of this Order were members of the House of Chiefs of the former Northern Region by virtue of having been selected in accordance with any such regulations shall be deemed to have been selected on the day on which this Order comes into operation as members of the Northern House of Chiefs in accordance with those regulations as they apply in relation to that House by virtue of this subsection.

(2) Any regulations that have effect by virtue of subsection (1) of this section shall, for the purposes of this Order, be deemed to have been made under section 18 of this Order, and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended and revoked as if they were regulations made under that section.

[S. 202, 203, 204, 205, 206, 207, 208, 209, 210 *rev.*, S.I. 1958/1257.]

TRANSITIONAL PROVISIONS RELATING TO CHAPTER III

[S. 212 *rev.*, S. I. 1958/1257.]

(a) 212.—(1) In this section "the existing Standing Orders" means any Standing Orders made under section 108 of the Nigeria (Constitution) Order in Council, 1951, and in force immediately before the commencement of this Order.

Provisions relating to section 71.

(2) Subject to the provisions of this section—

[S. 212 (2) (a) *rev.*, S.I. 1958/1257.]

(b) the existing Standing Orders made in respect of the Legislative Houses of the former Northern Region shall have effect as if they were Standing Orders made under section 71 of this Order in respect of the Legislative Houses of the Northern Region;

[S. 212 (2) (c) *rev.*, S.I. 1958/1257.]

(3) Any existing Standing Orders that have effect in respect of the Legislative Houses of the Northern Region by virtue of this section shall, for the purposes of this Order, be deemed to have been made under section 71 of this Order, and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended and revoked as if they were Standing Orders made under that section.

(a) 213.—(1) In this section "the existing laws" means any laws made under section 113 of the Nigeria (Constitution) Order in Council, 1951, and in force immediately before the commencement of this Order.

Provisions relating to section 77.

(2) Subject to the provisions of this section—

(a) the existing laws made in respect of the House of Representatives established by the Nigeria (Constitution) Order in Council, 1951, and the members thereof, shall have effect as if they were laws made under section 77 of this Order in respect of the House of Representatives and the members thereof;

(b) the existing laws made in respect of the Legislative Houses of the former Northern Region and the members thereof shall have effect as if they were laws made under section 77 of this Order in respect of the Legislative Houses of the Northern Region and the members thereof;

(c) the existing laws made in respect of the House of Assembly of the former Eastern Region and the members thereof shall have effect as if they were laws made under section 77 of this Order in respect of the House of Assembly of the Southern Cameroons and the members thereof.

(a) S. 212 as am., S.I. 1958/1257.

(a) S. 213 as am., S.I. 1958/1257.

(3) Any existing laws that have effect in respect of the Federal Legislature or the Legislative Houses of the Northern Region and the House of Assembly of the Southern Cameroons and the members thereof by virtue of this section shall, for the purposes of this Order, be deemed to have been made under section 77 of this Order, and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended and revoked as if they were laws made under that section.

Provisions relating to section 82.

214. For the purposes of section 82 of this Order—

(a) the first sitting of the House of Representatives after the commencement of this Order shall be deemed to be the first sitting after a dissolution, and accordingly, unless it has been sooner dissolved, the Governor-General shall dissolve that House at the expiration of five years from the date of that sitting;

[S. 214 (b), (c), (d), (e) *rev.*, S.I. 1958/1257.]

[Sr. 215, 216, 217, 218, 219 *rev.*, S.I. 1958/1257.]

MISCELLANEOUS

Existing assets and liabilities.

220.—(1) (a) The Governor-General shall by regulation make provision for apportioning among the Federation, the Regions and the Southern Cameroons the assets and liabilities, as at the thirtieth day of September, 1954, of Nigeria and the former Regions.

(b) The reference in paragraph (a) of this subsection to liabilities does not include a reference to any liabilities that form part of the outstanding public debt of Nigeria or of a former Region within the meaning of section 221 of this Order.

(2) Regulations made under this section shall provide—

(a) for the appointment, by the Governor-General, of an Apportionment Commissioner charged with the duty of determining any questions that may arise with respect to the apportionment of any assets or liabilities made by or under such regulations;

(b) for the establishment of an Apportionment Committee charged with the duty of determining appeals from any decision of the Apportionment Commissioner, the chairman of which shall be appointed by a Secretary of State;

(c) for the tenure of office of the Apportionment Commissioner and the chairman of the Apportionment Committee;

(d) for the appointment and tenure of office of members of the Apportionment Committee other than the chairman.

(3) Regulations made under this section may provide—

(a) for the submission of questions to the Apportionment Commissioner and for the bringing of appeals from his decisions to the Apportionment Committee;

(b) for the composition of the Apportionment Committee for any particular purpose;

(c) generally for the performance by the Apportionment Commissioner and the Apportionment Committee of their functions;

(d) for the modification and adaptation of any instrument relating to any such assets or liabilities as are referred to in subsection (1) of this section for the purpose of bringing that instrument into conformity with any apportionment of assets or liabilities made by or under regulations made under this section.

(4) The decision of the Apportionment Committee on any appeal from a decision of the Apportionment Commissioner shall be final.

THE CONSTITUTION ORDERS

(a) 221.—(1) The outstanding public debt of Nigeria shall become a liability of the Federation and accordingly shall form part of the public debt of the Federation.

Outstanding public debt.

(2) (a) The outstanding public debt of the former Northern Region shall become the liability of the Northern Region and accordingly shall form part of the public debt of that Region.

(b) The outstanding public debt of the former Western Region shall become the liability of the Western Region and accordingly shall form part of the public debt of that Region.

(c) The outstanding public debt of the former Eastern Region shall become the liability of the Eastern Region and accordingly shall form part of the public debt of that Region.

(3) In this section "the outstanding public debt of Nigeria" means the amount outstanding at the thirtieth day of September, 1954, on all loans secured on the revenues and assets of Nigeria, and references to the outstanding public debt of any former Region are references to the amount outstanding at the thirtieth day of September, 1954, on all loans secured on the revenues and assets of that Region.

(b) 222. No law shall be enacted by the Legislature of a Region or the Southern Cameroons with respect to police until such time as a Secretary of State, after consultation with the Governor-General and the Governors of the Regions, has notified the Governor-General that those Legislatures may enact such laws, and the notification has been published in the Official Gazette of the Federation.

Enactment of laws relating to police.

(c) 223.—(1) No property, movable or immovable, shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in a Region except by or under the provisions of a law which, of itself or when read with any other law in force in the Region—

Compulsory acquisition of property.

(a) requires the payment of adequate compensation therefor;

(b) gives to any person claiming such compensation a right of access, for the determination of his interest in the property and the amount of compensation, to the High Court of the Region;

(c) gives to any party to proceedings in the High Court of the Region relating to such a claim the same rights of appeal as are accorded generally to parties to civil proceedings in that Court sitting as a court of original jurisdiction.

(2) (a) Nothing in this section shall affect the operation of any existing laws.

(b) In this subsection the expression "existing law" means a law in force on the thirty-first day of March, 1958, and includes a law made after that date which amends or replaces any such law as aforesaid (or such a law as from time to time amended or replaced in the manner described in this paragraph) and which does not,

(i) add to the kinds of property that may be taken possession of or the rights over and interests in property that may be acquired; or

(ii) add to the purposes for which or circumstances in which such property may be taken possession of or acquired; or

(iii) make the conditions governing entitlement to any compensation or the amount thereof less favourable to any person owning or interested in the property; or

(a) S. 221 as am., S.I. 1955/432, 1958/429.

(b) S. 222 as subst., S.I. 1957/1530.

(c) Ss. 223 to 236 (236 prosp.), inserted, S.I. 1958/429. S. 229 am. S.I. 1958/1958.

THE CONSTITUTION ORDERS

(iv) deprive any person of any right such as is mentioned in paragraph (b) or paragraph (c) of subsection (1) of this section.

(3) Nothing in this section shall be construed as affecting any general law—

(a) for the imposition or enforcement of any tax, rate or due; or

(b) for the imposition of penalties or forfeitures for breach of the law whether under civil process or after conviction of an offence; or

(c) relating to leases, tenancies, mortgages, charges, bills of sale or any other rights or obligations arising out of contracts; or

(d) relating to the vesting and administration of the property of persons adjudged bankrupt or otherwise declared insolvent, of persons of unsound mind, of deceased persons, and of companies, other corporate bodies and unincorporate societies in the course of being wound up; or

(e) relating to the execution of judgments or orders of courts; or

(f) providing for the taking of possession of property which is in a dangerous state or is injurious to the health of human beings, plants or animals; or

(g) relating to enemy property; or

(h) relating to trusts and trustees; or

(i) relating to the limitation of actions; or

(j) relating to property vested in statutory corporations; or

(k) relating to the temporary taking of possession of property for the purposes of any examination, investigation or inquiry; or

(l) providing for the carrying out of work on land for the purpose of soil conservation.

(4) The provisions of this section shall apply to the compulsory taking of possession of property, movable or immovable, and the compulsory acquisition of rights over and interests in such property by or on behalf of the Crown.

(5) The provisions of this section shall apply in relation to the Southern Cameroons and Lagos as they apply in relation to a Region and for that purpose references in subsection (1) to a Region shall be construed as if they were references to the Southern Cameroons or to Lagos, as the case may be.

(c)224.—(1) There shall be paid to the Governor and the Deputy Governor of the Western Region or the Eastern Region such salaries and allowances as may be prescribed by any law enacted by the Legislature of the Region:

Provided that the salary, allowances and other conditions of service of a Governor or a Deputy Governor shall not be altered to his disadvantage during his continuance of office.

(2) The Governor of the Western Region or the Eastern Region may, with the concurrence of the Premier of the Region, prescribe by Order published in the Official Gazette of the Region the offices that are to constitute the personal staff of the Governor, the emoluments to be paid to the members of the personal staff of the Governor and the other sums to be paid in respect of the expenditure attaching to the office of Governor.

(3) Any salaries or other sums prescribed under subsection (1) or subsection (2) of this section shall be a charge on the Consolidated Revenue Fund of the Region.

(4) For the purposes of subsection (1) of this section "Governor" means the person holding the office of Governor and "Deputy Governor" means the person holding the office of Deputy Governor and includes any person lawfully discharging the functions of that office.

THE CONSTITUTION ORDERS

(c)225.—(1) There shall be a Director of Audit for the Western Region, who shall be appointed by the Governor after consultation with the Premier of the Region, the Public Service Commission of the Region and the Director-General of the Overseas Audit Service.

Director of
Audit of
Western and
Eastern
Regions.

(2) If the office of Director of Audit of the Western Region is vacant or the Director is for any reason unable to perform the functions of his office, the Governor, after consultation with the Premier of the Region, the Public Service Commission of the Region and the Director-General of the Overseas Audit Service, may appoint a person to act as Director, and any person so appointed shall continue to act until his appointment is revoked by the Governor, after consultation with the Premier and the Public Service Commission.

(3) (a) There shall be paid to the Director of Audit of the Western Region such salary as may be prescribed by any law enacted by the Legislature of the Region and such allowances as may be prescribed by or under any such law:

Provided that the salary of the Director and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(b) The salary and allowances of the Director of Audit of the Western Region shall be a charge upon the Consolidated Revenue Fund of the Region.

(4) The foregoing provisions of this section shall apply in relation to the Eastern Region as they apply in relation to the Western Region, and for that purpose references to the Western Region shall be construed as if they were references to the Eastern Region.

(c)226.—(1) Subject to the provisions of section 227 of this Order, the Director of Audit of the Western Region or the Eastern Region shall hold office until he attains the age of fifty-five years:

Tenure of
office of
Director of
Audit of
Western and
Eastern
Regions.

Provided that—

(a) he may at any time resign his office by writing under his hand addressed to the Governor; and

(b) the Governor, after consultation with the Premier of the Region and the Public Service Commission of the Region, may permit a Director who has attained the age of fifty-five years to remain in office for a period not exceeding six months after his attainment of that age.

(2) Nothing done by a Director of Audit of the Western Region or the Eastern Region shall be invalid by reason only that he has attained the age at which he is required by this section to vacate his office.

(c)227.—(1) The Director of Audit of the Western Region or the Eastern Region may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of subsection (2) of this section.

Removal of
Director of
Audit of
Western or
Eastern
Regions.

(2) The Director of Audit of the Western Region or the Eastern Region may be removed from office by the Governor by Order under the Public Seal if the Governor, after consultation with the Premier of the Region, is satisfied that he ought to be removed from office for inability as aforesaid or misbehaviour.

(c)228.—(1) There shall be a Director of Public Prosecutions for the Western Region, who shall be appointed by the Governor on the recommendation of the Public Service Commission of the Region.

Director of
Public
Prosecutions
of Western
and Eastern
Regions.

(2) A person shall be qualified to be appointed Director of Public Prosecutions of the Western Region if he is qualified to be appointed a judge of the High Court of the Region and no other person shall be qualified to be so appointed.

(3) If the office of Director of Public Prosecutions of the Western Region is vacant or the Director is for any reason unable to perform the functions of his office, the Governor, acting on the recommendation of the Public Service Commission of the Region, may appoint a person who is qualified to act as a judge of the High Court of the Region to act as Director, and any person so appointed shall continue to act until his appointment is revoked by the Governor, acting on the recommendation of the Public Service Commission.

(4) (a) There shall be paid to the Director of Public Prosecutions of the Western Region such salary as may be prescribed by any law enacted by the Legislature of the Region and such allowances as may be prescribed by or under any such law:

Provided that the salary of the Director and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(b) The salary and allowances of the Director of Public Prosecutions of the Western Region shall be a charge on the Consolidated Revenue Fund of the Region.

(5) The provisions of this section shall apply in relation to the Eastern Region as they apply in relation to the Western Region, and for that purpose references to the Western Region shall be construed as if they were references to the Eastern Region.

(c)229.—(1) Subject to the provisions of section 230 of this Order, the Director of Public Prosecutions of the Western Region or the Eastern Region shall hold office until he attains the age of fifty-five years:

Provided that—

(a) he may at any time resign his office by writing under his hand addressed to the Governor; and

(b) the Governor, after consultation with the Public Service Commission of the Region, may permit a Director who has attained the age of fifty-five years to remain in office for a period not exceeding seven years after his attainment of that age.

(2) Nothing done by a Director of Public Prosecutions of the Western Region or the Eastern Region shall be invalid by reason only that he has attained the age at which he is required by this section to vacate his office.

(c)230.—(1) The Director of Public Prosecutions of the Western Region or the Eastern Region may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of subsection (2) of this section.

(2) The Director of Public Prosecutions of the Western Region or the Eastern Region shall be removed from office by the Governor by Order under the Public Seal if the question of his removal from office has been referred to a tribunal appointed under subsection (3) of this section and the tribunal has recommended to the Governor that he ought to be removed from office for inability as aforesaid or misbehaviour.

(3) If the Premier of the Western Region or the Eastern Region, or the Chief Justice of the Region after consultation with the Premier of the Region, represents to the Governor that the question of removing the Director of Public Prosecutions of the Region from office for inability as aforesaid or misbehaviour ought to be investigated then—

Tenure of office of Director of Public Prosecutions of Western and Eastern Regions.

Removal of Director of Public Prosecutions of Western or Eastern Region.

THE CONSTITUTION ORDERS

(a) the Governor shall appoint a tribunal, which shall consist of a Chairman and not less than two other members, selected by the Governor, acting in his discretion, from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from any such court;

(b) that tribunal shall enquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether the Director ought to be removed from office for inability as aforesaid or misbehaviour.

(4) If the question of removing the Director of Public Prosecutions of the Western Region or the Eastern Region from office has been referred to a tribunal under subsection (3) of this section, the Governor, acting in his discretion, may suspend the Director from performing the functions of his office, and any such suspension may at any time be revoked by the Governor, acting in his discretion, and shall in any case cease to have effect if the tribunal recommends to the Governor that the Director should not be removed from office.

(c)(d)231.—(1) The Attorney-General of the Federation shall have power, in any case in which he considers it desirable so to do—

(a) to institute and undertake criminal proceedings against any person before any civil court in a Region in respect of any offence to which this section applies alleged to have been committed by that person;

[S. 231 (b) rev., S.I. 1958/1257.]

(c) to take over and continue any criminal proceedings as aforesaid that may have been instituted or undertaken by any other person or authority; and

(d) to discontinue at any stage before judgment is delivered any criminal proceedings as aforesaid instituted or undertaken by himself or any other person or authority.

(2) The powers of the Attorney-General of the Federation under subsection (1) of this section and any powers relating to prosecutions that may be delegated to him by the Attorney-General of the Northern Region or the Director of Public Prosecutions of the Western Region or the Eastern Region may be exercised by him in person or through members of his staff acting under and in accordance with his general or special instructions.

(3) The Attorney-General of the Federation may by writing under his hand confer a general or special authority upon the Attorney-General of the Northern Region, or the Director of Public Prosecutions of the Western Region or the Eastern Region, as the case may be, to exercise, subject to such conditions and exceptions as he may think fit, any of the powers conferred upon him by subsection (1) of this section, in relation to prosecutions before the courts of those Regions.

(4) The Attorney-General of the Federation may by writing under his hand authorize the Legal Secretary of the Southern Cameroons to exercise, subject to such conditions and exceptions as he may think fit, any of the powers conferred upon him by subsection (1) of this section in relation to prosecutions before the courts of the Southern Cameroons.

(5) An authority given under subsection (3) or subsection (4) of this section may be revoked by the Attorney-General of the Federation at any time.

Powers of
Attorney-
General of
Federation
in relation
to prosecu-
tions.

THE CONSTITUTION ORDERS

(6) The powers conferred upon the Attorney-General by paragraphs (c) and (d) of subsection (1) of this section shall be vested in him to the exclusion of any other person or authority:

Provided that where any such person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority, at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(7) In the exercise of the powers conferred upon him by this section the Attorney-General of the Federation shall not be subject to the direction or control of any other person or authority.

(8) For the purposes of this section any appeal from any determination in any criminal proceedings before any court or any case stated or question of law reserved for the purposes of any such proceedings to any other court in Nigeria or to the Judicial Committee of Her Majesty's Privy Council shall be deemed to be part of those proceedings.

(9) The offences to which this section applies are offences against any law in force in Nigeria other than—

(a) offences against a law enacted by the Legislature of a Region or against any instrument made under any law so enacted;

(b) offences against any instrument made by the Governor otherwise than under any law so enacted; or

(c) such offences against any other law in force in a Region, not being a law enacted by a legislature in Nigeria or an instrument made under a law so enacted, as the Governor-General may by Order published in the Official Gazette of the Federation prescribe.

(a)(d)232.—(1) The Attorney-General of the Northern Region shall have power, in any case in which he considers it desirable so to do—

(a) to institute and undertake criminal proceedings against any person before any civil court in the Region in respect of any offence to which this section applies alleged to have been committed by that person;

(b) to take over and continue any criminal proceedings as aforesaid that may have been instituted or undertaken by any other person or authority; and

(c) to discontinue at any stage before judgment is delivered any criminal proceedings as aforesaid instituted or undertaken by himself or any other person or authority.

(2) The powers of the Attorney-General of the Northern Region under subsection (1) of this section and any powers relating to prosecutions that may be delegated to him by the Attorney-General of the Federation may be exercised by him in person or through members of his staff acting under and in accordance with his general or special instructions.

(3) The Attorney-General of the Northern Region may by writing under his hand confer a general or special authority upon the Attorney-General of the Federation to exercise, subject to such conditions and exceptions as he may think fit, any of the powers conferred upon him by subsection (1) of this section.

(4) An authority given under subsection (3) of this section may be revoked by the Attorney-General of the Northern Region at any time.

THE CONSTITUTION ORDERS

(5) The powers conferred upon the Attorney-General of the Northern Region by paragraphs (b) and (c) of subsection (1) of this section shall be vested in him to the exclusion of any other person or authority:

Provided that where any such person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority, at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(6) In the exercise of the powers conferred upon him by this section the Attorney-General of the Northern Region shall not be subject to the direction or control of any other person or authority.

(7) For the purposes of this section any appeal from any determination in any criminal proceedings before any court or any case stated or question of law reserved for the purposes of any such proceedings to any other court in Nigeria or to the Judicial Committee of Her Majesty's Privy Council shall be deemed to be part of those proceedings.

(8) The offences to which this section applies are offences against any law in force in the Northern Region other than offences to which section 231 of this Order applies.

(c)(d)233.—(1) The Director of Public Prosecutions of the Western Region or the Eastern Region shall have power, in any case in which he considers it desirable so to do—

(a) to institute and undertake criminal proceedings against any person before any civil court in the Region in respect of any offence, to which this section applies, alleged to have been committed by that person;

(b) to take over and continue any criminal proceedings as aforesaid that may have been instituted or undertaken by any other person or authority; and

(c) to discontinue at any stage before judgment is delivered any criminal proceedings as aforesaid instituted or undertaken by himself or any other person or authority.

(2) The powers of the Director of Public Prosecutions of the Western Region or the Eastern Region under subsection (1) of this section and any powers relating to prosecutions that may be delegated to him by the Attorney-General of the Federation may be exercised by him in person or through members of his staff acting under and in accordance with his general or special instructions.

(3) The Director of Public Prosecutions of the Western Region or the Eastern Region may by writing under his hand confer a general or special authority upon the Attorney-General of the Federation to exercise, subject to such conditions and exceptions as he may think fit, any of the powers conferred upon him by subsection (1) of this section.

(4) An authority given under subsection (3) of this section may be revoked by the Director of Public Prosecutions of the Western Region or the Eastern Region, as the case may be, at any time.

(5) The powers conferred upon the Director of Public Prosecutions of the Western Region or the Eastern Region by paragraphs (b) and (c) of subsection (1) of this section shall be vested in him to the exclusion of any other person or authority:

Provided that where any such person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority, at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(6) In the exercise of the powers conferred upon him by this section the Director of Public Prosecutions of the Western Region or the Eastern Region shall not be subject to the direction or control of any other person or authority.

(7) For the purposes of this section any appeal from any determination in any criminal proceedings before any court or any case stated or question of law reserved for the purposes of any such proceedings to any other court in Nigeria or to the Judicial Committee of Her Majesty's Privy Council shall be deemed to be part of those proceedings.

(8) The offences to which this section applies in relation to the Western Region or the Eastern Region are offences against any law in force in that Region other than offences to which section 231 of this Order applies.

(c)234.—(1) The Governor of the Northern Region may, by Instrument under the Public Seal, establish for any Province of that Region a Provincial Administration.

(2) A Provincial Administration established under this section shall have such functions as may be prescribed by the Instrument by which it is established or by or under any law and shall consist of—

(a) a Provincial Administrator, who shall be an officer in the public service of the Region;

(b) a Provincial Authority, which shall consist of the Provincial Administrator, who shall be the Chairman, and such other members as may be prescribed in that Instrument; and

(c) a Provincial Council, which shall consist of such members as may be prescribed in that Instrument.

(c)(d)235.—(1) There shall be, for the Northern Region, a Council of Chiefs, which shall be styled the Northern Council of Chiefs.

(2) The members of the Northern Council of Chiefs shall be—

(a) the Premier of the Northern Region;

(b) those Regional Ministers who have been appointed as such from among the members of the Northern House of Chiefs;

(c) the persons for the time being co-opted as members of the Council in accordance with subsection (3) of this section.

(3) Whenever any matter is about to be discussed in the Northern Council of Chiefs, the Governor, after consultation with those members of the Council who are Regional Ministers, shall co-opt four persons from among the members of the Northern House of Chiefs mentioned in paragraphs (a) and (b) of section 17 of this Order to be members of the Council for the purpose of discussing that matter.

(4) The Governor shall preside at meetings of the Northern Council of Chiefs and, subject to the provisions of subsection (5) of this section, shall decide in his discretion what business is to be proposed from time to time for transaction in the Council.

THE CONSTITUTION ORDERS

(5) The Governor shall consult with the Northern Council of Chiefs in the exercise of all powers conferred upon him with respect to—

(a) the appointment, approval of the appointment or recognition of a person as a Chief;

(b) the grading of a Chief;

(c) the deposition of a Chief;

(d) the removal of a Chief or a person who was formerly a Chief from any part of the Northern Region; and

(e) the exclusion of a Chief or any person who was formerly a Chief from any part of the Northern Region.

* (c)(d)236.—(1) There shall be, for the Southern Cameroons, a House of Chiefs, which shall be styled the House of Chiefs of the Southern Cameroons.

House of
Chiefs of
Southern
Cameroons.

(2) The members of the House of Chiefs of the Southern Cameroons shall be—

(a) the Commissioner of the Cameroons who shall be the President of the House;

(b) not less than eighteen members selected for membership of the House in accordance with regulations made under subsection (4) of this section; and

(c) those members of the Executive Council of the Southern Cameroons who are members of the House of Assembly of the Southern Cameroons.

(3) The number of members of the House of Chiefs of the Southern Cameroons to be selected under paragraph (b) of subsection (1) of this section shall, subject to the provisions of that paragraph, be such as the Commissioner of the Cameroons, acting in his discretion, may from time to time prescribe.

(4) Subject to the provisions of this section, the Commissioner of the Cameroons, acting in his discretion, may by regulation—

(a) make provision for the selection of persons to be members of the House of Chiefs of the Southern Cameroons in accordance with the foregoing provisions of this section;

(b) prescribe qualifications for selection as aforesaid;

(c) prescribe conditions on which any person selected as aforesaid shall hold his seat in the House;

(d) make provision for the regulation and orderly conduct of the proceedings of the House.

(5) (a) The House of Chiefs of the Southern Cameroons may consider and discuss any Bill introduced in the House of Assembly of the Southern Cameroons, not being a Bill that the Commissioner of the Cameroons, acting in his discretion, certifies in writing to be a money Bill, or the draft of any such Bill proposed for introduction in that House, or any other matter that may be referred to the House for consideration by the Commissioner, acting in his discretion, or by any other member, and may submit resolutions on any such Bill or draft Bill or other matter to the Commissioner for his consideration, which the Commissioner shall cause to be laid before the House of Assembly of the Southern Cameroons.

(b) In this subsection "a money Bill" means a Bill that, in the opinion of the Commissioner, contains only provisions dealing with all or any of the following matters, namely, the imposition, repeal, remission, alteration or

* For date of commencement of this section see S. I. (3) (d) of the Nigeria (Constitution) (Amendment) Order in Council, 1958.

THE CONSTITUTION ORDERS

regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on public money or the variation or repeal of such charges; the grant of money to the Crown or to any authority or person, or the variation or revocation of any such grant; the appropriation, receipt, custody, investment, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof; or subordinate matters incidental to those matters or any of them.

(6) (a) All questions proposed for determination in the House of Chiefs of the Southern Cameroons shall be determined by a majority of the votes of the members present and voting:

Provided that—

(i) the President shall not have an original vote but he may give a casting vote if on any question the votes are equally divided;

(ii) the members of the House mentioned in paragraph (c) of subsection (2) of this section shall not have an original vote.

(b) If on any question the votes are equally divided and the President does not exercise the casting vote the motion shall be lost.

THE CONSTITUTION ORDERS

(a)(b)(c) FIRST SCHEDULE

Section 2

THE LEGISLATIVE LISTS

Part I—The Exclusive Legislative List

- Item**
- 1 Accounts of the Government of the Federation, including audit of those accounts.
[Item 2 rev., S.I. 1957/1530.]
 - 3 Archives, other than the public records of the Governments of the former Northern Region, the former Western Region and the former Eastern Region relating to the period between the twenty-third day of January, 1952, and the thirtieth day of September, 1954, and the public records of the Governments of the Regions and the Southern Cameroons.
 - 4 Aviation, including aerodromes, safety of aircraft and ancillary transport and other services.
 - 5 Banks and banking.
 - 6 Bills of exchange and promissory notes.
 - (a)7 Borrowing of monies outside Nigeria for the purposes of the Federation or of any Region or of the Southern Cameroons.
 - (a)8 Borrowing of monies within Nigeria for the purposes of the Federation.
[Items 9, 10 rev., S.I. 1957/1530.]
 - 11 Companies, that is to say, general provision as to the incorporation, regulation and winding-up of bodies corporate, other than bodies incorporated directly by a law enacted by the Legislature of a Region or of the Southern Cameroons, and other than co-operative societies.
 - 12 Copyright.
 - 13 Currency, coinage and legal tender.
 - 14 Customs and excise duties, including export duties.
 - 15 Defence.
 - (b)16 Deportation from Nigeria; compulsory removal of persons from a Region to another Region or the Southern Cameroons or Lagos or from the Southern Cameroons to a Region or Lagos or from Lagos to a Region or the Southern Cameroons.
 - (c)16A Designation of securities in which trust funds may be invested.
 - (c)16B The establishment and regulation of a Federal authority empowered to administer trusts.
 - (c)16C The establishment and regulation of a Federal authority empowered to apply for grants of representation in respect of the estates in Nigeria of deceased persons and to administer such estates.
 - (c)16D The establishment and regulation of a Federal authority empowered to prohibit or restrict the exhibition of cinematograph films in Nigeria in the interests of public safety, public order or public morality.

(a) First Sch., Pt. I, items 7, 8, 25, 39 as am., S.I. 1955/432.

(b) First Sch., Pt. I, item 16 as subat., S. I. 1956/836.

(c) First Sch., Pt. I, items 16A, 16B, 16C, 16D, 20A inserted, S.I. 1957/1530.

THE CONSTITUTION ORDERS

- Item*
- 17 Exchange control.
- 18 External affairs, that is to say, such external relations (not being relations between the United Kingdom and any Region) as may from time to time be entrusted to the Federation by Her Majesty's Government in the United Kingdom.
- 19 The following higher educational institutions, that is to say—
 The University College, Ibadan.
 The University College Teaching Hospital.
 The Nigerian College of Arts, Science and Technology.
 The West African Institute of Social and Economic Research.
 The Pharmacy School, Yaba.
 The Forest School, Ibadan.
 The Veterinary School, Vom.
 The Man-o'-War Bay Training Centre.
- 20 Immigration into and emigration from Nigeria.
- (c)20A Insurance other than insurance undertaken by the Government of a Region or the Southern Cameroons but including any insurance undertaken by the Government of a Region that extends beyond the limits of that Region and any insurance undertaken by the Government of the Southern Cameroons that extends beyond the limits of the Southern Cameroons.
- 21 Legal proceedings between the Government of the Federation and any other person or authority or between the Governments of Regions or between the Government of a Region and the Government of the Southern Cameroons.
- 22 Maritime shipping and navigation, including—
 (a) shipping and navigation on tidal waters;
 (b) shipping and navigation on the River Niger and its affluents and on such other inland waterway as the Governor-General may by Order declare to be an international waterway or to be an inter-Regional waterway;
 (c) lighthouses, lightships, beacons and other provisions for the safety of shipping and navigation;
 (d) such ports as the Governor-General may by Order declare to be Federal Ports (including the constitution and powers of port authorities for Federal Ports).
- (a)22A Marriages other than marriages under Moslem law or other customary law; annulment and dissolution of, and other matrimonial causes relating to, marriages other than marriages under Moslem law or other customary law.
- 23 Meteorology.
- (b)24 Mines and minerals, including oilfields and oil mining and geological surveys and natural gas.
- c(25) Museums of the Federation, that is to say—
 (a) the following existing museums, namely—
 The Jos Museum.
 The Oron Museum.
 The House of Images at Ede.
 (b) any museums established by the Government of the Federation.

(a) First Sch., Pt. I, items 22A, 25A inserted, S.I. 1957/1530.

(b) First Sch., Pt. I, items 24, 41 as am., S.I. 1957/1530.

(c) First Sch., Pt. I, items 25, 39 as am., S.I. 1955/432.

THE CONSTITUTION ORDERS

Item

- (a) 25A Nationality, including naturalisation of aliens and citizenship of Nigeria.
- 26 Nuclear energy.
- 27 Passports and visas.
- 28 Patents, trade marks, designs and merchandise marks.
- (b) 29 Pensions and gratuities payable out of the Consolidated Revenue Fund on the other public funds of the Federation.
[Item 30 rev., S.I. 1957/1530.]
- 31 Posts, telegraphs and telephones, including Post Office Savings Banks.
- 32 Public debt of the Federation.
- 33 Public relations of the Federation.
- 34 Public service of the Federation, including the settlement of disputes between the Federation and officers in the public service of the Federation.
- 35 Railways, including ancillary transport and other services.
- 36 Taxes on income and profits, except taxes on the incomes or profits accruing in, or derived from, any Region or the Southern Cameroons of Africans resident in any Region or the Southern Cameroons and African communities in any Region or the Southern Cameroons.
- 37 Trade and commerce among the Regions, the Southern Cameroons and Lagos.
- 38 Trunk roads, that is to say, the construction, alteration and maintenance of roads declared by the Governor-General by Order to be Federal Trunk Roads.
- (c) 39 Water from sources declared by the Governor-General, by Order, to be sources affecting more than one Region or a Region and the Southern Cameroons or a Region and Lagos.
- 40 Weights and measures.
- (b) 41 Wireless, broadcasting and television other than broadcasting and television provided by the Government of a Region or of the Southern Cameroons; allocation of wavelengths for wireless, broadcasting and television transmission.
- 42 Any matter, not mentioned elsewhere in this List, that is incidental to the execution of any power conferred by or under this Order upon the Federal Legislature, the Government of the Federation or any department or officer of that Government.
- 43 Any matter, not mentioned elsewhere in this List, with respect to which power to make laws is conferred by this Order upon the Federal Legislature, not being a matter with respect to which power to make laws is also conferred upon the Legislature of a Region or the Southern Cameroons.

Item

Part II—The Concurrent Legislative List.

- [Item 1 rev., S.I. 1957/1530.]
- 2 Antiquities.
- 3 Bankruptcy and insolvency.
- (b)3A Census.
- 4 Chemical services; including analytical services.
- 5 Commercial and industrial monopolies, combines and trusts.
[Item 6 rev., S.I. 1957/1530.]
- (b)7 Such drugs and poisons as the Governor-General may, with the consent of the Governor of each Region, by Order designate.
[Item 8 rev., S.I. 1957/1530.]
[Item 9 rev., S.I. 1958/429.]
- 10 Fingerprints, identification and criminal records.
[Item 11 rev., S.I. 1957/1530.]
- (b)12 Higher education, that is to say, institutions and other bodies offering courses or conducting examinations of a university, technological or of a professional character, other than the institutions referred to in item 19 of the Exclusive Legislative List.
- 13 Industrial development.
[Item 14 rev., S.I. 1957/1530.]
- 15 Labour, that is to say, conditions of labour, industrial relations, trade unions and welfare of labour.
- (a)16 Control of the voluntary movement of persons between Regions or between a Region and the Southern Cameroons or Lagos or between the Southern Cameroons and Lagos.
- 17 National Monuments, that is to say—
(a) monuments in a Region designated by the Governor-General by Order, with the consent of the Governor of that Region, as National Monuments;
(b) monuments in the Southern Cameroons designated by the Governor-General by Order as National Monuments.
- 18 National Parks, that is to say—
(a) the control of any area in a Region designated by the Governor-General by Order, with the consent of the Governor of that Region, as a National Park;
(b) the control of any area in the Southern Cameroons designated by the Governor-General by Order as a National Park.
- (b)18A Police, including bureaux of intelligence and investigation.
- 19 Prisons and other institutions for the treatment of offenders.
- (b)20 Professional qualifications in respect of such professions as, and to the extent that, the Governor-General may with the consent of the Governor of each Region by Order designate; registration and disciplinary control of members of professions so designated.
- 21 Promotion of tourist traffic.

(a) First Sch., Pt. II, item 16 as subst., S.I. 1956/836.

(b) First Sch., Pt. II, items 3A, 18A, inserted, 7 as subst., 12, 20 as am., S.I. 1957/1530.

THE CONSTITUTION ORDERS

Item

- 22 The maintaining and securing of public safety and public order (but not including defence); the providing, maintaining and securing of such supplies and services as the Governor-General may by Order declare to be essential supplies and services.
- 23 Quarantine.
- 24 Registration of business names.
[Item 25 rev., S.I. 1957/1530.]
- 26 Scientific and industrial research.
- 27 Statistics.
- 28 Traffic on Federal Trunk Roads.
- 29 Trigonometrical, cadastral and topographical surveys.
[Item 30 rev., S.I. 1957/1530.]
- 31 Water-power.
- 32 Any matter, not mentioned elsewhere in this List, that is incidental to the execution of any power conferred by or under this Order upon the Legislature of a Region or of the Southern Cameroons, the Government of a Region or the Southern Cameroons or any department or officer of that Government.
- 33 Any matter with respect to which the Federal Legislature is authorized to make laws for a Region or the Southern Cameroons by the Legislature of that Region or the Southern Cameroons, as the case may be, to the extent of the authority conferred by that Legislature.
- 34 Any matter, not mentioned elsewhere in this List, with respect to which power to make laws is conferred by this Order upon both the Federal Legislature and the Legislature of a Region or the Southern Cameroons.

Part III—Provisions with Respect to Certain Orders

1. Any Order made for the purposes of any of the following items in Part I of this Schedule, that is to say, items 22, 38 and 39, or for the purposes of any of the following items in Part II of this Schedule, that is to say, items 17, 18, 20 and 22, shall be published in the Official Gazette of the Federation.

2. Where any consent is required to the making of any such Order, a notification in the Official Gazette of the Federation that the necessary consent has been given shall be sufficient evidence of that consent.

(a) Part IV—Interpretation

References to any matters in Part I or Part II of this Schedule shall include references to matters incidental and supplementary to those matters, and in particular (without prejudice to the generality of the foregoing provision) shall include—

- (a) prescribing offences with respect to any of those matters;
- (b) the compulsory acquisition and tenure of land for the purpose of any of those matters; and
- (c) the establishment and regulation of tribunals of enquiry for the purpose of any of those matters.

THE CONSTITUTION ORDERS

SECOND SCHEDULE

Section 3.

TERRITORY COMPRISED IN THE NORTHERN REGION, THE WESTERN REGION,
THE EASTERN REGION, THE SOUTHERN CAMEROONS AND LAGOS

1. The Northern Region .. Those parts of the Protectorate and the Cameroons that, immediately before the commencement of this Order, were comprised in the former Northern Region.
2. The Western Region ... Those parts of the Colony and the Protectorate that, immediately before the commencement of this Order, were comprised in the former Western Region, but excluding the territory referred to in paragraph 3 of this Schedule.
3. The Eastern Region .. That part of the Protectorate that, immediately before the commencement of this Order, was comprised in the former Eastern Region.
4. The Southern Cameroons That part of the Cameroons that, immediately before the commencement of this Order, was comprised in the former Eastern Region.
5. Lagos That part of the Colony that, immediately before the commencement of this Order, was comprised in the town of Lagos as delimited by the Lagos Local Government (Delineation of the Town and Division into Wards) Order in Council, 1953, made under the Lagos Local Government Law, 1953(a).

(b) THIRD SCHEDULE Sections 10 and 39.

OFFENCES INVOLVING DISQUALIFICATION FOR ELECTION

1.—(a) An offence under any provision of the following Chapters of the Code of Criminal Law established by the Criminal Code Ordinances(a) :—

Chapters VI, VIA and VII (which relate to treason, treachery, sedition and the like offences) except an offence under subsection (2) of section 48 or under section 60;

Chapter XII (which relates to corruption and abuse of office) except an offence under any of sections 101 to 111;

Chapter XIII (which relates to selling and trafficking in offices);

Chapter XIV (which relates to offences relating to the administration of justice) except an offence under section 128, 129, 130, 132 or 133;

Chapter XVI (which relates to offences relating to the coin) except an offence under section 156 or 160;

Chapters XXXIV, XXXV, XXXVI, XXXVII, XXXVIII, XXXIX and XL (which relate to stealing and like offences) provided that, in the case of an offence under any of sections 411 to 417 that involves the commission of, or the intention to commit, a felony, the felony committed or intended to be committed is an offence mentioned in this Schedule;

(a) No. 4 of 1953 of Western Region.

(b) Third Sch. as am. S.I. 1958/1958.

(c) Laws of Nigeria, Rev. 1948, Chapter 42.

THE CONSTITUTION ORDERS

Chapters XLIII, XLIV, XLV and XLVI (which relate to forgery and like offences and personation);

Chapter XLVII (which relates to fraudulent debtors); and

Chapter XLIX (which relates to secret commissions and corrupt practices).

(b) An offence under any provision of the West African Currency Notes Ordinance(a).

2. In this Schedule—

(a) references to the Criminal Code Ordinance and the West African Currency Notes Ordinance are references to those Ordinances as set out in the Revised Edition of the Laws of Nigeria prepared under the authority of the Revised Edition of the Laws Ordinance, 1947(b); and

(b) references to those Ordinances are references to those Ordinances as from time to time amended as they apply in relation to any part of Nigeria and include references to any enactment replacing either of those Ordinances in their application to any part of Nigeria.

* [Fourth Schedule rev., S.I. 1958/1257.]

(a) Laws of Nigeria, Rev. 1948, Chapter 230.

(b) Laws of Nigeria, Rev. 1948, I, p. 15.

(c) FIFTH SCHEDULE

Section 180L

OFFENCES CONNECTED WITH PUBLIC SERVICE AND JUDICIAL SERVICE
COMMISSIONS OF WESTERN AND EASTERN REGIONS

1. Any person who, in connection with any application by any person for employment or promotion in the public service of the Region or with any matter upon which it is the duty of the Commission to advise the Governor, wilfully gives to the Public Service Commission or the Judicial Service Commission of the Western Region or the Eastern Region or any member thereof, or to any person or body of persons appointed by any regulation to assist the Commission in the exercise of its functions or the discharge of its duties, any information which he knows to be false or does not believe to be true, or which he knows to be false by reason of the omission of any material particular, shall be guilty of an offence.

Supplying
false
information.

2.—(1) Neither the Chairman nor any other member of the Public Service Commission or the Judicial Service Commission of the Western Region or the Eastern Region nor any other person shall, otherwise than in the execution of his official duties or with the written permission of the Governor, publish or disclose to any person other than a public officer in the course of his duties as such the contents of any document, communication or information whatsoever which has come to his notice in the course of his duties in respect of any matter referred to the Commission.

Unauthorised
disclosure
or use of
information.

(2) If any person having possession of any information which to his knowledge has been disclosed in contravention of the provisions of subparagraph (1) of this paragraph publishes or communicates any such information to any other person, otherwise than for the purpose of any prosecution or proceedings under this Schedule, he shall be guilty of an offence.

* For date of revocation of Fourth Schedule by S. 39 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958, see S.I. (4) of that Order.

(c) Fifth Sch., inserted, S.I. 1958/429.

THE CONSTITUTION ORDERS

Improper
influence.

3. Any person who otherwise than in the course of his duty directly or indirectly by himself or by any other person in any manner whatsoever improperly influences or attempts to influence the Chairman or any other member of the Public Service Commission or the Judicial Service Commission of the Western Region or the Eastern Region or any person upon whom a power is conferred under section 180b of this Order shall be guilty of an offence:

Provided that nothing in this paragraph shall prohibit any person who may properly do so from giving a certificate or testimonial to any applicant or candidate for any public office or from supplying any information or assistance at the request of the Commission.

Improperly
receiving
gifts.

4. If the Chairman or any other member of the Public Service Commission or Judicial Service Commission of the Western Region or the Eastern Region receives any gift, or accepts the promise of any gift, of any kind whatsoever in connection with the performance of his duties he shall be guilty of an offence.

Penalties.

5. Any person guilty of an offence under this Schedule shall be liable to a fine not exceeding £200 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport)

This Order makes provision for a constitution for Nigeria under which Nigeria is divided into three Regions, the Southern Cameroons and the Federal Territory of Lagos, which will together form the Federation of Nigeria. It establishes a Federal Legislature with power to make laws for the Federation in respect of certain matters, and to make laws for Lagos, and also establishes a Legislature for each of the Regions and for the Southern Cameroons, with power to make laws in respect of certain matters.

L.N. 17 of 1959

STATUTORY INSTRUMENTS

(Remaining effective provisions reprinted, see G.N. 102 of 1959)

1957 No. 1530

NIGERIA

The Nigeria (Constitution) (Amendment No. 2)

Order in Council, 1957

Made 23rd August, 1957

Laid before Parliament .. . 29th August, 1957

Coming into Operation .. . 30th August, 1957

At the Court at Balmoral, the 23rd day of August, 1957

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1956(b).

Citation,
construction
and com-
mencement.

(2) The Nigeria (Constitution) Orders in Council, 1954 to 1956, the Nigeria (Constitution) (Amendment) Order in Council, 1957(c) and this Order may be cited together as the Nigeria (Constitution) Orders in Council, 1954 to 1957.

(3) This Order shall come into operation on the thirtieth day of August, 1957.

[*Sr. 2-5 amend S.I. 1954/1146*]

6.—(1) [*Amends S.I. 1954/1146, S. 10*]

(2) Section 14 of the principal Order shall continue to apply in relation to a Representative Member of the House of Representatives who immediately before the commencement of this Order was holding or acting in an office of emolument under the Crown as if paragraph (e) of subsection (4) of section 2 of the principal Order had not been deleted by section 2 of this Order and as if section 10 of the principal Order had not been amended by subsection (1) of this section; but it shall only so apply to that member until such time as—

(a) the seat of that member in the House becomes vacant; or

(b) the subsisting appointment of that member to that office expires or is terminated,
whichever is the earlier.

[*S. 7 amends S.I. 1954/1146*]

8.—(1) [*Amends S.I. 1954/1146, S. 39*]

(2) Section 47 of the principal Order shall continue to apply in relation to an Elected Member of the House of Assembly of a Region or the Southern Cameroons who immediately before the commencement of this Order was

(a) 53 & 54 Vict. c. 37.

(b) S.I. 1954/1146 (1954 II, p. 2829), 1955/432 (1955 II, p. 3163; 1956 II, p. 2953) and 1956/836.

(c) S.I. 1957/1363.

THE CONSTITUTION ORDERS

holding or acting in an office of emolument under the Crown as if paragraph (e) of subsection (4) of section 2 of the principal Order had not been deleted by section 2 of this Order and as if section 39 of the principal Order had not been amended by subsection (1) of this section ; but it shall only so apply to that member until such time as—

- (a) the seat of that member in the House becomes vacant ; or
 - (b) the subsisting appointment of that member to that office expires or is terminated,
- whichever is the earlier.

[Ss. 9-10 amend S.I. 1954/1146]

[S.11 revokes S. 42 in S.I. 1954/1146]

[S. 12 inserts new Ss. 56A and 56B in S.I. 1954/1146]

13.—(1) [Amends S.I. 1954/1146, S. 57]

(2) (a) A law in force or having any effect immediately before the commencement of this Order that was enacted by the Federal Legislature shall, in so far as it provides for the amendment of any provision of an existing law that relates to a matter included in the Concurrent Legislative List, be deemed after the commencement of this Order—

(i) in relation to a Region, to have been enacted by the Legislature of that Region ;

(ii) in relation to the Southern Cameroons, to have been enacted by the Legislature of the Southern Cameroons.

(b) In this subsection the expression "existing law" has the meaning assigned to it by subsection (1) of section 57 of the principal Order but does not include the Police Ordinance or any Ordinance amending that Ordinance.

[S. 14 amends S.I. 1954/1146, S. 60]

[S. 15 substitutes new S. 62 in S.I. 1954/1146]

[S. 16 inserts new S. 62A in S.I. 1954/1146]

[S. 17 inserts new S. 66A in S.I. 1954/1146]

18.—(1) [Substitutes new S. 88 in S.I. 1954/1146]

(2) The seats in the Council of Ministers of the Ministers holding office immediately before the commencement of this Order shall become vacant at the commencement of this Order.

[S. 19 inserts new S. 88A in S.I. 1954/1146]

[S. 20 amends S.I. 1954/1146, S. 89]

[S. 21 substitutes new S. 90 in S.I. 1954/1146]

[S. 22 substitutes new S. 91 in S.I. 1954/1146]

[S. 23 revokes S. 92 in S.I. 1954/1146]

[S. 24 substitutes new S. 93 in S.I. 1954/1146]

[S. 25 substitutes new S. 94 in S.I. 1954/1146]

[Ss. 26-27 amend S.I. 1954/1146]

[S. 28 substitutes new S. 98 in S.I. 1954/1146]

[S. 29 inserts new Ss. 98A and 98B in S.I. 1954/1146]

[S. 30 amends S.I. 1954/1146]

[S. 31 revokes S. 101 in S.I. 1954/1146]

[S. 32 substitutes new S. 102 in S.I. 1954/1146]

[S. 33 inserts new S. 102A in S.I. 1954/1146]

[S. 34 amends S.I. 1954/1146]

THE CONSTITUTION ORDERS

35.—(1) [*Substitutes new S. 106 in S.I. 1954/1146*].

(2) The seats in the Executive Council of the Northern Region of the Regional Ministers holding office immediately before the commencement of this Order shall become vacant at the commencement of this Order.

[*Ss. 36-39 amend S.I. 1954/1146*]

[*S. 40 substitutes new S. 123 in S.I. 1954/1146*]

[*S. 41 inserts new S. 123B in S.I. 1954/1146*]

[*S. 42 substitutes new S. 135 in S.I. 1954/1146*]

[*Ss. 43-47 amend S.I. 1954/1146*]

[*S. 48 inserts new S. 191A in S.I. 1954/1146*]

[*S. 49 (1) substitutes new provisions for Part II in Chapter VII of S.I. 1954/1146. S. 49 (2) and (3) deleted by S. 40 of S.I. 1958/1257*].

50.—(1) [*Amends S.I. 1954/1146*]

(2) Any Orders made under Item 20 of Part II of the First Schedule to the principal Order and in force immediately before the commencement of this Order shall continue in force after the commencement of this Order as if they had been made with the consent of the Governor of each Region and may be amended or revoked accordingly.

[*S. 51 substitutes new S. 222 in S.I. 1954/1146*]

[*S. 52 amends the Fourth Schedule to S.I. 1954/1146*]

53.—(1) The Governor-General may, by Order published in the Official Gazette of the Federation, at any time within twelve months after the commencement of this Order, provide that any existing law shall be read and construed with such adaptations and modifications as may appear to the Governor-General to be necessary or expedient for bringing the provisions of that law into accord with the provisions of the principal Order, as amended by the Nigeria (Constitution) (Amendment) Order in Council, 1957, or this Order, or otherwise for giving effect or enabling effect to be given to those provisions; and any existing law shall have effect accordingly from such date as may be specified in the Order, not being a date earlier than the commencement of this Order.

Adaptation
of existing
laws.

(2) In this section "existing law" means a law in force or having effect immediately before the commencement of this Order that was enacted by any legislature in Nigeria and includes any instrument made in pursuance of any such law.

W. G. AGNEW

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the provisions of the Nigeria (Constitution) Order in Council, 1954, relating to the Legislative Houses established for Nigeria, the powers of the Nigerian legislatures, the Council of Ministers of the Federation, and the Executive Councils of the Regions.

L.N. 18 of 1959

STATUTORY INSTRUMENTS

(Remaining effective provisions reprinted, see G.N. 102 of 1959)

1958 No. 429

NIGERIA

The Nigeria (Constitution) (Amendment) Order in Council, 1958

[This O. is printed as am., by O., S.I. 1958/1257 (1958 II, p.)].

Made 14th March, 1958

Laid before Parliament 20th March, 1958

Coming into Operation 1st April, 1958

At the Court at Buckingham Palace, the 14th day of March, 1958

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Nigeria (Constitution) (Amendment) Order in Council, 1958, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1957(b).

(2)—[S. 1 (2) *rev. S.I. 1958/1257*]

(3) This Order shall come into operation on the first day of April, 1958: Provided that—

(a) subsection (2) of section 9 of this Order shall come into operation on the day after the dissolution of the Northern House of Assembly next following the commencement of this Order;

(b) sections 17, 18 and 26, subsection (2) of section 27 and section 28 of this Order shall come into operation on the day after the dissolution of the House of Assembly of the Southern Cameroons next following the commencement of this Order;

(c) sections 64, 65, 66, 67, 68, 69 and 71 of this Order shall come into operation on such date, not being a date earlier than the commencement of this Order, as may be fixed by the High Commissioner for the Southern Cameroons by Proclamation published in the Official Gazette of the Southern Cameroons; and

(d) so much of section 106 of this Order as relates to the insertion of section 236 in the principal Order shall come into operation on such date, not being a date earlier than the commencement of this Order, as may be fixed by the High Commissioner for the Southern Cameroons by Proclamation published in the Official Gazette of the Southern Cameroons.

[S. 2 *revokes S.I. 1957/2060 and S.I. 1958/260*]

3.—(1) [*Amends S.I. 1954/1146, s. 2*]

(2) Until such time as section 65 of this Order comes into operation, subsection (4) of section 2 of the principal Order, as set out in subsection (1) of this section, shall have effect as if the words "Minister of the Southern Cameroons" in sub-paragraph (iii) of paragraph (b) were deleted and the words "member of the Executive Council of the Southern Cameroons" were substituted.

(a) 53 & 54 Vict. c. 37.

(b) S.I. 1954/1146, as am. 1955/432, 1956/836, 1957/1363, 1530 (1954 II, p. 2879; 1955 II, p. 3163; 1956 II, p. 2953).

THE CONSTITUTION ORDERS

4.—(1) [Amends S.I. 1954/1146]

(2) Nothing in subsection (1) of this section shall affect the operation of subsection (2) of section 6 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957.

[S. 5 amends S.I. 1954/1146]

[S. 6 substitutes new S. 17 in S.I. 1954/1146]

[S. 7 amends S.I. 1954/1146]

[S. 8 substitutes new S. 20 in S.I. 1954/1146]

[Ss. 9-12 amend S.I. 1954/1146]

[S. 13 revokes S. 30 in S.I. 1954/1146]

[Ss. 14-17 amend S.I. 1954/1146]

18.—(1) [Substitutes new S. 35 in S.I. 1954/1146]

(2) Until such time as an appointment of a person to be Speaker of the House of Assembly of the Southern Cameroons is first made under section 35 of the principal Order, as set out in subsection (1) of this section, the Commissioner of the Cameroons may discharge the functions of Speaker, and for that purpose he shall be deemed to be a member of the House.

[S. 19 amends S.I. 1954/1146]

20.—(1) [Amends S.I. 1954/1146, S. 37]

(2) Any regulations made by the Governor-General under section 37 of the principal Order (including any regulations made under that section as applied by section 2 of the Nigeria (Electoral Provisions) Order in Council, 1957) and in force immediately before the commencement of this Order shall have effect as if they were regulations made by the High Commissioner for the Southern Cameroons under section 37 of the principal Order, as amended by this section.

21.—(1) [Amends S.I. 1954/1146, S. 39]

(2) Nothing in subsection (1) of this section shall affect the operation of subsection (2) of section 8 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957.

[Ss. 22-25 amend S.I. 1954/1146]

[S. 26 revokes S. 48 in S.I. 1954/1146]

[Ss. 27-29 amend S.I. 1954/1146]

[S. 30 substitutes new S. 54 in S.I. 1954/1146]

[S. 31 inserts new S. 56C in S.I. 1954/1146]

[Ss. 32-37 amend S.I. 1954/1146]

[S. 38 revokes S. 63 in S.I. 1954/1146]

[Ss. 39-40 amend S.I. 1954/1146]

41.—(1) [Amends S.I. 1954/1146, S. 66]

(2) Section 66 of the principal Order, as amended by subsection (1) of this section, shall apply in relation to laws enacted by the Legislature of the Southern Cameroons to which the Governor-General gave his assent before the commencement of this Order as it applies in relation to laws enacted by that Legislature to which the High Commissioner for the Southern Cameroons has given his assent.

[S. 42 revokes S. 67 in S.I. 1954/1146]

[Ss. 43-59 amend S.I. 1954/1146]

60.—(1) [Inserts new Ss. 119A and 119B in S.I. 1954/1146]

(2) The following provisions shall apply in relation to any person holding office immediately before the commencement of this Order as Attorney-General of the Western Region or Attorney-General of the Eastern Region—

THE CONSTITUTION ORDERS

(a) leave of absence from his duties shall be granted to that person at the commencement of this Order for such period as the Governor, acting in his discretion, may direct, and that period may be extended from time to time at the direction of the Governor, acting in his discretion;

(b) the provisions of section 119B of the principal Order, as set out in subsection (1) of this section, shall not apply in relation to that person;

(c) there shall be paid to that person a salary and allowances at the same rate as the salary and allowances payable to him immediately before the commencement of this Order, which shall be a charge on the Consolidated Revenue Fund of the Region and shall be statutory expenditure for the purposes of section 154B of the principal Order, as set out in subsection (1) of section 77 of this Order, and his other conditions of service shall not be altered to his disadvantage during his continuance in office;

(d) notwithstanding that that person is holding the office of Attorney-General of the Western Region or the Eastern Region, as the case may be, another person may be appointed to the office in pursuance of subsection (1) of section 119B of the principal Order, as set out in subsection (1) of this section, and for the purpose of any function conferred upon the holder of the office the person so appointed to the office shall be deemed to be the sole holder of the office.

[Ss. 61-65 amend S.I. 1954/1146]

66.—(1) *Substitutes new Ss. 127, 128 and 129 in S.I. 1954/1146*

(2) Until such time as section 17 of this Order comes into operation, subsection (1) of section 127 of the principal Order, as set out in subsection (1) of this section, shall have effect as if the words "paragraphs (c) and (e)" were deleted and the words "paragraphs (c), (d) and (e)" were substituted.

[S. 67 amends S.I. 1954/1146]

[S. 68 inserts new Ss. 131A, 131B and 131C in S.I. 1954/1146]

[S. 69 inserts new S. 132A in S.I. 1954/1146]

[S. 70 substitutes new S. 134 in S.I. 1954/1146]

[S. 71 inserts new S. 134A in S.I. 1954/1146]

[Ss. 72-75 amend S.I. 1954/1146]

76.—(1) *[Inserts new Ss. 142A-142D in S.I. 1954/1146].*

(2) The High Court of Justice of the Western Region and the High Court of Justice of the Eastern Region, as constituted immediately before the commencement of this Order under section 142 of the principal Order, shall after the commencement of this Order be deemed respectively to be the High Court of Justice of the Western Region and the High Court of Justice of the Eastern Region, as the case may be, as constituted by section 142A of the principal Order, as set out in subsection (1) of this section, and accordingly—

(a) the persons holding office immediately before the commencement of this Order as Chief Justice of the High Court of the Western Region or Chief Justice of the High Court of the Eastern Region as constituted under section 142 of the principal Order shall be deemed to have been appointed at the commencement of this Order as Chief Justice of the Western Region or the Eastern Region, as the case may be, under section 142A of the principal Order, as set out in subsection (1) of this section,

THE CONSTITUTION ORDERS

and the other persons holding office immediately before the commencement of this Order as judges of the High Court of the Western Region or judges of the High Court of the Eastern Region as constituted under section 142 of the principal Order shall be deemed to have been appointed at the commencement of this Order as judges of the High Court of the Western Region or judges of the High Court of the Eastern Region, as the case may be, under section 142A of the principal Order, as set out in subsection (1) of this section;

(b) any law enacted by any legislature in Nigeria and in force immediately before the commencement of this Order shall, in so far as its provisions are consistent with the provisions of the principal Order, as from time to time amended, and subject to the provisions of any Order made under section 110 of this Order, have effect after the commencement of this Order as if references therein to the High Court of Justice of the Western Region or the Eastern Region as constituted under section 142 of the principal Order and to the judges of that High Court were references to the High Court of Justice of the Western Region or the Eastern Region, as the case may be, as constituted by section 142A of the principal Order, as set out in subsection (1) of this section and to the judges of that High Court;

(c) any cause or matter or any appeal or case stated from another court that is pending or part-heard before the High Court of Justice of the Western Region or the Eastern Region as constituted under section 142 of the principal Order may be continued, completed and determined by the High Court of Justice of the Western Region or the Eastern Region, as the case may be, as constituted by section 142A of the principal Order, as set out in subsection (1) of this section; and

(d) any appeal or reference from the High Court of Justice of the Western Region or the Eastern Region as constituted under section 142 of the principal Order to the Federal Supreme Court or to Her Majesty in Council that is pending or part-heard may be continued, completed and determined as if it were an appeal or reference from the High Court of Justice of the Western Region or the Eastern Region, as the case may be, as constituted by section 142A of the principal Order, as set out in subsection (1) of this section, and that High Court may give effect to any judgment or order of the Federal Supreme Court or any Order of Her Majesty in Council given or made in the appeal as if it were the court from which the appeal or reference had been made.

77.—(1) [Inserts new Sr. 154A, 154B, 154C, 154D and 154E in S.I. 1954/1146]

(2) During the period beginning at the commencement of this Order and ending on the thirty-first day of July, 1958—

(a) section 154A of the principal Order, as set out in subsection (1) of this section, shall have effect as if there were inserted in subsection (2) after the words "the Federal Legislature" the words "or by a resolution of the House of Representatives"; and

(b) section 154B of the principal Order, as set out in subsection (1) of this section, shall have effect as if—

(a) for the words "the next following financial year" in subsection (1) there were substituted the words "that financial year"; and

THE CONSTITUTION ORDERS

(b) there were inserted in subsection (5) after the words "the Federal Legislature" the words "or a resolution of the House of Representatives".

[Ss. 78-85 amend S.I. 1954/1146]

[S. 86 revokes S. 163 in S.I. 1954/1146]

[S. 87 amends S.I. 1954/1146]

[S. 88 revokes Ss. 165, 166 and 167 in S.I. 1954/1146]

[S. 89 substitutes new S. 168 in S.I. 1954/1146]

[Ss. 90-94 amend S.I. 1954/1146]

95.—(1) [Inserts new Ss. 177A, 177B, 177C and 177D in S.I. 1954/1146]

(2) Until such time as provision in that behalf is made in pursuance of subsection (1) of section 177D of the principal Order, as set out in subsection (1) of this section, there shall be paid to the Chairman and the other members of the Federal Commission and the Chairman and the other members of the Police Service Commission of the Federation salaries and allowances calculated at the same rate as the salaries and allowances payable immediately before the commencement of this Order to those officers.

[Ss. 96-98 amend S.I. 1954/1146]

99.—(1) [inserts new Ss. 180A to 180L in S.I. 1954/1146]

(2) The persons holding office as members of the Public Service Commission of the Western Region or members of the Public Service Commission of the Eastern Region immediately before the commencement of this Order shall vacate their offices at the commencement of this Order.

(3) Until such time as provision in that behalf is made in pursuance of subsection (6) of section 180c of the principal Order, as set out in subsection (1) of this section, there shall be paid to the Chairman and other members of the Public Service Commission of the Western Region and the Chairman and other members of the Public Service Commission of the Eastern Region salaries and allowances calculated at the same rate as the salaries and allowances payable immediately before the commencement of this Order to the Chairman and other members of the Public Service Commission of the Western Region and the Chairman and other members of the Public Service Commission of the Eastern Region, as the case may be, established by section 179 of the principal Order.

[S. 100 revokes Ss. 181-187 in S.I. 1954/1146]

[S. 101 amends S.I. 1954/1146]

[S. 102 inserts new Ss. 190A and 190B in S.I. 1954/1146. S. 102 (2) deleted by S. 44 of S.I. 1958/1257].

[Ss. 103-105 amend S.I. 1954/1146]

106.—(1) [inserts new Ss. 223-236 in S.I. 1954/1146]

(2) The persons holding office immediately before the commencement of this Order as Director of Audit of the Western Region and Director of Audit of the Eastern Region shall be deemed to have been appointed as such at the commencement of this Order under section 225 of the principal Order, as set out in subsection (1) of this section.

(3) Until such time as provision in that behalf is made in pursuance of subsection (1) of section 224 of the principal Order or subsection (3) of section 225 of the principal Order, as set out in subsection (1) of this

THE CONSTITUTION ORDERS

section, there shall be paid to the Governor and the Deputy Governor of the Western Region and the Director of Audit of that Region and the Governor and the Deputy Governor of the Eastern Region and the Director of Audit of that Region salaries and allowances calculated at the same rate as the salaries and allowances payable immediately before the commencement of this Order to those officers.

[S. 107 amends the First Schedule of S.I. 1954/1146]

[S. 108 revoked by S. 39 in S.I. 1958/1257]

[S. 109 inserts new Fifth Schedule in S.I. 1954/1146]

110.—(1) The Governor-General may, by Order published in the Official Gazette of the Federation, at any time within twelve months after the commencement of this Order provide that any existing law shall be read and construed with such adaptations and modifications as may appear to the Governor-General to be necessary or expedient for bringing the provisions of that law into accord with the provisions of the principal Order, as amended by this Order, or otherwise for giving effect or enabling effect to be given to those provisions: and any existing law shall have effect accordingly from such date as may be specified in the Order, not being a date earlier than the commencement of this Order.

Adaptation
of existing
laws.

(2) In this section "existing law" means a law in force or having effect immediately before the commencement of this Order that was enacted by any legislature in Nigeria and includes any instrument made in pursuance of any such law.

[The Sch. adds Fifth Sch. to S.I. 1954/1146]

W. G. AGNEW

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the provisions of the Nigeria (Constitution) Order in Council, 1954, in a number of respects in order to give effect to certain recommendations of the Nigeria Constitutional Conference held in London in May and June, 1957.

L.N. 19 of 1959

STATUTORY INSTRUMENTS

(Remaining effective provision reprinted see G. N. 102 of 1959)

1958 No. 1257

NIGERIA

The Nigeria (Constitution) (Amendment No. 2)

Order in Council, 1958

Made	30th July, 1958
Laid before Parliament	7th August, 1958
Coming into Operation	8th August, 1958

At the Court at Buckingham Palace, the 30th day of July, 1958

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1957(b), and the Nigeria (Constitution) (Amendment) Order in Council, 1958(c).

[S. 1 (2) *rev. S. I. 1958/1522.*][S. 1 (3) *amends S.I. 1958/429*]

(4) This Order shall come into operation on the eighth day of August, 1958:

Provided that—

(a) sections 9, 13, 15, 16, 17, 18, 21, 37, 41, 42 and 43 shall be deemed to have come into operation on the first day of April, 1958; and

(b) sections 20, 22, 23, 24, 27, 28, 39 and 40 shall come into operation on a date to be fixed by the Governor-General, acting in his discretion, by Proclamation published in the Official Gazette of the Federation.

[Ss. 2-7 *amend S.I. 1954/1146*][S. 8 *substitutes new S. 33 in S.I. 1954/1146*][Ss. 9-10 *amend S.I. 1954/1146*][S. 11 *substitutes new S. 50 in S.I. 1954/1146*][S. 12 *substitutes new S. 61 in S.I. 1954/1146*][Ss. 13-22 *amend S.I. 1954/1146*][S. 23 *revokes S. 190 in S.I. 1954/1146*][S. 24 *revokes S. 190A in S.I. 1954/1146*]25.—(1) [*Substitutes new S. 190B in S.I. 1954/1146*][S. 25 (2) *rev. S. I. 1955/1958.*][S. 26 *revokes S. 191 in S.I. 1954/1146*][S. 27 *revokes S. 191A in S.I. 1954/1146*]28.—(1) [*Revokes Ss. 192-197 in S.I. 1954/1146*]

(2) The regulations made under Part 2 of Chapter VII of the principal Order and in force immediately before the commencement of this section shall continue in force in so far as they relate to the grant of benefits to officers in the public service of the Federation or a Region who retired before the

(a) 53 and 54 Vict. c. 37.

(b) S.I. 1954/1146, 1955/432, 1956/836, 1957/1363, 1530 (1954 II, p. 2829; 1955 II, p. 3163; 1956 II, p. 2953; 1957 II, pp. 3028, 3030).

(c) S.I. 1958/429.

THE CONSTITUTION ORDERS

thirtieth day of August, 1957, and may be amended or revoked as if this Order had not been made; and the provisions of subsection (2) of section 197 of the principal Order shall continue to apply in relation to benefits granted thereunder as if that section had not been revoked by subsection (1) of this section.

[S. 29 revokes Ss. 102-111 in S.I. 1954/1146]

[Sr. 30-32 amend S.I. 1954/1146]

[S. 33 revokes Ss. 215, 216, 217, 218 and 219 in S.I. 1954/1146]

[Ss. 34-38 amend S.I. 1954/1146]

[S. 39 revokes the Fourth Schedule to S.I. 1954/1146]

[Ss. 40-44 amends S.I. 1954/1146]

45. The appointment of Geoffrey Lionel Jobling to be a judge of the High Court of Justice of Lagos made by the Governor-General on the thirty-first day of December, 1955, in purported exercise of the powers conferred upon him by paragraph (b) of subsection (2) of section 142 of the principal Order as it applied in relation to Lagos by virtue of subsection (3) of that section shall for all purposes whatsoever be, and be deemed always to have been, duly made notwithstanding that the said Geoffrey Lionel Jobling had attained the age of sixty-two years before that date, and all acts and things done by the said Geoffrey Lionel Jobling before the commencement of this Order in exercise of the functions of the office of judge of the High Court of Justice of Lagos or the office of judge of the High Court of Justice of the Southern Cameroons shall accordingly be deemed to have been validly and effectually done.

Validation of appointment.

46.—(1) The Governor-General may, by Order published in the Official Gazette of the Federation, at any time within twelve months after the commencement of this Order provide that any existing law shall be read and construed with such adaptations and modifications as may appear to the Governor-General to be necessary or expedient for bringing the provisions of that law into accord with the provisions of the principal Order, as amended by this Order, or otherwise for giving effect or enabling effect to be given to those provisions; and any existing law shall have effect accordingly from such date as may be specified in the Order, not being a date earlier than the commencement of this Order.

Adaptation of existing laws.

(2) In this section "existing law" means a law in force or having effect immediately before the commencement of this Order that was enacted by any legislature in Nigeria and includes any instrument made in pursuance of any such law.

W. G. AGNEW

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends certain provisions of the Nigeria (Constitution) Order, 1954, relating to the legislatures established by the Order, the Executive Council of the Southern Cameroons, officers in the public services of the Federation and the Regions of Nigeria, powers in relation to prosecutions and the Council of Chiefs of the Southern Cameroons and revokes certain transitional provisions. It also validates the appointment of a judge of the High Court of Lagos.