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—Part B

## L.N. 59 of 1959

The following Statutory Instrument of the United Kingdom is re-published for information. The Order it amends was re-published with all current amendments as Legal Notice 16 of 1959.

### STATUTORY INSTRUMENTS

1959 No. 368

#### NIGERIA

#### The Nigeria (Constitution) (Amendment) Order in Council, 1959

Made .. .. . 11th March, 1959

Laid before Parliament .. .. . 11th March, 1959

Coming into operation .. .. . 15th March, 1959

At the Court at Buckingham Palace, the 11th day of March, 1959

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, 1959, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1958(b).

Citation,  
construction  
and com-  
mencement.

(2) The Nigeria (Constitution) Orders in Council, 1954 to 1958, and this Order may be cited together as the Nigeria (Constitution) Orders in Council, 1954 to 1959.

(3) This Order shall come into operation on the fifteenth day of March, 1959.

2. Section 2 of the Nigeria (Constitution) Order in Council, 1954(c), (hereinafter called "the principal Order") (as amended by section 2 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957(d), subsection (1) of section 3 of the Nigeria (Constitution) (Amendment) Order in Council, 1958(e), section 2 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1958(f), and subsection (1) of section 2 of the Nigeria (Constitution) (Amendment No. 4) Order in Council, 1958(g) is amended by the insertion in subsection (1) after the definition of "oath of allegiance" of the following definition :—

Amendment  
of s. 2 of  
Order of  
1954.

"produce" means such animal or vegetable products, whether processed or in a natural state (other than tobacco, hides or skins), as the Governor-General may, after consultation with the Governors of the Regions and the Commissioner of the Cameroons, prescribe by Order published in the Gazette.

3. Section 4 of the principal Order (as amended by section 3 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the deletion from subsection (2) of paragraph (d).

Amendment  
of s. 4 of  
Order of  
1954.

(a) 53 & 54 Vict. c. 37.

(b) S.I. 1954/1146, 1955/432, 1956/836, 1957/1363, 1530, 1958/429, 1257, 1522, 1958 (1954 II p. 2829; 1955 II, p. 3163; 1956 II, p. 2953; 1957 II, pp. 3028, 3030).

(c) S.I. 1954/1146 (1954 II, p. 2829). (d) S.I. 1957/1530 (1957 II, p. 3030).

(e) S.I. 1958/429. (f) S.I. 1958/1522. (g) S.I. 1958/1958.

Amendment  
of s. 17 of  
Order of  
1954.

4. Section 17 of the principal Order (as amended by section 6 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from subsection (1) of the words "forty-seven Chiefs," in paragraph (b) and the substitution of the words "ninety-five Chiefs."

Amendment  
of s. 21 of  
Order of  
1954.

5.—(1) Section 21 of the principal Order (as amended by section 7 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, and section 9 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from subsection (2) of the word "appointed" and the substitution of the word "elected."

(2) Section 21 of the principal Order (as amended) is further amended—

(a) by the deletion from subsection (1) of paragraph (a); and

(b) by the insertion after subsection (2) of the following subsection:—

"(3) A person appointed as Attorney-General of the Northern 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 Northern House of Assembly."

(3) Subsection (2) of this section shall come into force on the date on which subsection (2) of section 21 of this Order ceases to have effect.

Replacement  
of s. 23 of  
Order of  
1954.

6.—(1) Section 23 of the principal Order (as amended by section 10 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and section 4 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958(a)) is revoked and the following section is substituted:—

"Speaker  
and Deputy  
Speaker of  
Northern  
House of  
Assembly.

23.—(1) When the Northern 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 (b) or paragraph (c) of subsection (1) of section 21 of this Order; or

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

(2) When the Northern 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 (b) or paragraph (c) of subsection (1) of section 21 of this Order.

(3) As often as the office of the Speaker or the Deputy Speaker falls vacant otherwise than when the Northern House of Assembly first sits after any dissolution thereof, the members of the 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 Northern 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 or a Parliamentary Secretary to a Regional Minister."

(2) Section 23 of the principal Order (as set out in subsection (1) of this section) is amended by the insertion in subsection (4) after the words "becomes a Regional Minister" in sub-paragraph (ii) of paragraph (c) of the words ", Attorney-General of the Northern Region".

(3) Subsection (2) of this section shall come into force as soon as subsection (2) of section 21 of this Order shall cease to have effect.

(4) The persons holding office as Speaker and Deputy Speaker of the Northern House of Assembly immediately before the commencement of this Order shall be deemed respectively to have been elected Speaker in pursuance of paragraph (a) of subsection (1) of section 23 of the principal Order (as set out in subsection (1) of this section) and to have been elected Deputy Speaker in pursuance of subsection (2) of that section at the commencement of this Order and the provisions of subsection (4) of that section shall apply to them accordingly.

7. The principal Order is amended by the insertion after section 56c of the principal Order (as set out in section 31 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) of the following section:—

Insertion of section 56d in Order of 1954.

"Tax exemptions in respect of mining. 56d. A law enacted by the Federal Legislature may, for the purpose of implementing any agreement between the Federal Government and any person relating to mining or matters connected therewith, provide for exempting such person in whole or in part from liability for any tax, duty, rate or other due imposed by or under a law enacted by any legislature in Nigeria."

8. The principal Order is amended by the insertion after section 58 of the following section:—

"Freedom of trade and commerce. 58A.—(1) No restriction shall be imposed upon trade or commerce among the Regions or between a Region and the Southern Cameroons or Lagos or between the Southern Cameroons and Lagos by or in pursuance of any law enacted by any legislature in Nigeria.

Insertion of s. 58A in Order of 1954.

(2) The provisions of this section shall be without prejudice to the powers conferred upon any legislature in Nigeria by section 54 of this Order or to the like powers possessed by the Federal Legislature in relation to Lagos; and nothing in this section shall prevent the imposition of restrictions necessary in the interest of defence, public safety, public order, public morality, public health (including the health of animals or plants) or for the purpose of providing, maintaining or securing supplies and services necessary to the life of the community."

Amendment  
of s. 60 of  
Order of  
1954.

9. Section 60 of the principal Order (as amended by section 14 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, and section 35 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from subsection (2) of paragraph (c).

Amendment  
of s. 62A of  
Order of  
1954.

10. Section 62A of the principal Order (as set out in section 16 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, and as amended by section 37 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is revoked and the following section is substituted :—

"Application of section 62. The provisions of section 62 of this Order (other than subsection (6)) 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 shall be construed as if they were references to the High Commissioner for the Southern Cameroons."

Amendment  
of s. 64 of  
Order of  
1954.

11. Section 64 of the principal Order (as amended by section 39 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the insertion in subsection (6) after paragraph (b) of the following paragraph :—

‘; and

(c) the following proviso were added to subsection (1) :—

“Provided that the Governor shall not make any such declaration unless he is satisfied that it is necessary or expedient so to do in the interest of the peace, order and good government of such part of the Cameroons as is comprised in the Northern Region”.

Amendment  
of s. 65 of  
Order of  
1954.

12. Section 65 of the principal Order (as amended by section 40 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion of subsection (5) and the substitution of the following subsection :—

“(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—

(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 the Northern Region, the Legislative Houses of the Northern Region and the Official Gazette of the Northern Region; and

(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 authorised 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 with or arrangement relating to any country or international or similar organisation 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;

(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 be undesirable in the interest of the peace, order and good government of such part of the Cameroons as is comprised in the Northern Region."

13. Section 66 of the principal Order (as amended by subsection (1) of section 41 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

Amendment of s. 66 of Order of 1954.

(a) by the deletion from subsection (1) of the words "any law enacted by the Legislature of the Northern Region to which the Governor has given his assent";

(b) by the deletion from subsection (1A) of the words "to which the Governor of the Western Region or the Eastern Region" and the substitution of the words "enacted by the Legislature of a Region to which the Governor"; and

(c) by the insertion after subsection (1A) of the following subsection:—

"(1B) Any law to which the Governor of the Northern 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 to be undesirable in the interest of the peace, order and good government of such part of the Cameroons as is comprised in the Northern Region."

14. Section 71 of the principal Order (as amended by section 46 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from subsection (2) of the words "in relation to the Legislative Houses of the Western Region and the Eastern Region" in paragraph (b).

Amendment of s. 71 of Order of 1954.

15.—(1) Section 106 of the principal Order (as set out in subsection (1) of section 35 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the deletion of paragraph (a).

Amendment of s. 106 of Order of 1954.

(2) Section 106 of the principal Order (as amended) is further amended by the deletion of paragraph (b).

(3) Subsection (2) of this section shall come into force on the date on which subsection (2) of section 21 of this Order ceases to have effect.

16.—(1) Section 115 of the principal Order (as set out in section 4 of the Nigeria (Constitution) (Amendment) Order in Council, 1957(a)) is amended—

Amendment of s. 115 of Order of 1954.

(a) by the deletion of subsection (1); and

(b) by the deletion from subsection (2) of the words "the Western Region or the Eastern Region" and the substitution of the words "a Region".

(2) Section 115 of the principal Order (as amended) is amended by the addition of the following subsection—

"(3) For the purposes of subsection (2) of this section the Attorney-General of the Northern Region shall be deemed to be a Regional Minister of that Region".



(3) Subsection (2) of this section shall cease to have effect on the date on which subsection (2) of section 21 of this Order ceases to have effect.

Amendment  
of s. 117 of  
Order of  
1954.

17. Section 117 of the principal Order (as set out in section 5 of the Nigeria (Constitution) (Amendment) Order in Council, 1957) is revoked and the following section is substituted:—

"Summon-  
ing Executive  
Councils of  
Regions and  
quorum  
therein.

117.—(1) The Executive Council of a Region shall not be summoned except by the authority of the Premier of the Region.

(2) No business shall be transacted in the Executive Council of a Region if objection is taken by any member present that, in addition to the Premier or other member presiding, there are present—

(a) in the case of the Northern Region, less than eight members; or

(b) in the case of the Western Region or the Eastern Region, less than six members."

Amendment  
of s. 118 of  
Order of  
1954.

18. Section 118 of the principal Order (as amended by section 6 of the Nigeria (Constitution) (Amendment) Order in Council, 1957) is amended—

(a) by the deletion from subsection (2) of paragraph (a); and

(b) by the deletion from subsection (2) of the words "other than the Governor of the Northern Region" in paragraph (b).

Revocation  
of s. 119 of  
Order of  
1954.

19. Section 119 of the principal Order (as amended by section 59 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is revoked.

Amendment  
of s. 119A of  
Order of  
1954.

20.—(1) Section 119A of the principal Order (as set out in subsection (1) of section 60 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from subsection (1) of the words "the Western Region or the Eastern Region" in paragraph (a) and the substitution of the words "a Region".

(2) Section 119A of the principal Order (as amended) shall have effect in relation to the Northern Region as if subsection (1) were amended by the insertion after the words "any Regional Minister" of the words "or the Attorney-General of the Northern Region":

Provided that nothing in that section shall be construed as preventing a person holding or acting in the office of Attorney-General of the Northern Region from holding or acting in the office of Director of Public Prosecutions of the Northern Region.

(3) Subsection (2) of this section shall cease to have effect on the date on which subsection (2) of section 21 of this Order ceases to have effect.

Amendment  
of s. 119B of  
Order of  
1954.

21.—(1) Section 119B of the principal Order (as set out in subsection (1) of section 60 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

(a) by the deletion from subsection (1) of the words "the Western Region" and the substitution of the words "each Region"; and

(b) by the deletion of subsection (4).

(2) Section 119a of the principal Order (as amended) shall have effect in relation to the Northern Region as if—

(a) subsection (2) were amended by the deletion of paragraph (a); and

(b) subsection (3) were amended by the addition of the following proviso:—

"Provided that, in the case of the Attorney-General of the Northern Region, the powers of the Governor shall be exercised after consultation with the Premier of the Region and the Public Service Commission of the Region"

(3) Subsection (2) of this section shall cease to have effect on such date as may be fixed by the Governor of the Northern Region by Proclamation published in the Official Gazette of the Region.

22. Section 120 of the principal Order (as amended by section 61 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from subsection (1) of the words "section 119 or".

Amendment of s. 120 of Order of 1954.

23. Section 121 of the principal Order (as amended by section 62 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

(a) by the deletion of subsection (1); and

(b) by the deletion from subsection (1A) of the words "of the Western Region or the Eastern Region".

Amendment of s. 121 of Order of 1954.

24. Section 123 of the principal Order (as set out in section 40 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, and as amended by section 63 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from subsection (3) of the words "the Western Region or the Eastern Region" and the substitution of the words "a Region".

Amendment of s. 123 of Order of 1954.

25. Section 123A of the principal Order (as set out in section 7 of the Nigeria (Constitution) (Amendment) Order in Council, 1957) is amended by the deletion of the words "the Western Region or the Eastern Region" wherever they appear and the substitution of the words "a Region".

Amendment of s. 123A of Order of 1954.

26. Section 135 of the principal Order (as amended by section 42 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the deletion from subsection (2) of the words "the Western Region or the Eastern Region" and the substitution of the words "a Region".

Amendment of s. 135 of Order of 1954.

27. Section 139 of the principal Order (as amended by section 74 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and section 4 of the Nigeria (Constitution) (Amendment No. 4) Order in Council, 1958) is amended by the deletion of subsection (4) and the substitution of the following subsection:—

Amendment of s. 139 of Order of 1954.

"(4) Sections 142a and 142c of this Order shall apply in relation to the Federal Supreme Court as they apply in relation to the High Court of a Region, and for that purpose those sections shall have effect as if—

(a) references to the Governor of a Region and the High Court of a Region were references to the Governor-General and the Federal Supreme Court.

(b) the words "sixty-two years" in subsection (1) of section 142b wherever they occur were deleted and the words "sixty-five years" were substituted; and

(c) the words "If the Premier of a Region, or the Chief Justice of the Region, after consultation with the Premier of the Region, represents to the Governor" in subsection (3) of section 142c were deleted and the words "If the Governor-General, acting in his discretion, considers" were substituted.

Replacement  
of s. 142 of  
Order of  
1954.

28. Section 142 of the principal Order (as amended by section 2 of the Nigeria (Constitution) (Amendment) Order in Council, 1955(a), section 6 of the Nigeria (Constitution) (Amendment) Order in Council, 1956(b), section 75 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and section 5 of the Nigeria (Constitution) (Amendment No. 4) Order in Council, 1958) is revoked and the following section is substituted :—

"Courts of Lagos. 142. A law enacted by the Federal Legislature may establish courts of justice for Lagos in addition to the High Court of Lagos."

Amendment  
of s. 142A of  
Order of  
1954.

29.—(1) Section 142A of the principal Order (as set out in subsection (1) of section 76 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

(a) by the deletion from subsection (1) of the words "the Western Region" and the substitution of the words "each Region";

(b) by the deletion from subsections (2), (3), (4), (5), (6), (7) and (8) of the words "the Western Region" wherever they occur and the substitution of the words "a Region"; and

(c) by the deletion of subsection (9) and the substitution of the following subsection :—

"(9) The provisions of subsections (1), (2), (5), (6), (7) and (8) of this section shall apply in relation to Lagos as they apply in relation to a Region and for that purpose references to a Region, the Governor and the Legislature of that Region shall be construed as if they were references to Lagos, the Governor-General and the Federal Legislature." ; and

(d) by the insertion after subsection (9) of the following subsections :—

"(10) The Chief Justice and the other judges of the High Court of Lagos shall be appointed by the Governor-General in pursuance of instructions given by Her Majesty through a Secretary of State.

(11) There shall be a High Court of Justice for the Southern Cameroons, and the persons who are for the time being the Chief Justice and the other judges of the High Court of Lagos shall be the Chief Justice and the other judges of that High Court.

(12) The provisions of sections 142a and 142c of this Order shall apply in relation to the High Court of Lagos as they apply in relation to the High Court of a Region and for that purpose those sections shall have effect as if—

(a) references to the Governor and to a Region were references to the Governor-General and to Lagos ; and

(b) subsection (3) of section 142c shall have effect as if the words "If the Premier of a Region, or the Chief Justice of the Region after consultation with the Premier of the Region, represents to the Governor" were deleted and the words "If the Governor-General, acting in his discretion, considers" were substituted."

(a) S.I. 1955/432 (1955 II, p. 3163).

(b) S.I. 1956/856 (1956 II, p. 2953).



(2) The High Court of Justice of the Northern 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 to be the High Court of Justice of the Northern Region, as constituted by section 142A of the principal Order, as amended by subsection (1) of this section, and accordingly—

(a) the person holding office immediately before the commencement of this Order as Chief Justice of the High Court of the Northern 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 Northern Region under section 142A of the principal Order, as amended by subsection (1) of this section, and the other persons holding office immediately before the commencement of this Order as judges of the High Court of the Northern 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 Northern Region under section 142A of the principal Order, as amended 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 75 of this Order, have effect after the commencement of this Order as if references therein to the High Court of Justice of the Northern 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 Northern Region as constituted by section 142A of the principal Order, as amended 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 Northern Region as constituted under section 142 of the principal Order may be continued, completed and determined by the High Court of Justice of the Northern Region as constituted by section 142A of the principal Order, as amended by subsection (1) of this Order; and

(d) any appeal or reference from the High Court of Justice of the Northern 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 Northern Region as constituted by section 142A of the principal Order, as amended by 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.

(3) The provisions of subsection (2) of this section shall apply in relation to Lagos as they apply in relation to the Northern Region and for that purpose references to that Region shall have effect as if they were references to Lagos.

30. Section 142a of the principal Order (as set out in subsection (1) of section 76 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion of the words "the Western Region or the Eastern Region" wherever they appear and the substitution of the words "a Region".

Amendment  
of s. 142a of  
Order of  
1954.

Amendment  
of s. 142c of  
Order of  
1954.

31. Section 142c of the principal Order (as set out in subsection (1) of section 76 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and as amended by section 19 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958) is amended by the deletion of the words "the Western Region or the Eastern Region" wherever they appear and the substitution of the words "a Region".

Amendment  
of s. 142d of  
Order of  
1954.

32. Section 142d of the principal Order (as set out in subsection (1) of section 76 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion of the words "the Western Region or the Eastern Region" and the substitution of the words "a Region".

Replacement  
of s. 143 of  
Order of  
1954.

33. Section 143 of the principal Order (as amended by section 2 of the Nigeria (Constitution) (Amendment) Order in Council, 1955) is revoked and the following section is substituted:—

"Courts of  
Southern  
Cameroons. 143. A law enacted by the Legislature of the Southern Cameroons may establish courts of justice for the Southern Cameroons in addition to the High Court of the Southern Cameroons."

Amendment  
of s. 154c of  
Order of  
1954.

34. Section 154c of the principal Order (as set out in section 77 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from the proviso to subsection (1) of the words "the Western Region and the Eastern Region" and the substitution of the words "a Region".

Amendment  
of s. 155 of  
Order of  
1954.

35. Section 155 of the principal Order (as amended by section 78 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion of subsection (1) and the substitution of the following subsection:—

"(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, diesel oil, tobacco, wine, potable spirits or beer, the Federation shall, in respect of each quarter, credit to a special account, maintained by the Federation and referred to in this Order as "the Distributable Pool Account", a sum equal to thirty per cent of the proceeds of that duty for that quarter."

Amendment  
of s. 156 of  
Order of  
1954.

36. Section 156 of the principal Order (as amended by section 79 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

(a) by the insertion in subsection (1) after the words "motor spirit" wherever they occur of the words "or diesel oil";

(b) by the deletion from subsection (2) of the words "half of" in paragraph (a);

(c) by the insertion in subsection (3) after the words "for a quarter" of the words "levied on any commodity or any particular class, variety or description of commodity";

(d) by the insertion in subsection (3) after the words "allowed for" of the words "less any part of that amount that is declared by the prescribed authority to be attributable to quantities of that commodity or that class, variety or description of commodity distributed, or intended to be distributed, in Lagos."; and

(e) by the deletion of subsection (4).

37. Section 157 of the principal Order (as amended by section 80 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

Amendment  
of s. 157 of  
Order of  
1954.

(a) by the deletion of subsection (1) and the substitution of the following subsection :—

"(1) Where under any law enacted by the Federal Legislature an excise duty is levied on tobacco, or on any particular class, variety or description of tobacco, 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) by the deletion of subsection (3) and the substitution of the following subsection :—

"(3) For the purposes of this section the proceeds for a quarter of a duty levied on tobacco or any particular class, variety or description of tobacco, 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 tobacco or that particular class, variety or description of tobacco, distributed, or intended to be distributed, for consumption in Lagos." ; and

(c) by the deletion of subsections (4) and (5).

38. Section 158 of the principal Order (as amended by section 81 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion of subsection (1) and the substitution of the following subsection :—

Amendment  
of s. 158 of  
Order of  
1954.

"(1) Where under any law enacted by the Federal Legislature duty is levied in respect of the export from Nigeria of produce, hides or skins there shall be paid by the Federation to each Region in respect of each quarter a sum equal to the appropriate percentage of the proceeds of that duty for that quarter."

39. Section 161 of the principal Order (as amended by section 84 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is revoked and the following section is substituted :—

Replacement  
of s. 161 of  
Order of  
1954.

Mining  
royalties  
and rents.

161.—(1) There shall be paid by the Federation to each Region a sum equal to fifty per cent of—

(a) the proceeds of any royalty received by the Federation in respect of any minerals extracted in that Region ; and

(b) any mining rents derived by the Federation during that year from within that Region.

(2) The Federation shall credit to the Distributable Pool Account a sum equal to thirty per cent of—

(a) the proceeds of any royalty received by the Federation in respect of minerals extracted in any Region ;

(b) any mining rents derived by the Federation from within any Region.

(3) 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 of that royalty after any refunds or other repayments relating to those receipts have been deducted therefrom or allowed for.

(4) The Governor-General may by regulation make provision for determining for the purposes of this section the Region in which any minerals were extracted.

(5) For the purposes of this section the proceeds of any mining rents derived from within a Region shall be 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 from rents payable under any of the following laws, that is to say—

The Minerals Ordinance(a), the Mineral Oils Ordinance(b), the Nigerian Coal Corporation Ordinance, 1950(c), the Minerals Development (Lead-Zinc) Ordinance, 1952(d), and any law that is declared by the Governor-General to be a law amending or substituted for any of those Ordinances.

(6) In this section—

"minerals" includes mineral oil;

"Region" includes the Southern Cameroons."

40. Section 162 of the principal Order (as amended by section 85 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is revoked.

41. The principal Order (as amended by section 86 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the insertion after section 162 of the following section:—

"Distribution of funds in Distributable Pool Account. 163. There shall be paid by the Federation to the Regions and the Southern Cameroons at the end of each quarter sums equal to the following percentages respectively of the amount standing to the credit of the Distributable Pool Account at that date, that is to say—

(a) to the Northern Region, forty per cent;

(b) to the Western Region, twenty-four per cent;

(c) to the Eastern Region, thirty-one per cent;

(d) to the Southern Cameroons, five per cent"

42. Section 164 of the principal Order (as amended by section 87 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion of subsection (3).

43. The principal Order (as amended by section 88 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the insertion after section 164 of the following section:—

"Set-off.

165.—(1) Any sum that is required by this Chapter to be paid by the Federation to a Region or the Southern Cameroons may be set off by the Federation in or towards the payment of any sum that is due from that Region or the Southern Cameroons, as the case may be, to the Federation in respect of any loan made by the Federation to that Region or the Southern Cameroons.

(2) The right of set-off conferred by subsection (1) of this section shall be without prejudice to any other right of the Federation to obtain payment of any sum due to the Federation in respect of any loan."

(a) Laws of Nigeria, Rev. 1948, Chapter 134.

(b) Laws of Nigeria, Rev. 1948, Chapter 135.

(c) No. 29 of 1950.

(d) No. 9 of 1952.

Revocation of s. 162 of Order of 1954.

Insertion of s. 163 in Order of 1954.

Amendment of s. 164 of Order of 1954.

Insertion of s. 165 in Order of 1954.

44. Section 170 of the principal Order (as amended by section 91 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

Amendment  
of s. 170 of  
Order of  
1954.

(a) by the insertion in subsection (1) after the word "royalty" in paragraph (b) of the words "or mining rents";

(b) by the insertion in subsection (1) after the word "made" in paragraph (b) of the words "and sums shall from time to time be credited"; and

(c) by the deletion from subsection (1) of paragraph (d).

45. The principal Order is amended by the insertion after section 171 of the following section:—

Insertion of  
s. 171A in  
Order of  
1954.

"Fiscal  
Review Com-  
missions.

171A. The Governor-General shall from time to time, after consultation with the Governors of the Regions and the Commissioner of the Cameroons, appoint a Commission to review and make recommendations with respect to the provisions of this Order relating to the following matters, that is to say—

(a) the distribution of the proceeds of royalties in respect of the extraction of minerals;

(b) the distribution of the proceeds of mining rents;

(c) the Distributable Pool Account."

46. Section 173 of the principal Order (as amended by section 7 of the Nigeria (Constitution) (Amendment) Order in Council, 1956, and section 46 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the insertion after subsection (4) of the following subsection:—

Amendment  
of s. 173 of  
Order of  
1954.

"(5) This section does not apply to any office constituted by the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954, as amended."

47. Section 178 of the principal Order (as amended by section 8 of the Nigeria (Constitution) (Amendment) Order in Council, 1956, and by section 96 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is revoked.

Revocation  
of s. 178 of  
Order of  
1954.

48. Section 179 of the principal Order (as amended by section 97 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is revoked.

Revocation  
of s. 179 of  
Order of  
1954.

49. Section 180 of the principal Order (as amended by section 98 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is revoked.

Revocation  
of s. 180 of  
Order of  
1954.

50. Section 180A of the principal Order (as set out in subsection (1) of section 99 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

Amendment  
of s. 180A of  
Order of  
1954.

(a) by the deletion of the words "the Western Region" wherever they occur and the substitution of the words "a Region"; and

(b) by the insertion after subsection (2) of the following subsection:—

"(3) This section does not apply to any office constituted by the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954, as amended."



Amendment  
of s. 180a of  
Order of  
1954.

51. Section 180a of the principal Order (as set out in subsection (1) of section 99 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

(a) by the deletion from subsection (1) and subsection (2) of the words "the Western Region" and the substitution of the words "a Region"; and

(b) by the deletion from subsection (3) of the word "pensions".

Amendment  
of s. 180c of  
Order of  
1954.

52.—(1) Section 180c of the principal Order (as set out in subsection (1) of section 99 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

(a) by the deletion from subsection (1) of the words "the Western Region" and the substitution of the words "each Region";

(b) by the deletion from subsection (2), (3), (4), (5) and (6) of the words "the Commission" wherever those words occur other than in the provisos and the substitution of the words "the Public Service Commission of a Region";

(c) by the deletion from subsection (3) of the word "Western";

(d) by the deletion from subsections (7) and (8) of the words "the Western Region" and the substitution of the words "a Region"; and

(e) by the insertion in subsection (9) after the word "Commission" of the words "of a Region".

(2) The persons holding office as members of the Public Service Commission of the Northern 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 amended, there shall be paid to the Chairman and other members of the Public Service Commission of the Northern 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 that Region established by section 179 of the principal Order.

Amendment  
of s. 180d of  
Order of  
1954.

53. Section 180d of the principal Order (as set out in subsection (1) of section 99 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion of the words "the Western Region" and the substitution of the words "a Region".

Amendment  
of s. 180e of  
Order of  
1954.

54. Section 180e of the principal Order (as set out in subsection (1) of section 99 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and as amended by section 6 of the Nigeria (Constitution) (Amendment No. 4) Order in Council, 1958) is amended—

(a) by the deletion from subsection (1) of the word "Western"; and

(b) by the deletion from subsection (2) of the words "the Western Region" and the substitution of the words "a Region".

Amendment  
of s. 180f of  
Order of  
1954.

55. Section 180f of the Principal Order (as set out in subsection (1) of section 99 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

(a) by the deletion from subsection (1) of the words "the Western Region" and the substitution of the words "each Region";

(b) by the deletion of the words "the Commission" wherever they occur other than in paragraph (a) of subsection (2) and the proviso to paragraph (a) of subsection (6) and the substitution of the words "the Judicial Service Commission of a Region"; and

(c) by the insertion in subsection (2) after paragraph (a) of the following paragraph :—

"(aa) in the case of the Judicial Service Commission of the Northern Region, the Grand Kadi of the Region :".

56. Section 180G of the principal Order (as set out in subsection (1) of section 99 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is revoked and the following section is substituted :—

Replacement  
of s. 180G of  
Order of  
1954.

"Appoint-  
ments etc.,  
of senior  
Regional  
representa-  
tive in  
U.K.

180G.—(1) Power to make appointments (including appointments on promotion and transfer) to the office of Commissioner in the United Kingdom for the Government of a Region, and to dismiss and to exercise disciplinary control over persons holding or acting in that office, shall vest in the Governor, acting on the recommendation of the Premier of the Region.

(2) Before making any recommendation under subsection (1) of this section in respect of a person who holds or has held an office in the public service of a Region other than the office of Commissioner in the United Kingdom for the Government of the Region, the Premier of a Region shall consult the Public Service Commission of the Region.

(3) If any person is appointed to the office of Commissioner in the United Kingdom for the Government of a Region who immediately before his appointment as such held some other office in the public service of the Region, that person shall, upon vacating the office of Commissioner, be deemed to have been re-appointed to that other office with effect from the date on which he ceased to hold the office of Commissioner, and the provisions of this Order relating to the tenure of offices in the public service of the Region shall apply accordingly in relation to his tenure of that other office."

57. Section 180H of the principal Order (as set out in subsection (1) of section 99 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from subsection (1) of the words "the Western Region" and the substitution of the words "a Region".

Amendment  
of s. 180H of  
Order of  
1954.

58. Section 180I of the principal Order (as set out in subsection (1) of section 99 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

Amendment  
of s. 180I of  
Order of  
1954.

(a) by the deletion from subsection (1) of the words "the Western Region" and the substitution of the words "a Region";

(b) by the deletion from subsection (2) of the words "acting in his discretion"; and

(c) by the deletion of subsection (3) and the substitution of the following subsection :—

"(3) The foregoing provisions of this section shall apply in relation to the offices of Secretary to the Premier of the Northern Region, Secretary to the Executive Council of the Northern Region, Secretary to the

Premier and Executive Council of the Western Region, Chief Secretary to the Premier of the Eastern Region and Secretary to the Executive Council of the Eastern Region as they apply in relation to the office of Permanent Secretary in a Region."

Replacement  
of s. 180L of  
Order of  
1954.

59. Section 180L of the principal Order (as set out in subsection (1) of section 99 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is revoked and the following section is substituted:—

"Provisions of Fifth Schedule to apply to Public Service and Judicial Service Commissions of each Region. 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 each Region."

Amendment  
of s. 189 of  
Order of  
1954.

60. Section 189 of the principal Order (as amended by section 101 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and by section 22 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958) is amended by the deletion of subsections (2) and (3).

Amendment  
of s. 190B of  
Order of  
1954.

61. Section 190B of the principal Order (as set out in subsection (1) of section 25 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958, and as amended by subsection (1) of section 7 of the Nigeria (Constitution) (Amendment No. 4) Order in Council, 1958) is amended—

(a) by the deletion of the words "the Western Region or the Eastern Region" wherever they occur and the substitution of the words "a Region";

(b) by the insertion in subsection (1) after the word "Governor" of the words "acting in his discretion";

(c) by the insertion in subsection (3) after the words "the Governor, after consultation with the Public Service Commission of the Region" of the words "or (in the case of a person who has been guilty of negligence, irregularity or misconduct while holding or acting in the office of judge of the High Court of the Region or any office to which section 180E of this Order applies) the Judicial Service Commission of the Region."

(d) by the addition to subsection (3) of the following proviso:—

"Provided that nothing in this subsection shall empower the Governor to withhold, reduce or suspend any benefits on the ground that any person has been guilty of negligence, irregularity or misconduct while holding the office of judge of the High Court of the Region unless that person has been removed from that office by reason of such negligence, irregularity or misconduct";

(e) by the deletion from subsection (5) of the words "of the Western Region or the public service of the Eastern Region" and the substitution of the words "of a Region"; and

(f) by the deletion from subsection (6) of the words "or in respect of which it is 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" in paragraph (a) of the proviso and the words "or the Governor of the Northern Region" and the words "or that Region, as the case may be" in paragraph (b) of the proviso.

62. Section 224 of the principal Order (as set out in subsection (1) of section 106 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion of the words "the Western Region or the Eastern Region" wherever they occur and the substitution of the words "a Region".

Amendment  
of s. 224 of  
Order of  
1954.

63. Section 225 of the principal Order (as set out in subsection (1) of section 106 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

Amendment  
of s. 225 of  
Order of  
1954.

(a) by the deletion from subsection (1) of the words "the Western Region" and the substitution of the words "each Region";

(b) by the deletion from subsections (2) and (3) of the words "the Western Region" wherever they occur and the substitution of the words "a Region"; and

(c) by the deletion of subsection (4).

64. Section 226 of the principal Order (as set out in subsection (1) of section 106 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion of the words "the Western Region or the Eastern Region" wherever they occur and the substitution of the words "a Region".

Amendment  
of s. 226 of  
Order of  
1954.

65. Section 227 of the principal Order (as set out in subsection (1) of section 106 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion of the words "the Western Region or the Eastern Region" wherever they appear and the substitution of the words "a Region".

Amendment  
of s. 227 of  
Order of  
1954.

66. Section 228 of the principal Order (as set out in subsection (1) of section 106 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

Amendment  
of s. 228 of  
Order of  
1954.

(a) by the deletion from subsection (1) of the words "the Western Region" and the substitution of the words "each Region";

(b) by the deletion from subsections (2), (3) and (4) of the words "the Western Region" and the substitution of the words "a Region"; and

(c) by the deletion of subsection (5).

67. Section 229 of the principal Order (as set out in subsection (1) of section 106 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and as amended by section 8 of the Nigeria (Constitution) (Amendment No. 4) Order in Council, 1958) is amended by the deletion of the words "the Western Region or the Eastern Region" wherever they appear and the substitution of the words "a Region".

Amendment  
of s. 229 of  
Order of  
1954.

68. Section 230 of the principal Order (as set out in subsection (1) of section 106 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion of the words "the Western Region or the Eastern Region" wherever they appear and the substitution of the words "a Region".

Amendment  
of s. 230 of  
Order of  
1954.

69. Section 231 of the principal Order (as set out in subsection (1) of section 106 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and as amended by section 34 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958) is amended—

Amendment  
of s. 231 of  
Order of  
1954.

(a) by the deletion from subsection (1) of the words "a Region" in paragraph (a) and the substitution of the word "Nigeria";

(b) by the deletion from subsections (2) and (3) of the words "the Attorney-General of the Northern Region or";

(c) by the deletion from subsection (2) of the words "the Western Region or the Eastern Region" and the substitution of the words "a Region"; and

(d) by the deletion from subsection (3) of the words "the Western Region or the Eastern Region, as the case may be," and the substitution of the words "a Region".

Revocation  
of s. 232 of  
Order of  
1954.

70. Section 232 of the principal Order (as set out in subsection (1) of section 106 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and as amended by section 35 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958) is revoked.

Amendment  
of s. 233 of  
Order of  
1954.

71. Section 233 of the principal Order (as set out in subsection (1) of section 106 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and as amended by section 36 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958) is amended—

(a) by the deletion of the words "the Western Region or the Eastern Region" wherever they occur and the substitution of the words "a Region"; and

(b) by the deletion from subsection (4) of the words "as the case may be", and the substitution of the words "who gave the authority".

Amendment  
of s. 234 of  
Order of  
1954.

72. Section 234 of the principal Order (as set out in subsection (1) of section 106 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the insertion after subsection (2) of the following subsection:—

"(3) The foregoing provisions of this section shall be without prejudice to the powers of the Legislature of the Northern Region to establish a Provincial Administration for any Province of the Northern Region, or otherwise to make provision for the administration of that Province:

Provided that if the provisions of any law enacted by that legislature are inconsistent with the provisions of any Instrument made under this section, the provisions of that Instrument shall prevail over the provisions of that law."

Amendment  
of First  
Schedule to  
Order of  
1954.

73. The First Schedule to the principal Order (as amended by section 2 of the Nigeria (Constitution) (Amendment) Order in Council, 1955, section 16 of the Nigeria (Constitution) (Amendment) Order in Council, 1956, section 50 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, section 107 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and section 9 of the Nigeria (Constitution) (Amendment No. 4) Order in Council, 1958) is amended—

(a) by the insertion in Part I at the end of Item 5 of the words "; control of capital issues";

(b) by the insertion in Part I at the end of Item 7 of the words "other than borrowing by the Government of a Region or the Southern Cameroons for a period not exceeding twelve months on the security of any funds or assets of that Government held outside Nigeria"; and

(c) by the insertion in Part I after Item 35 of the following item:—

"35A. Taxes on amounts paid or payable on the sale or purchase of commodities except—

(a) produce;

(b) hides and skins;

(c) motor spirit;

(d) diesel oil sold or purchased for use in road vehicles;

(e) diesel oil sold or purchased for other than industrial purposes."



Amendment  
of Fifth  
Schedule to  
Order of  
1954.

Adaptation  
of existing  
laws.

74. The Fifth Schedule to the principal Order (as set out in the Schedule to the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion of the words "the Western Region or the Eastern Region" wherever they occur and the substitution of the words "a Region".

75. (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 conformity with any of the provisions of the Nigeria (Constitution) Order in Council, 1954, the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954 (a), the Nigeria (Retirement Benefits) Order in Council, 1958 (b) or any Order in Council amending any of those Orders, or otherwise for giving effect or enabling effect to be given to that provision; and any such 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.

(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 in Council, 1954, relating to the Northern Region, to the public service and to finance.

(a) S.I. 1954/1147, (1954 II. p. 2939).

(b) S.I. 1958/1523.

## L.N. 60 of 1959

The following Statutory Instrument of the United Kingdom is re-printed for information. The Order which it amends was re-published with all current amendments as Legal Notice 20 of 1959.

## STATUTORY INSTRUMENTS

1959 No. 369

## NIGERIA

**The Nigeria (Offices of Governor-General and Governors)  
(Amendment) Order in Council, 1959**

<i>Made .. .. .</i>	<i>11th March, 1959</i>
<i>Laid before Parliament</i>	<i>11th March, 1959</i>
<i>Coming into Operation</i>	<i>15th March, 1959</i>

At the Court at Buckingham Palace, the 11th day of March, 1959  
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:—

Citation,  
construction  
and com-  
mencement.

1.—(1) This Order may be cited as the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1959, and shall be construed as one with the Nigeria (Offices of Governor-General and Governors) Orders in Council, 1954 to 1958(b).

(2) The Nigeria (Offices of Governor-General and Governors) Orders in Council, 1954 to 1958, and this Order may be cited together as the Nigeria (Offices of Governor-General and Governors) Orders in Council, 1954 to 1959.

(3) This Order shall come into operation on the fifteen day of March, 1959.

Amendment  
of s. 2 of  
Order of  
1954.

2. Section 2 of the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954(c), (hereinafter called the "principal Order") (as amended by section 2 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1955(d)) is amended by the insertion after subsection (4) of the following subsection:—

"(4A) Where by this Order the Governor of a Region is required to act in accordance with the recommendation of any person or authority the question whether he has in any matter so acted shall not be called in question in any court."

(a) 53 & 54 Vict. c. 37.

(b) S.I. 1954/1147, 1955/431, 1957/1531, 1958/430, 1258 (1954 II. p. 2939; 1955 II. p. 3167).

(c) S.I. 1954/1147 (1954 II. p. 2939).

(d) S.I. 1955/431 (1955 II. p. 3167).

3. Section 6 of the principal Order (as set out in section 5 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1957(e), and as amended by section 4 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1958(f), is amended by the deletion from subsection (5) of the words "and the Constitution Order" and the substitution of the words "the Constitution Order, the Nigeria (Retirement Benefits) Order in Council, 1958(g), and any Order in Council amending any of those Orders".

Amendment  
of s. 6 of  
Order of  
1954.

4. Section 15 of the principal Order (as set out in section 9 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council 1957, and as amended by section 13 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1958) is amended by the deletion from subsection (5) of the words "and the Constitution Order" and the substitution of the words "the Constitution Order, the Nigeria (Retirement Benefits) Order in Council, 1958, and any Order in Council amending any of those Orders".

Amendment  
of s. 15 of  
Order of  
1954.

5. Section 16 of the principal Order is revoked and the following section is substituted:—

Amendment  
of s. 16 of  
Order of  
1954.

"Advisory Committees for Regions 16. There shall be for each Region an Advisory Committee on the Prerogative of Mercy constituted in such manner as Her Majesty may direct by Instructions under Her Sign Manual and Signet."

6. Section 17 of the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954 (as amended by section 10 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1957, and section 14 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1958) is amended—

Amendment  
of s. 17 of  
Order of  
1954.

(a) by the deletion from subsection (2) of sub-paragraphs (ii) and (iii) of paragraph (a) and the substitution of the following sub-paragraphs:—

"(ii) the office of Commissioner in the United Kingdom for the Government of the Northern Region ;

(iii) the office of Grand Kadi of the Northern Region ;"

(b) by the insertion in subsection (2) after sub-paragraph (i) of paragraph (b) of the following sub-paragraph:—

"(ia) the office of Commissioner in the United Kingdom for the Government of the Western Region ;" ; and

(c) by the insertion in subsection (2) after sub-paragraph (i) of paragraph (c) of the following sub-paragraph:—

"(ia) the office of Commissioner in the United Kingdom for the Government of the Eastern Region"

(e) S.I. 1957/1531 (1957 II, p. 3053).

(f) S.I. 1958/430.

(g) S.I. 1958/1523.

Amendment  
of s. 18 of  
Order of  
1954.

7. Section 18 of the principal Order (as amended by section 7 of the Nigeria (Offices of Governor-General and Governors) (Amendment No. 2) Order in Council, 1953) is amended by the insertion after subsection (2) of the following subsection:—

“(3) The powers of the Governor under this section shall be exercised by him on the recommendation of such Regional Minister as the Governor, acting on the recommendation of the Premier, may from time to time designate by writing under his hand; and before making any such recommendation the Regional Minister shall consult with the Advisory Committee on the Prerogative of Mercy of the Region in such cases and in such manner as may be prescribed by Instructions under Her Majesty's Sign Manual and Signet.”

Amendment  
of s. 20 of  
Order of  
1954.

8. Section 20 of the principal Order is amended by the deletion from subsection (2) of the words “Any person appointed to an office constituted under sections 8 or 17 of this Order” and the substitution of the words “Subject to the provisions of any Order of Her Majesty in Council, any person appointed to any office constituted under section 8, 8A or 17 of this Order”.

W.G. Agnew.

#### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to explain its general purport.)*

This Order amends the provisions of the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954, as amended, relating to the discharge of the Governor-General's and Governors' functions by a deputy, the Privy Councils of the Regions and the constitution of offices.

L.N. 61 of 1959

(The Instructions amended by the following were re-printed with all current amendments as Legal Notice 23 of 1959.)

## NIGERIA

**ADDITIONAL INSTRUCTIONS PASSED UNDER THE ROYAL SIGN MANUAL AND SIGNET TO THE GOVERNOR-GENERAL AND COMMANDER-IN-CHIEF OF THE FEDERATION OF NIGERIA AND HIGH COMMISSIONER FOR THE SOUTHERN CAMEROONS.**

11th March, 1959.

*ELIZABETH R.*

**ADDITIONAL INSTRUCTIONS to Our Governor-General and Commander-in-Chief of the Federation of Nigeria and High Commissioner for the Southern Cameroons or other Officer for the time being Administering the Government of the Federation and discharging the functions of the Office of High Commissioner.**

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

1.—(1) These Instructions shall be construed as one with the Federation of Nigeria Royal Instructions, 1954.

Construction and commencement.

(2) These Instructions shall have effect from the fifteenth day of March, 1959.

2. Clause 7 of the Federation of Nigeria Royal Instructions, 1954 (as set out in clause 3 of the Additional Instructions under Our Sign Manual and Signet bearing date the first day of April, 1958) is amended by the deletion from paragraph (1) of the words "the Western Region or the Eastern Region" in head (ii) of sub-paragraph (b) and the substitution of the words "a Region".

Amendment of clause 7 of Instructions of 1954.

3. The Federation of Nigeria Royal Instructions, 1954, are amended by the insertion after clause 7 (as set out in clause 3 of the said Additional Instructions of the following clause :—

Insertion of clause 7A in Instructions of 1954.

"Appointments of senior representatives overseas.

7A.—(1) The powers vested in the Governor-General by section 173 of the Constitution Order shall, in relation to the offices to which this clause applies, be exercised by him on the recommendation of the Prime Minister.

(2) This clause applies to the office of the Commissioner in the United Kingdom for the Government of the Federation and to the office of any person who is the senior representative of the Government of the Federation on the staff of any of Her Majesty's Ambassadors or High Commissioners overseas."

GIVEN at Our Court at Saint James's, this eleventh day of March, in the eighth year of Our Reign.



## L.N. 62 of 1959

*(The Instructions amended by the following were re-printed with all current amendments as Legal Notice 24 of 1959.)*

## NIGERIA

**ADDITIONAL INSTRUCTIONS PASSED UNDER THE ROYAL SIGN MANUAL AND SIGNET TO THE GOVERNORS OF THE NORTHERN, WESTERN AND EASTER REGIONS OF NIGERIA.**

11th March, 1959.

**ELIZABETH R.**

ADDITIONAL INSTRUCTIONS to Our Governors of the Northern, Western and Eastern Regions of Nigeria or other Officer for the time being Administering the Government of any of the said Regions.

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

Construction and commencement.

1.—(1) These Instructions shall be construed as one with the Regions of Nigeria Royal Instructions, 1954 (hereinafter called "the principal Instructions").

(2) These Instructions shall have effect from the fifteenth day of March, 1959.

Amendment of clause 2 of Instructions of 1954.

2. Clause 2 of the principal Instructions is amended—

(a) by the insertion in paragraph (1) before the definition of "the Constitution Order" of the following definition :—

"the Advisory Committee" means the Advisory Committee on the Prerogative of Mercy established for the Region ;

(b) by the deletion of the definition of "the Privy Council" ; and

(c) by the insertion after the definition of "public office" of the following definition :—

"the Regional Minister" means the Regional Minister of the Region for the time being designated under subsection (3) of section 18 of the Offices Order.

Amendment of clause 5 of Instructions of 1954.

3. Clause 5 of the principal Instructions (as amended by clause 3 of the Additional Instructions of the eighteenth day of July, 1958) is amended by the deletion of paragraph (1).

Amendment of clause 6A of Instructions of 1954.

4. Clause 6A of the principal Instructions (as set out in clause 3 of the Additional Instructions of the first day of April, 1958) is amended by the deletion of the words "the Western Region or the Eastern Region" and the substitution of the words "a Region".

5. Clause 7 of the principal Instructions (as amended by clause 4 of the Additional Instructions of the first day of April, 1958) is amended—

(a) by the deletion of paragraph (2) and the substitution of the following paragraph :—

"(2) In relation to matters to which the executive authority of the Region extends, the Governor shall, subject to the provisions of clause 8 of these Instructions, consult with the Executive Council in the formulation of policy and the exercise of all other powers conferred upon him, except—

(a) the powers conferred on him by sections 13, 14, 15 and 18 of the Offices Order and the power to make appointments conferred upon him by section 17 of that Order ;

Amendment of clause 7 of Instructions of 1954.

(b) any power conferred upon the Governor by these Instructions or any Order of Her Majesty in Council that he is by these Instructions 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;

(c) any power conferred upon the Governor (other than a power expressed to be conferred upon the Governor in Council) that, in his judgment—

(i) is a power pertaining to the administration of justice or is a quasi-judicial power; or

(ii) is a power pertaining to the remission or mitigation of penalties, fees, duties or other charges;

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

(b) by the insertion after paragraph (3) of the following paragraphs:—

"(4) Where by these Instructions or any Order of Her Majesty in Council the Governor is directed to exercise a power on the recommendation of any person or any authority other than the Executive Council he shall exercise that power in accordance with that recommendation.

(5) Where by these Instructions or any Order of Her Majesty in Council the Governor 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."

6. Clause 8 of the principal Instructions (as amended by clause 5 of the Additional Instructions of the eighth day of August, 1957, clause 5 of the Additional Instructions of the first day of April, 1958, and clause 4 of the Additional Instructions of the eighteenth day of July, 1958) is amended—

Amendment of clause 8 of Instructions of 1954.

(a) by the deletion of paragraph (1);

(b) by the addition to sub-paragraph (a) of paragraph (2) of the following proviso:

"Provided that the Governor shall not act otherwise than in accordance with that advice unless he is satisfied that it is necessary or expedient so to do in the interest of the peace, order and good government of such part of the Cameroons as is comprised in the Northern Region."

7. Clauses 9 and 11 of the principal Instructions as amended respectively by clauses 6 and 7 of the Additional Instructions of the first day of April, 1958, are revoked.

Revocation of clauses 9 and 11 of Instructions of 1954.

8. Clause 13 of the principal Instructions (as amended by clause 9 of the Additional Instructions of the eighth day of August, 1957) is amended—

Amendment of clause 13 of Instructions of 1954.

(a) by the deletion from paragraph (1) of the words "together with an explanation of the reasons and occasion for the enactment of the law"; and

(b) by the insertion after paragraph (2) of the following paragraph:—

"(3) Whenever the transcript of any law that appears to Us to contain any such provision as is referred to in paragraph (a), (b), (c) or (d) of subsection (1A) of section 66 of the Constitution Order has been transmitted to Us in pursuance of paragraph (1) of this clause, the Governor

shall, if so requested by a Secretary of State, transmit to Us, through a Secretary of State, an explanation of the reasons and occasion for the enactment of the law."

Replacement  
of clause 18  
of Instruc-  
tions of 1954.

9. Clause 18 of the principal Instructions is revoked and the following clause is substituted:—

"Constitu-  
tion of  
Advisory  
Committee.

18.—(1) The members of the Advisory Committee shall be—

(a) the Regional Minister, who shall be Chairman;

(b) the Attorney-General of the Region;

(c) not less than five and not more than seven other members, who shall be appointed by the Governor on the recommendation of the Premier.

(2) The number of members who shall be appointed under sub-paragraph (c) of paragraph (1) of this clause shall, subject to the provisions of that paragraph, be such as the Governor may on the recommendation of the Premier prescribe, and at least one of those members shall be a person who is qualified to practise as a medical practitioner in Nigeria.

(3) A person shall not be qualified for appointment under sub-paragraph (c) of paragraph (1) of this clause if he is a member of a Legislative House."

Replacement  
of clause 19  
of Instruc-  
tions of 1954.

10. Clause 19 of the principal Instructions is revoked and the following clause is substituted:—

"Tenure of  
office of  
member of  
Advisory  
Committee.

19.—(1) The office of a member of the Advisory Committee appointed under sub-paragraph (c) of paragraph (1) of clause 18 of these Instructions shall become vacant—

(a) at the expiration of three years from the date of his appointment;

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

(c) if he becomes a member of a Legislative House; or

(d) if the Governor, acting on the recommendation of the Premier, 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.

(2) Any question whether any person is a member of the Advisory Committee shall be referred to, and determined by, the Governor, acting in his discretion."

Replacement  
of clause 20  
of Instruc-  
tions of 1954.

11. Clause 20 of the principal Instructions is revoked and the following clause is substituted:—

"Summoning  
of Advisory  
Committee  
and quorum. 20.—(1) The Advisory Committee shall not be summoned except by the authority of the Chairman.

(2) No business except that of adjournment shall be transacted in the Advisory Committee if there are less than four members present besides the Chairman or other member presiding.

(3) Any proceedings of the Advisory Committee shall be valid notwithstanding that some person who was not entitled to do so took part in the proceedings.

(4) The Director of Public Prosecutions of the Region may, if so requested by the Chairman or other member presiding, attend any meeting of the Advisory Committee and (save for the purposes of voting on any matter) may take part in the proceedings."

12. Clause 21 of the principal Instructions is revoked and the following clause is substituted :—

Replacement  
of clause 21  
of Instruc-  
tions of 1954.

"Presiding in  
Advisory  
Committee  
and voting, 21.—(1) There shall preside at meetings of the Advisory Committee—

(a) the Chairman ;

(b) in the absence of the Chairman, the Attorney-General of the Region ; and

(c) in the absence of the Chairman and the Attorney-General, such other member of the Committee as the Governor, acting on the recommendation of the Premier, may appoint.

(2) Where any matter is dependent upon the decision of the Advisory Committee, any decision shall be regarded as the decision of the Advisory Committee if the majority of the votes of the members present and voting are cast in favour thereof."

13. Clause 22 of the principal Instructions (as amended by clause 5 of the Additional Instructions of 18th July, 1958) is revoked, and the following clause is substituted :—

Replacement  
of clause 22  
of Instruc-  
tions of 1954.

"Functions  
of Advisory  
Committee. 22.—(1) Subject to the provisions of paragraph (2) of this clause, the Regional Minister may consult with the Advisory Committee before making any recommendation to the Governor relating to the exercise of any power conferred on the Governor by section 18 of the Offices Order, but he shall not be obliged to act in accordance with the advice of the Advisory Committee.

(2) (a) Whenever any offender has been condemned by any civil court in Nigeria to suffer death for any offence to which section 18 of the Offices Order applies, the Regional Minister shall cause a written report of the case of that offender from the judge who tried the case, together with such other information derived from the record of the case or elsewhere as the Regional Minister may require, to be taken into consideration at a meeting of the Advisory Committee.

(b) The Regional Minister shall not recommend to the Governor that he should pardon or reprieve any such offender unless it appears expedient to the Regional Minister so to do upon receiving the advice of the Advisory Committee thereon ; but he is to decide whether to make such a recommendation to the Governor in his own deliberate judgment, whether the members of the Advisory Committee concur therein or otherwise.

(3) Any advice tendered by the Advisory Committee to the Regional Minister shall be recorded in the minutes of the Advisory Committee ; and if the Regional Minister makes any recommendation to the Governor that is not in accordance with the advice of the Advisory Committee, he shall cause his reasons for so doing to be recorded in the minutes of the Advisory Committee and shall submit to the Governor copies of all minutes of the Advisory Committee relating to the matter when he makes his recommendation."

Amendment  
of clause 11  
of Instruc-  
tions of 8th  
Aug 1957.

Amendment  
of clause 12  
of  
Instructions  
of 8th Aug.  
1957.

Revocation  
of clause 13  
of Instruc-  
tions of 8th  
Aug. 1957.

**14. Clause 11 of the Additional Instructions of the eight day of August, 1957, is amended by the deletion of the words "the Western Region or the Eastern Region" and the substitution of the words "a Region."**

**15. Clause 12 of the Additional Instructions of the eighth day of August, 1957, is amended by the deletion of the words "the Western Region or the Eastern Region" and the substitution of the words "a Region".**

**16. Clause 13 of the Additional Instructions of the eighth day of August, 1957, is revoked.**

**GIVEN at Our Court at Saint James's, this eleventh day of March, in the eighth year of Our Reign,**