

SPECIAL CONSTABLES ORDINANCE, 1959

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The following Bills, which will in due course be presented to the House of Representatives for enactment, are published for general information.

A BILL

FOR

Title.

AN ORDINANCE FOR THE ESTABLISHMENT OF A POLICE FORCE CONSISTING OF SPECIAL CONSTABLES, TO PRESCRIBE THEIR DUTIES AND POWERS, TO PROVIDE FOR THEIR TERMS OF SERVICE, AND TO MAKE PROVISION FOR THE MATTERS AFORESAID.

Commence-
ment.

Enactment.

Short title,
commence-
ment and
applica-
tion.

[By Notice, see section 1]

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

1. (1) This Ordinance may be cited as the Special Constables Ordinance, 1959, and shall come into operation upon a date to be appointed by the Governor-General by notification in the Gazette.

(2) This Ordinance shall have effect throughout the Federation.

2. (1) In this Ordinance—

"police district" and "police province" mean a police district or police province established under the provisions of Standing Orders made under section 69 of the Police Ordinance;

"special constable" means a person appointed as such under section 6;

"special constabulary" means the Nigeria Special Constabulary referred to in section 3;

"superior police officer" means the Superior Police Officer in charge of a province or other area in respect of which a special constable is appointed.

(2) Powers to make appointments and powers to dismiss and to exercise disciplinary control which are referred to in this Ordinance, shall be effective subject to any necessary delegation of such power having been effected by the Governor-General and notified in the Gazette.

3. There shall be established in Nigeria a police force to be called the Nigeria Special Constabulary.

4. The Special Constabulary shall be employed for the preservation of the public peace, the protection of persons and the security of property, with particular regard to the inhabitants of and to property in the police province or district in respect of which members of the Special Constabulary are appointed.

5. (1) The Special Constabulary shall consist of such numbers of persons (whether male or female) qualified in accordance with subsection (2) and appointed in accordance with section 6 as may be approved by the Governor-General.

(2) Special constables shall be selected from those persons who offer their services who are not less than twenty-one years old nor more than fifty years old upon first appointment, and who are of good character and physically fit.

6. (1) Subject to the provisions of subsection (2), an appointment of a special constable shall be for a period of not less than one year, and shall be in respect of the area of the police province, or, where there is no police province, the police district in which the special constable resides or is employed:

Provided that nothing in this subsection shall prevent a special constable from carrying out his duties as a special constable in a police district or province adjacent to the area in respect of which his appointment was made.

(2) Where it appears to the superior police officer in charge of a police province or district that an unlawful assembly or riot or breach of the peace has taken place or may be reasonably expected to take place, or that the particular circumstances are such that the services of special constables are desirable special constables may be appointed for such time and within such limits as he sees fit.

(3) Appointment of a special constable shall be made by the Governor-General or, subject to the provisions of subsection (2) of section 2, by a superior police officer.

(4) An appointment of a special constable of or over the rank of Assistant Superintendent shall be notified in the Gazette.

(5) A special constable of whatever rank shall be required to subscribe to a declaration before his superior police officer in the form prescribed in the Schedule.

Interpretation.

Cap. 172.

Establishment.

General duties of Special Constabulary.

Number and qualification of special constables.

Appointment.

Schedule.

Resignation
or termination.

7. (1) A special constable may at any time resign his appointment upon fourteen days notice thereof addressed to the superior police officer of the area in respect of which he is appointed and his appointment may be determined by notice given to him in similar manner.

(2) A superior police officer may for good cause suspend or determine the appointment of a special constable forthwith by notice in writing but whether or not he specifies the reason therefor to the special constable he shall immediately report his action to the Inspector-General of Police, or such other officer as the Inspector-General of Police may direct, with the reason therefor.

Equipment.

8. (1) The Inspector-General of Police may provide at the public expense for the use by special constables of batons, clothing, equipment and other necessary articles for the proper carrying out of their duties.

(2) Every special constable shall as soon as practicable and in any case within one week after the determination of his appointment deliver to his superior police officer or to the person specified by him, his baton, clothing, equipment and any other articles provided for him. Any special constable who fails to comply with the provisions of this subsection shall be guilty of an offence and liable to a fine of five pounds.

Powers,
duties and
ranks.

9. (1) In the area of the police province or district in respect of which he was appointed and in the area of any police province or district adjacent thereto, a special constable shall have the same powers, privileges and protection and shall be liable to perform the same duties and shall be amenable to the same penalties and be subordinate to the same authorities as any member of the Nigeria Police Force.

(2) A special constable shall have such rank as shall be assigned to him by the Inspector-General of Police or by such other officer as the Inspector-General of Police may direct.

Refusal to
serve.

10. If any person being appointed a special constable and being called upon to serve, refuses or neglects to serve or obey such lawful orders or directions as may be given to him for the purpose of his duties, he shall for every such refusal or neglect be guilty of an offence and liable to a fine of five pounds unless he satisfies the court that he was prevented by sickness or such other unavoidable cause as may in the opinion of the magistrate be a sufficient excuse.

Impersonation.

11. Any person who holds himself out as being a special constable without having authority so to do shall be guilty of an offence and liable to a fine of one hundred pounds or to imprisonment for one year.

Drills and
instruction.

12. (1) The Governor-General may make regulations to further the efficiency of special constables in the performance of their duties.

(2) Regulations made under subsection (1) shall not require special constables to attend for instruction on more than four days in any one month or for an aggregate period of more than twenty-four hours in any one month.

(3) Any person responsible for giving instruction under regulations made under subsection (1) shall have regard as far as possible to the convenience of special constables attending for instruction and of the employers of such special constables.

(4) Any special constable who refuses or neglects to comply with regulations made under subsection (1) shall be deemed to have refused or neglected to obey a lawful order within the meaning of section 10.

13. (1) The Governor-General may by regulation prescribe allowances—

Allowances.

(a) for the re-imbursement of expenses incurred by special constables for the purpose of attending periods of instruction or incurred otherwise in carrying out other duties;

(b) for compensating for any approved temporary loss of earnings arising from attendance at periods of instruction or periods spent on duty;

(c) calculated by reference to periods of time spent on instruction or other duty.

(2) A superior police officer may withhold allowances when authorised so to do under regulations made under this section.

14. (1) Subject to the provisions of section 17, if a special constable dies as the result of injuries received in the execution of his duty as a special constable, or is killed on duty as a special constable, the Governor-General may grant a pension which shall be charged on the Consolidated Revenue Fund of the Federation to any person who would have been eligible for the grant of a pension had the special constable been, at the date he sustained the injuries or was killed—

Death.

(a) in the case of a special constable of or below the rank of first class constable, a police officer to whom the provisions of subsection (3) of section 27 of the Police Ordinance (as substituted by the Police (Amendment) Ordinance, 1952) are applicable; or

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No. 14 of
1952.

(b) in the case of a special constable of or above the rank of lance-corporal, a police officer to whom the provisions of section 17 of the Pensions Ordinance, 1951, are applicable.

No. 29 of
1951.

(2) (a) Save as provided in paragraph (b), the amount of any pension granted under this section shall be the amount which would have been payable under the provisions referred to in subsection (1) had the special constable been, at the date he sustained the injuries or was killed, a police officer having the same or equivalent rank and seniority as his rank and seniority.

(b) Where the special constable, at the date he sustained the injuries or was killed, held some other office in the public service of the Federation or of a Region and any person eligible for the grant of a pension under this section would, had the special constable died in the execution of the duties of that office, have been eligible by reason of his so dying for the grant of a pension under any other law in force in Nigeria relating to pensions, the amount of any pension granted under this section to that person shall be the amount specified in paragraph (a) or the amount which would have been payable under that other law whichever is the greater.

15. (1) Subject to the provisions of section 17, where a special constable has been permanently incapacitated by an injury sustained or a sickness contracted—

Injury.

(a) in the actual discharge of his duty as a special constable; and

(b) without his own default; and

(c) on account of circumstances specifically attributable to the nature of his duty as a special constable,

and his discharge from his normal employment is thereby necessitated or materially accelerated, the Governor-General may grant to him a pension which shall be charged on the Consolidated Revenue Fund of the Federation.

(2) (a) Save as provided in paragraph (b) and subject to the provisions of paragraph (c) the amount of any pension granted under this section shall be the amount which would have been payable as a supplementary or additional pension—

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No. 14 of
1952.

(i) in the case of a special constable of or below the rank of first class constable, under the provisions of section 26 of the Police Ordinance (as substituted by the Police (Amendment) Ordinance, 1952); or

First
Schedule to
Ordinance
29 of 1951.

(ii) in the case of a special constable of or above the rank of lance-corporal, under the provisions of regulation 24 of the Pensions Regulations, 1951,

had the special constable been, at the date he sustained the injury or contracted the sickness, a police officer having the same or equivalent rank and seniority as his rank and seniority.

(b) Subject to the provisions of paragraph (c), where the special constable, at the date he sustained the injury or contracted the sickness, held some other office in the public service of the Federation or of a Region and would, had he sustained the injury or contracted the sickness in the execution of the duties of that office, have been eligible by reason thereof for the grant of a supplementary or additional pension under any other law in force in Nigeria relating to pensions, the amount of any pension granted under this section shall be the amount specified in paragraph (a) or the amount which would have been payable under that other law whichever is the greater.

(c) The amount of any pension granted under this section may be reduced to such an extent as the Governor-General deems reasonable when the injury or sickness is not the sole cause of the discharge of the special constable from his normal employment or where the special constable has continued in his normal employment or similar employment for not less than one year after sustaining the injury or contracting the sickness in respect of which he receives his discharge.

Applica-
tion of
other pen-
sions laws.
Cap. 172.

16. (1) The provisions of the Police Ordinance shall apply to any pension granted under this Ordinance to or in consequence of the death of a special constable of or below the rank of first class constable as if it had been granted under the corresponding provisions of that Ordinance, and any such pension shall be liable to cease or be otherwise dealt with accordingly.

No. 29 of
1951.

(2) The provisions of the Pensions Ordinance, 1951, shall apply to any pension granted under this Ordinance to or in consequence of the death of a special constable of or above the rank of lance-corporal as if it had been granted under the corresponding provisions of that Ordinance, and any such pension shall be liable to cease or be otherwise dealt with accordingly.

Applica-
tion of pen-
sions provi-
sions to
persons in
public
service.

17. In the case of the death or incapacitation of a special constable who, at the date when he sustained the injuries, was killed or contracted the sickness, as the case may be, held some other office in the public service of the Federation or of a Region, no pension shall be payable under section 14 or section 15 to any person who is eligible to receive a pension in respect of such other office unless the Governor-General is satisfied that such person has renounced all rights thereto, and if such person subsequently accepts a pension in respect of such other office any pension granted under this Ordinance shall cease forthwith.

18. (1) Section 6 of the Jury Ordinance is amended by the insertion therein after the words "schoolmasters" of the words—

"Special constables",

Exemption
from jury
service.
Cap. 97.

(2) The amendment effected by subsection (1) shall have effect in relation to Lagos only.

19. Sections 16 to 21 inclusive of the Police Ordinance are repealed.

Repeal.
Cap. 172.

SCHEDULE

(Section 6)

FORM OF DECLARATION BY SPECIAL CONSTABLES

I

of

do solemnly and sincerely declare and affirm that I will well and truly serve Our Sovereign Lady the Queen in the office of special constable, without favour or affection, malice or illwill; and that I will to the best of my power cause the peace to be kept and preserved, and prevent all offences against the persons and properties of Her Majesty's subjects; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law.

Objects and Reasons

The object of this Bill is to repeal sections 16 to 21 of the Police Ordinance, Chapter 172, which relate to special constables, and to replace them with a comprehensive Ordinance providing for the engagement and service of special constables and for the benefits arising out of death or injury on duty.

ABUBAKAR T. BALFWA,
Prime Minister of the
Federation

A BILL

FOR

AN ORDINANCE TO PROVIDE FOR THE RENAMING OF THE NIGERIAN NAVY
CONSEQUENT UPON THE CONFERMENT THEREON OF THE TITLE "ROYAL"
AND TO AMEND THE NIGERIAN NAVY ORDINANCE, 1956, ACCORDINGLY.

Title.

WHEREAS Her Majesty the Queen has graciously consented to the
conferment of the title "Royal" upon the Nigerian Navy:

Commence-
ment.

Preamble.

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

Enactment.

1. This Ordinance may be cited as the Nigerian Navy (Change of
Title) Ordinance, 1959, and shall be of Federal application.

Short title
and applica-
tion.

Renaming of
Nigerian
Navy.

2. The force established in accordance with the provisions of subsection (1) of section 3 of the Nigerian Navy Ordinance, 1956 (hereinafter referred to as the said Ordinance) under the title of the Nigerian Navy shall be known as the Royal Nigerian Navy, and as from the date on which this Ordinance comes into operation—

(a) the title of the said Ordinance shall be deemed to be "An Ordinance to make provision for establishing and maintaining a navy to be known as the Royal Nigerian Navy and for purposes ancillary thereto";

(b) notwithstanding anything in section 1 thereof the said Ordinance may be cited as the Royal Nigerian Navy Ordinance, 1956;

(c) the said Ordinance is amended by the insertion in subsection (1) of section 1, subsection (1) of section 2 and subsection (1) of section 3 before the words "Nigerian Navy" of the following—

"Royal".

Objects and Reasons

This Bill gives effect to the conferment of the title "Royal" upon the Nigerian Navy.

ABUBAKAR T. BALEWA,
Prime Minister of the Federation

(Bills 634)
DEF.S/5000

A BILL FOR

AN ORDINANCE TO AMEND THE LAGOS TOWN PLANNING ORDINANCE
(CHAPTER 103)

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

1. This Ordinance may be cited as the Lagos Town Planning (Amendment) Ordinance, 1959, and shall have effect in respect of the Federal Territory of Lagos.

Title.

Commence-
ment.

Enactment.

Short title
and applica-
tion.

Amendment
of section 80.
Cap. 103.

2. Section 80 of the Lagos Town Planning Ordinance is amended by the insertion in subsection (1) after paragraph (b) of the following new paragraph—

"(bb) the payment to the board by persons making an application under this Ordinance of fees for the consideration by the board of any building plans submitted for the purposes of the application;"

Objects and Reasons

This Bill amends the Lagos Town Planning Ordinance (Chapter 103) so as to enable the Lagos Executive Development Board to make regulations for the charging of fees for the consideration by the board of building plans in connection with an application under the Ordinance.

MUHAMMADU RIBADU,
*Minister of Lagos Affairs,
Mines and Power,
Federation of Nigeria*

(Bills 626)
SL0020

A BILL

FOR

AN ORDINANCE TO AMEND THE WIDOWS' AND ORPHANS' PENSION ORDINANCE (CHAPTER 231) Title.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows:— Commence-
ment.

1. This Ordinance may be cited as the Widows' and Orphans' Pension (Amendment) Ordinance, 1959, and shall be of Federal application. Citation and application.

Amendment
of section 4
Cap. 231.
No. 13 of
1958.

2. Section 4 of the Widows' and Orphans' Pension Ordinance (as amended by the Widows' and Orphans' Pensions Ordinance (Amendment) Ordinance, 1958) is amended by the insertion in paragraph (h) after the words "addressed to the Crown Agents" of the following—

" , unless the Governor-General is of opinion that in the particular circumstances of the case the notice should be accepted at a later date, ".

Objects and Reasons

Section 4 (1) (h) of the Widows' and Orphans' Pension Ordinance (Chapter 231) (as amended by Ordinance No. 13 of 1958) permits contract officers appointed on or before the 31st March, 1958, to opt out of the Scheme, but stipulates that the option notice must reach the Crown Agents on or before the 31st December, 1958. This Bill amends that section to the effect that the Governor-General may allow a notice to be accepted after that date if he is of opinion that the particular circumstances of the case justify an extension.

MUHAMMADU RIBADU,
*Minister of Lagos Affairs, Mines and Power,
Federation of Nigeria
(Temporarily charged with responsibility
for the above matters).*

(Bills 624)

A BILL

FOR

AN ORDINANCE FURTHER TO AMEND THE PORTS ORDINANCE, 1954
(No. 27 of 1954)

[By Notice, see section 1]

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

1. (1) This Ordinance may be cited as the Ports (Amendment) (No. 2) Ordinance, 1959, and shall come into operation on a date to be appointed by the Governor-General by notice in the Gazette.

(2) This Ordinance shall be of Federal application.

Title.

Commence-
ment.

Short title,
commence-
ment and
application.

Amendment
of section 2
No. 27 of
1954.

2. Section 2 of the Ports Ordinance, 1954 (hereinafter referred to as the principal Ordinance) is amended—

(a) by the deletion of the definition of "Marketing Boards";

(b) by the addition after the definition of "navigable channel" of the following definition—

"'Nigerian Produce Marketing Company Limited' means the Nigerian Produce Marketing Company Limited referred to in the Export of Nigerian Produce Ordinance, 1958;"

Amendment
of section 8.

3. Section 8 of the principal Ordinance is amended—

(a) by the deletion from paragraph (b) of subsection (3) of the words "as having had experience of, and shown capacity in, the export of produce from Nigeria on behalf of the Marketing Boards" and the substitution thereof of the following—

"to represent the Nigerian Produce Marketing Company Limited;"

(b) by the addition after subsection (7) of the following new subsection—

"(8) The Governor-General in Council may at any time remove from office all or any of the appointed members of the Authority, other than the Chairman, if he considers it necessary to do so in the interests of the effective and economical performance of the functions of the Authority:

Provided that no member appointed under paragraph (d), (e), (f) or (g) of subsection (3) after consultation with the Governor in Council of a Region, or on the recommendation of the Commissioner of the Cameroons after consultation with the Executive Council of the Southern Cameroons, shall be removed from office under this subsection except with the consent of the Governor in Council of the Region, or the Commissioner of the Cameroons after consultation with the Executive Council of the Southern Cameroons, as the case may be."

Amendment
of section 19.

4. Section 19 of the principal Ordinance is amended by the deletion of the words "debenture" and "Debenture" wherever they occur.

Repeal and
replacement
of section 27.

5. Section 27 of the principal Ordinance is repealed and replaced by the following section—

"Application of revenue. 27. The receipts of the Authority on revenue account in any year shall be applied in payment of the following charges in the following order—

(a) all salaries, working expenses and other outgoings of the Authority properly chargeable to income in that year;

(b) the payments falling to be made in such year by the Authority in respect of the interest on or repayments of the principal of any money borrowed by the Authority;

(c) any sums providing for the payment of interest on or the redemption of stock issued by the Authority under this Ordinance;

(d) such sums as the Authority is required by section 28 to carry to a general reserve fund; and

(e) such sums as the Authority may think proper in that year to set aside for payments to reserve funds, extensions, renewals, depreciation and other like purposes;

and the balance, if any, shall be applied to such purposes and in such manner as the Minister may direct:

Provided that—

(a) the Authority shall at the end of the year provide such sum as may be reasonably necessary to meet current liabilities;

(b) the certificate of the auditor of the accounts of the Authority shall be conclusive as to the amounts available for any of the purposes aforesaid."

6. Section 29 of the principal Ordinance is repealed and replaced by the following section—

Amendment of section 29.

"Power to issue stock for certain purposes.

29. The Authority may from time to time, with the approval of the Minister, borrow money or raise capital by the issue of stock, including debenture stock, upon such terms touching the issue, transfer, interest, security and redemption as may be approved by the Minister, for all or any of the following purposes—

(a) the fulfilling of the functions of the Authority under this Ordinance;

(b) the redemption of any stock which they are required or entitled to redeem;

(c) any expenditure properly chargeable to capital account."

7. Section 32 of the principal Ordinance is amended by the insertion in paragraph (b) of subsection (1) after the word "may" of the following—

Amendment of section 32.

" , after consultation with the Authority,".

8. Section 33 of the principal Ordinance is amended by the insertion in subsection (1) after the full stop at the end thereof of the following—

Amendment of section 33.

"The report shall be prepared in such form and containing such particulars, compiled in such manner as the Minister may, after consultation with the Authority, from time to time direct."

9. Section 83 of the principal Ordinance is amended by the substitution of a colon for the full stop at the end of subsection (1) and the insertion thereafter in that subsection of the following proviso—

Amendment of section 83.

"Provided that any regulations which relate solely to the levying of dues and rates for the purposes of sections 61, 67 and 70 shall, if the dues and rates levied thereby do not exceed such limits as may from time to time be approved by the Minister by notice in the Gazette, have effect notwithstanding that the regulations have not been specifically approved by the Minister under this subsection."

Objects and Reasons

It is the declared policy of the Federal Government to encourage overseas investment in Nigeria, including the statutory corporations. It is considered that certain features of the Ports Ordinance, 1954 (the principal Ordinance) may tend to discourage the overseas investor in view of the very close control imposed by the Ordinance on certain aspects of the business of the Nigerian Ports Authority. The intention of this Bill is to provide a measure of greater freedom in the day-to-day business of the Authority, while safeguarding the Federal Government's ultimate control. In addition, the opportunity is taken to introduce certain other amendments to the principal Ordinance to achieve greater uniformity with the Ordinances of other Public Utility Corporations.

2. Clause 3 (a) of the Bill provides for the representation of the Nigerian Produce Marketing Company Limited on the Board of the Ports Authority. This Company, which has replaced the Marketing Boards, was established under the provisions of the Export of Nigerian Produce Ordinance, 1958 (No. 36 of 1958). The definition of the Company is introduced by clause 2.

3. The amendment in clause 3 (b) is based on section 8 of the Nigerian Railway Corporation Ordinance, 1955 (No. 20 of 1955). It is desirable that the Federal Government should in the last resort have the power to remove members of the Authority who act in a manner contrary to the national interest. The rights of elected members will not be affected, as the clause applies only to appointed members. Members appointed after consultation with a Regional Government can only be removed after consultation with that Government.

4. The effect of the amendments in clauses 4 and 6 is to make the issue of debenture stock permissive instead of mandatory.

5. Section 27 of the principal Ordinance stipulates in considerable detail that the Authority must meet charges on its revenue in a specified order. The intention of clause 5 is to replace section 27 by a new section corresponding to section 27 (2) of the Electricity Corporation of Nigeria Ordinance, 1950, which provides greater latitude.

6. Clause 7 provides that the Minister shall exercise his powers in relation to the form of accounts to be prepared under section 32 of the principal Ordinance after consultation with the Authority.

7. Clause 8 provides that the form of reports to be made to the Minister under section 33 (1) of the principal Ordinance may be prescribed by the Minister after consultation with the Authority.

8. The effect of sections 82 (1) (a) and 83 (1) of the principal Ordinance is to impose a rigid and detailed control of the tariff of the Nigerian Ports Authority by which any increase or decrease in charges requires the specific approval of the Minister. No other Public Utility Corporation is subjected to strict control of this kind. Experience has shown that this detailed control tends to hamper the Authority in the conduct of its day-to-day business. The effect of clause 9 will be to provide greater flexibility while retaining the Minister's power to control the upper limit of all charges.

R. AMANZE NJOKU,
Minister of Transport,
Federation of Nigeria

A BILL

FOR

AN ORDINANCE FURTHER TO AMEND THE EVIDENCE ORDINANCE.

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

1. (1) This Ordinance may be cited as the Evidence (Amendment) Ordinance, 1959.

(2) This Ordinance shall have effect throughout the Federation.

Title.
Commence-
ment.

Enactment.

Short title
and applica-
tion.

Amendment
of section
224A Cap. 63
No. 6 of
1955.

2. Section 224A of the Evidence Ordinance (as added by section of the Evidence (Amendment) Ordinance, 1955) is amended by the insertion in paragraph (b) of subsection (3) after the word "him" of the following—

"or a photographic copy certified as such of particulars relating to a conviction as entered in the said records".

Objects and Reasons

Section 224A of the Evidence Ordinance, Chapter 63 (as added by the Evidence (Amendment) Ordinance, 1955, No. 6 of 1955) provides that in criminal proceedings a certificate containing particulars relating to a conviction extracted from the criminal records shall be evidence of the conviction. This Bill amends that section so as to permit the particulars to appear in the certificate as a photostat copy of the entry in the criminal records, a method which is considered cheaper and administratively more convenient.

S. L. AKINTOLA,
*Minister of Communications and Aviation,
Federation of Nigeria*

A BILL

FOR

AN ORDINANCE TO AMEND THE EDUCATION (LAGOS) ORDINANCE, 1957 (No. 26 OF 1957).

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

1. This Ordinance may be cited as the Education (Lagos) (Amendment) Ordinance, 1959, and shall apply in respect of the Federal territory of Lagos.

Title.

Commence-
ment.

Enactment.

Short title
and appli-
cation.

Addition
of new
sections
5A and 5B.
No. 26 of
1957.

2. The Education (Lagos) Ordinance, 1957 (hereinafter referred to as the principal Ordinance) is amended by the addition after section 5 of the following new sections—

"Authority
to be sub-
ject to the
general
control of
Minister.

5A In the exercise of the powers and duties conferred upon the Authority, the Authority shall be subject to the authority, direction and control of the Minister and any written direction, order or instruction given by him shall be carried out by the Authority.

Administra-
tive
scheme.

5B (1) The Minister may by order institute an administrative scheme for the carrying out of the functions of the Authority and of the purposes of this Ordinance.

(2) Without prejudice to the generality of the foregoing, any scheme instituted under this section may require the Authority to delegate or confer all or any of its powers, duties and functions in accordance with the provisions of this Ordinance to or upon a particular public officer or authority or to refrain from delegating or conferring any of its powers, duties and functions, and any such requirement shall be complied with by the Authority."

Amend-
ment of
section 10.

3. Section 10 of the principal Ordinance is amended by the insertion after the word "Authority" wherever it occurs of the following—

"or Education Committee"

Amend-
ment of sec-
tion 25.

4. Section 25 of the principal Ordinance is amended by the deletion of the words "section 24" wherever they occur and the substitution therefor of the following—

"section 23"

Amend-
ment of
section 26.

5. Section 26 of the principal Ordinance is amended by the deletion of the words "section 24" wherever they occur and the substitution therefor of the following—

"section 23"

Amend-
ment of
section 63.

6. Section 63 of the principal Ordinance is amended by the insertion, in subsection (2) after the word "may" of the following—

" , subject to the provisions of any scheme instituted under section 5B,"

Objects and Reasons

The main object of this Bill in amending the Education (Lagos) Ordinance, 1957, is to enable the Minister responsible for education in Lagos to institute an administrative scheme for the carrying out of the functions of the proposed Local Education Authority under that Ordinance. Clause 2 introduces a new section 5B to that effect.

2. The responsibility of the Minister for policy and administration of education is already expressed in section 4. Clause 2 introduces a further new section 5A making it clear that the Authority is subject to the directions of the Minister in the exercise of its functions.

3. Section 10 enables the Minister to transfer the functions of the Authority where it has failed to discharge its duties. Clause 3 amends that section so as to apply its provisions to the Education Committee as well as the Authority.

4. Clauses 4 and 5 amend sections 25 and 26 to correct errors in the text.

AJA NWACHUKU,
Federal Minister of Education

A BILL

FOR

AN ORDINANCE TO AMEND THE WEST AFRICAN EXAMINATIONS COUNCIL
(NIGERIAN STATUS) ORDINANCE, 1952

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

1. This Ordinance may be cited as the West African Examinations
Council (Nigerian Status) (Amendment) Ordinance, 1959, and shall be of
Federal application.

Title.

Commence-
ment.

Enactment.

Short title
and appli-
cation.

Amend-
ment of
section 3,
No. 27 of
1952.

2. Section 3 of the West African Examinations Council (Nigerian Status) Ordinance, 1952, is amended by—

(a) the re-numbering of subsection (1) as subsection (1c) and the addition before that subsection of the following new subsections—

“(1) The provisions of section 4 of the Gold Coast Ordinance (which relates to the constitution of the Council) shall apply in relation to the constitution of the Council in Nigeria as if—

(a) in paragraph (a) of subsection (1) the expression “the Council” were substituted for the expression “the Secretary of State”;

(b) for paragraph (f) of subsection (1) there were substituted the following—

“(f) two members nominated as to one by the University of Cambridge and as to the other by the University of London”;

(c) in subsection (5) the expression “the Council” were substituted for the expression “the Secretary of State”.

(1A) The provisions of section 6 of the Gold Coast Ordinance (which relates to the powers of the Council) shall apply in relation to the powers of the Council in Nigeria as if for the words “Subject to any directions, specific or general, of the Secretary of State the Council may” there were substituted the following—

“The Council may”.

(1B) The provisions of section 8 of the Gold Coast Ordinance (which relates to the duties of the Council) shall apply in relation to the duties of the Council in Nigeria as if the words “and to any direction of a general character by the Secretary of State” were deleted from paragraph (d).”;

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

“(2A) The provisions of section 21 of the Gold Coast Ordinance (which relates to discipline of employees of the Council) shall apply in relation to discipline of employees of the Council in Nigeria as if the proviso to subsection (1) were deleted.”;

(c) the repeal of subsection (3) and the substitution therefor of the following subsection—

“(3) The provisions of section 22 of the Gold Coast Ordinance (which relates to the dissolution of the Council) shall not apply in relation to the Council in Nigeria.”.

Objects and Reasons

The West African Examinations Council derives its legal existence from the Gold Coast Ordinance No. 40 of 1951. The status of the Council in Nigeria is governed by the West African Examinations Council (Nigerian Status) Ordinance, 1952, which applies the provisions of the Gold Coast Ordinance with certain modifications.

2. The Gold Coast Ordinance confers a number of powers on the Secretary of State in connection with the Council, and, in common with the other three West African member Governments, it is considered that these powers should be transferred to the Council itself. This Bill amends the Nigerian Ordinance accordingly.

3. Section 22 of the Gold Coast Ordinance which relates to the dissolution of the Council is considered unnecessary and is deleted in its application to Nigeria.

A BILL

FOR

AN ORDINANCE TO ACCORD RECOGNITION TO AN APPROVED METHOD FOR THE SELECTION WHEN NECESSARY OF THE OBA OF LAGOS, TO AUTHORIZE EXPENDITURE UPON THE IGA IDUNGANRAN AS THE OFFICIAL RESIDENCE OF THE OBA, TO PROVIDE FOR THE APPOINTMENT AND RECOGNITION OF CHIEFS IN LAGOS, AND FOR PURPOSES INCIDENTAL AND SUPPLEMENTARY TO THE MATTERS AFORESAID

Title.

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

1. This Ordinance may be cited as the Oba and Chiefs of Lagos Ordinance, 1959, and shall be of application in respect of the Federal Territory of Lagos.

Short title and application.

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

"Iga" or "Iga Idunganran" means the structure, walls, gates and land specified in the first part of the Second Schedule;

Interpretation.
Second Schedule.

"chief of Lagos" means a chief recognised by the Governor-General on the recommendation of the Oba as a white-cap chief and as one of the Akarigbere, Idejo, Ogalade classes or as a war-chief of Lagos;

"Minister" means the Minister charged with responsibility for matters relating to Lagos municipal affairs.

Declaration
as to Oba.

First
Schedule.

3. (1) Whenever it may be desirable in the opinion of the Governor-General to make public from time to time official recognition of the person accepted to be the Oba of Lagos he may require a declaration from a Committee of Chiefs constituted in accordance with the provisions of the First Schedule.

(2) The declaration of the Committee of Chiefs shall be formulated by them after consultation together and after such other procedure has been followed as may in their opinion be consonant with native law and custom.

(3) If the opinion of the Committee of Chiefs is not unanimous the Governor-General may either accept the opinion of the majority or may refer the declaration back for further consideration by the Committee, as he may in any case deem appropriate.

(4) Subject to the provisions of this Ordinance, the Governor-General, if he thinks fit, may make, vary and revoke standing orders respecting the proceedings of the Committee of Chiefs, or the time in which or the form in which any declaration shall be made.

Occupation
of the Iga.

4. (1) The Iga Idunganran shall be the official residence of the Oba of Lagos.

(2) The Iga, as the same is described in the first part of the Second Schedule, may be renovated, demolished or rebuilt in whole or in part with the consent of the Oba from time to time in such manner as may be approved by the Minister after hearing such representations as he may consider desirable, at the public expense and with monies to be provided for by vote of the Federal Legislature.

(3) The provisions of this section shall take effect without prejudice to the manner of devolution of any part of the land referred to in the Second Schedule in the event of the Iga ceasing to be the official residence of the Oba: Provided that while the Iga remains the official residence of the Oba any rights in the land described in the Second Schedule shall be subject to the public rights and rights of the Oba specified in this section and in the Second Schedule.

(4) The Iga and the land referred to in the Second Schedule shall, while the Iga remains the official residence of the Oba, be exempt from rates levied under the provisions of the Lagos Local Government Law, 1953.

W.R. Law 4
1953, of

Appointment
and
recognition
of chiefs of
Lagos.

5. (1) Upon the death or abdication of any Chief of Lagos, the Oba of Lagos may recommend a successor for recognition by the Governor-General.

(2) In making such recommendation the Oba shall be the channel for nomination to the Governor-General of the successor to such chieftaincy decided upon according to such principles and after such procedure as may be consonant with native law and custom.

(3) Upon such recognition the Oba may carry into effect such appointment in accordance with native law and custom.

(4) The Governor-General, after due inquiry and after consultation with the Oba of Lagos, may withdraw recognition of any chief of Lagos whether appointed before or after the commencement of this Ordinance,

if he is satisfied that such withdrawal is expedient according to native law and custom or is necessary in the interests of peace, or order or good government.

6. The Governor-General may, upon the recommendation of the Oba of Lagos, signify his recognition of the persons who according to principles of native law and custom are chiefs of Lagos upon the coming into operation of this Ordinance.

Existing
chiefs of
Lagos.

7. Notwithstanding anything in any Ordinance or Law whereunder jurisdiction is conferred upon a court, whether such jurisdiction is original, appellate or by way of transfer, a court shall not have jurisdiction, whether by way of prerogative writ or order or otherwise, to entertain any civil cause or matter instituted for—

Chieftaincy
disputes not
to be enter-
tained by
courts.

(a) the determination of any question relating to the selection, appointment, recognition, installation, deposition or abdication of a chief; or

(b) the recovery or delivering up of any property in connection with the selection, appointment, recognition, installation, deposition or abdication of a chief.

8. Where in any criminal proceedings it is necessary to name the person to whom any property belongs and that property is that of a Chief of Lagos by virtue of his chieftaincy, it shall be sufficient to name such chief by whichever title such chief is known notwithstanding that no person has been duly recognized or appointed as such chief, and the provisions of sections 146, 147 and 154 of the Criminal Procedure Ordinance and any similar provisions in any other Ordinance shall be construed accordingly.

Description
of ownership
of property.

9. The Appointment and Deposition of Chiefs Ordinance and the Chieftaincy Disputes (Preclusion of Courts) Ordinance, 1948, are repealed in respect of the Federal Territory of Lagos.

Repeal
Cap. 12
No. 30 of
1948.

FIRST SCHEDULE

(section 3 (1))

CONSTITUTION OF COMMITTEE OF CHIEFS

(1) The Committee shall be constituted of the following chiefs—

(a) the Eletu Odibo, representing the Akarigberes;

(b) the Olumegbon, representing the Idejos;

(c) the Obanikoro, representing the Ogalades;

(d) the Ashogbon, representing the war chiefs,

together with two other chiefs who shall be the most senior in point of time, having regard to the respective dates of their appointment as chiefs, amongst the classes of chiefs specified in paragraphs (a), (b) and (c), such senior chiefs not themselves being the Eletu Odibo, the Olumegbon or the Obanikoro.

(2) The Chairman of the Committee shall be such one of the six members as the Committee shall elect by majority vote of those present, and failing such election, or if the members shall be equally divided, shall be the senior of the six members having regard to the respective dates of their appointment.

(3) A declaration for the purpose of the Ordinance—

(a) shall be in writing and given by or with the authority of the Chairman;

(b) shall specify which chiefs have taken part in the proceedings of the Committee;

(c) shall specify the opinion of each chief taking part in the proceedings of the Committee, unless the declaration is unanimous.

(4) The Committee of Chiefs shall be deemed properly constituted notwithstanding the absence of any one or more chiefs who are unable or unwilling to attend: Provided that at any meeting a quorum of four shall be sufficient if the Governor-General is satisfied that all members of the Committee have been notified of that meeting.

(5) If any member of the Committee of Chiefs is unwilling to take part in its proceedings, or is in the opinion of the Governor-General unable to take his proper part in the proceedings, or if a chieftaincy is vacant, the Governor-General may appoint a substitute to act in the place of such chief for the purpose of the Committee.

SECOND SCHEDULE

(section 4)

PART I.—THE IGA

(1) The building constituting the Iga Idunganran with its fixtures and fittings as the same exists upon the date of coming into operation of the Ordinance.

(2) The walls and gates surrounding or appurtenant to that building, as the same exist upon such date.

(3) Such structure and such walls and gates, as the same may be rebuilt or altered in accordance with plans approved by the Minister.

(4) The exclusive right to use the land occupied by the building and by the walls and gates referred to in paragraphs (1), (2) and (3).

PART II.—APPURTENANT RIGHTS

(1) The exclusive right to use or to give consent to the use of the following buildings within the walls referred to in paragraphs (2) and (3), as such structures may be rebuilt or altered from time to time—

(i) the Iga Obedu, including the Oba Ado's shrine;

(ii) Oba Ologun Kutere's shrine;

(iii) the vaults of the late Obas.

(2) The right of access to the buildings, walls, gates and land referred to in this Schedule and the right to restrict or deny access thereto.

(3) The right of access to any part of the land described in a plan deposited at the Land Registry at Lagos dated the 24th July, 1959, and signed by the Chief Federal Land Officer, and the right to restrict or deny access thereto.

Objects and Reasons

The object of this Bill is three-fold.

2. It provides the procedure whereby recognition can be accorded to the Oba of Lagos and whereby a successor may be selected according to principles of native law and custom when necessary.

3. Secondly it provides the necessary legislative authority for rebuilding the Iga Idunganran as the official residence of the Oba. The true legal position with regard to this historic building has become apparent as a consequence of the Privy Council decision of 1957 and *clause 4* provides a legislative basis upon which the right of occupancy and other rights in relation to the Iga may rest.

4. Thirdly, the Bill provides for a method whereby vacancies in the recognised chiefs may be filled upon death or abdication and for recognition of existing chiefs of Lagos.

MUHAMMADU RIBADU,
Minister of Lagos Affairs,
Mines and Power,
Federation of Nigeria

AGRICULTURE (LAGOS) ORDINANCE, 1959**ARRANGEMENT OF SECTIONS**

1. Short title, commencement and application.
2. Interpretation.
3. Authorized officers.
4. Minister may make regulations.
5. Regulations to be laid before the House of Representatives.
6. Furnishing of information.
7. Offences.
8. Prosecution.
9. Defence in civil and criminal proceedings.
10. Power to sue for fees, etc.
11. Transitional provisions.
12. Repeal.

A BILL FOR

Title.

AN ORDINANCE TO MAKE PROVISION FOR THE PREVENTION AND CONTROL OF PLANT DISEASES, PESTS AND NOXIOUS WEEDS AND FOR MATTERS CONNECTED THEREWITH.

Commence-
ment.

[By notice, see section 1]

Enactment.

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

Short title,
commence-
ment and
applica-
tion.

1. (1) This Ordinance may be cited as the Agriculture (Lagos) Ordinance, 1959, and shall come into operation on a day to be appointed by the Governor-General by notice in the Gazette.

(2) This Ordinance shall apply in respect of the Federal territory of Lagos.

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

"authorized officer" means a person designated as an authorized officer under section 3;

"Minister" means the Minister charged with responsibility for matters relating to agricultural research;

"noxious weed" means any weed harmful to man or beast or injurious to agricultural or horticultural crops;

"pest" means any insect or other animal injurious to agricultural or horticultural crops;

"plant" means any plant or parts of a plant such as cuttings, suckers, bulbs, tubers, roots, haulms and fruit; but does not include the manufactured or processed products of plants;

"plant disease" means any disease caused by fungus, bacterium, virus or any other organism injurious to agricultural or horticultural crops;

"this Ordinance" includes regulations made under this Ordinance.

Interpretation.

3. The Minister may designate any officer in the public service of the Federation as an authorized officer for the purposes of this Ordinance.

Authorized officers.

4. (1) The Minister may make regulations—

Minister may make regulations.

(a) for the prevention and control of plant diseases, pests and noxious weeds;

(b) for prohibiting temporarily the growth or cultivation of any plant or crop during specified periods of the year;

(c) for prohibiting the sowing or planting of any kind of plant;

(d) for specifying any particular kind of seed or plant as the only kind permitted to be used;

(e) for controlling the distribution of any kind of seed or planting material;

(f) for the charging of fees in respect of matters to which the regulations relate;

(g) generally for carrying into effect the provisions of this Ordinance.

(2) Regulations made under this section may provide that a contravention of any specified regulations shall be an offence and may provide penalties in respect thereof:

Provided that the penalties provided in respect of any such offence shall not exceed a fine of one hundred pounds and imprisonment for six months.

5. (1) All regulations made under section 4 shall be laid before the House of Representatives as soon as may be after the date of their making.

Regulations to be laid before House of Representatives.

(2) The House of Representatives may, by resolution, approve, amend or revoke any regulations laid before the House in pursuance of this section, but any such amendment or revocation shall be without prejudice to anything lawfully done thereunder or to the making of further regulations.

6. (1) An authorized officer may call upon any person to furnish him with any information he may reasonably require for the purpose of investigating any offence against this Ordinance.

Furnishing of information.

(2) No person who obtains any information by virtue of this section shall, otherwise than in the execution of his duties or powers under this Ordinance, disclose that information except with the permission of the Minister.

Offences:

7. (1) Any person who—

(a) hinders or molests any authorized officer in the exercise of any of his duties or powers under this Ordinance; or

(b) without lawful excuse, fails to comply with any order lawfully given under this Ordinance; or

(c) without lawful excuse, fails to furnish any information lawfully demanded under this Ordinance or furnishes information which he knows to be false in a material particular or does not believe to be true;

shall be guilty of an offence and liable on conviction to a fine of two hundred pounds and imprisonment for one year.

(2) In any prosecution for an offence against this section, the onus of proving the existence of a lawful excuse shall lie on the person charged.

Prosecution.

8. (1) No prosecution for an offence against this Ordinance shall be commenced except with the consent of the Director of the Federal Department of Agricultural Research.

(2) A prosecution for an offence against this Ordinance shall be brought in the name of the Director of the Federal Department of Agricultural Research and may be conducted by him or by an officer of that department not below the rank of Technical Officer, and any prosecution so conducted shall be deemed *prima facie* to have been commenced with due consent.

(3) Nothing in this section shall prevent the institution of proceedings for an offence against this Ordinance by or in the name of the Attorney-General of the Federation in accordance with the provisions of the Constitution of Nigeria in any case in which he thinks it proper that proceedings should be so instituted.

Defence in civil and criminal proceedings.

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

Power to sue for fees, etc.

10. Any expenses or fees due under this Ordinance may be recovered by the Director of the Federal Department of Agricultural Research as a civil debt.

Transitional provisions.

11. Any regulations made under the Agriculture Ordinance, 1950, relating to matters in respect of which the Minister has power to make regulations under this Ordinance and in force immediately before the commencement of this Ordinance shall remain in force as if made under this Ordinance until replaced by regulations made under this Ordinance.

Repeal of No. 37 of 1950.

12. The Agriculture Ordinance, 1950, is repealed in respect of the Federal Territory of Lagos.

Objects and Reasons

This Bill replaces the Agriculture Ordinance, 1950, in its application to Lagos. The provisions of that Ordinance relating to the control of plant diseases, pests and noxious weeds (but not the provisions relating to importation which are being dealt with by a separate enactment of Federal application) are repealed in the Bill with one substantial change, namely, the power to make regulations (clause 4) is transferred from the Governor-General to the Minister.

VICTOR MUKETE,
Federal Minister of Research
and Information

AGRICULTURE (CONTROL OF IMPORTATION)
ORDINANCE, 1959

ARRANGEMENT OF SECTIONS

1. Short title, commencement and application.
2. Interpretation.
3. Authorized officers.
4. Minister may make regulations.
5. Regulations to be laid before the House of Representatives.
6. Diseases and pests.
7. Furnishing of information.
8. Offences.
9. Prosecution.
10. Defence in civil and criminal proceedings.
11. Power to sue for fees, etc.
12. Transitional provisions.
13. Repeal of certain provisions of Ordinance No. 37 of 1950.

SCHEDULE—Provisions of the Agriculture Ordinance, 1950, which are repealed.

A BILL FOR

Title. **AN ORDINANCE TO MAKE PROVISION FOR REGULATING THE IMPORTATION OF ARTICLES FOR THE PURPOSE OF CONTROLLING PLANT DISEASES AND PESTS.**

**Commence-
ment.**

[By Notice, see section 1]

Enactment.

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

**Short title,
commence-
ment and
appli-
cation.**

1. (1) This Ordinance may be cited as the Agriculture (Control of Importation) Ordinance, 1959, and shall come into operation on a day to be appointed by the Governor-General by notice in the Gazette.

(2) This Ordinance shall have effect throughout the Federation.

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

"authorized officer" means a person designated as an authorized officer under section 3;

"import" means to bring or cause to be brought into Nigeria; and "importation" shall be construed accordingly;

"Minister" means the Minister charged with responsibility for matters relating to agricultural research;

"pest" means any insect or other animal injurious to agricultural or horticultural crops;

"plant" means any plant or parts of a plant such as cuttings, suckers, bulbs, tubers, roots, haulms and fruit; but does not include the manufactured or processed products of plants;

"plant disease" means any disease caused by fungus, bacterium, virus, or any other organism injurious to agricultural or horticultural crops;

"this Ordinance" includes regulations made under this Ordinance.

3. The Minister may designate any officer in the public service of the Federation as an authorized officer for the purposes of this Ordinance.

4. (1) The Minister may make regulations prohibiting, restricting or laying down conditions for the importation from any or all countries of plants, seeds, soil, containers, straw and other packing materials, artificial fertilizers, and any other similar goods or things, and, without prejudice to the generality of the foregoing any such regulations may prescribe or provide for—

- (a) the places at which such goods or things may or may not be imported;
- (b) the detention and examination of such goods and things on arrival;
- (c) the charging of fees in respect of matters to which the regulations relate;
- (d) generally for carrying into effect the provisions of this Ordinance.

(2) Regulations made under this section may provide that a contravention of any specified regulations shall be an offence and may provide penalties in respect thereof:

Provided that the penalties provided in respect of any such offence shall not exceed a fine of one hundred pounds and imprisonment for six months.

5. (1) All regulations made under section 4 shall be laid before the House of Representatives as soon as may be after the date of their making.

(2) The House of Representatives may, by resolution, approve, amend or revoke any regulations laid before the House in pursuance of this section, but any such amendment or revocation shall be without prejudice to anything lawfully done thereunder or to the making of further regulations.

6. Where plants, seeds, soil, containers, straw or other packing materials, or any other similar goods or things are on importation found or suspected to be infected with any plant disease or pest, an authorized officer may order them to be destroyed or may direct that they shall not be imported until they have been treated to his satisfaction for the removal of the plant disease or pest.

Interpretation.

Authorised officers.

Minister may make regulations.

Regulations to be laid before House of Representatives.

Diseases and pests.

Furnishing of information.

7. (1) An authorized officer may call upon any person to furnish him with any information he may reasonably require for the purpose of investigating any offence against this Ordinance.

(2) No person who obtains any information by virtue of this section shall, otherwise than in the execution of his duties or powers under this Ordinance, disclose that information except with the permission of the Minister.

Offences.

8. (1) Any person who—

(a) hinders or molests any authorized officer in the exercise of any of his duties or powers under this Ordinance; or

(b) without lawful excuse, fails to comply with any order lawfully given under this Ordinance; or

(c) without lawful excuse, fails to furnish any information lawfully demanded under this Ordinance or furnishes information which he knows to be false in a material particular or does not believe to be true; shall be guilty of an offence and liable on conviction to a fine of two hundred pounds and imprisonment for one year.

(2) In any prosecution for an offence against this section, the onus of proving the existence of a lawful excuse shall lie on the person charged.

Prosecution.

9. (1) No prosecution for an offence against this Ordinance shall be commenced except with the consent of the Director of the Federal Department of Agricultural Research.

(2) A prosecution for an offence against this Ordinance shall be brought in the name of the Director of the Federal Department of Agricultural Research and may be conducted by him or by an officer of that department not below the rank of Technical Officer, and any prosecution so conducted shall be deemed *prima facie* to have been commenced with due consent.

(3) Nothing in this section shall prevent the institution of proceedings for an offence against this Ordinance by or in the name of the Attorney-General of the Federation in accordance with the provisions of the Constitution of Nigeria in any case in which he thinks it proper that proceedings should be so instituted.

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

11. Any expenses or fees due under this Ordinance may be recovered by the Director of the Federal Department of Agricultural Research as a civil debt.

12. Any regulations made under the Agriculture Ordinance, 1950, relating to matters in respect of which the Minister has power to make regulations under this Ordinance and in force immediately before the commencement of this Ordinance shall remain in force as if made under this Ordinance until replaced by regulations made under this Ordinance.

Defence in civil and criminal proceedings.

Power to sue for fees, etc.

Transitional provisions.

13. The provisions of the Agriculture Ordinance, 1950, specified in the first column of the Schedule are repealed to the extent specified in the second column of the Schedule.

Repeal of
certain
provisions
of Ordinance No. 37
of 1950.
Schedule.

SCHEDULE

(s. 13)

PROVISIONS OF THE AGRICULTURE ORDINANCE, 1950, WHICH ARE REPEALED

Section	Extent of repeal
7 (1)	Paragraph (a), and paragraph (c) in so far as it relates to the prohibition, restriction and control of the importation into Nigeria of artificial fertilizers.
9	The whole section.
10	Subsection (1).

Objects and Reasons

The Agriculture Ordinance, 1950, contains *inter alia* a number of provisions, including the power to make regulations, in connection with the importation of certain articles which may be the source of plant diseases and pests.

2. This Bill sets out those provisions in a separate enactment of Federal application and in so doing transfers the power to make regulations from the Governor-General to the Minister.

VICTOR MUKETE,
Federal Minister of Research and Information

(Bills 635)

NURSES ORDINANCE, 1959

ARRANGEMENT OF SECTIONS.

1. Short title, commencement and application.
2. Interpretation.
3. Establishment of Nursing Council.
4. Establishment of committees.
5. Registers to be kept.
6. Persons who may be registered.
7. Approval of training schools.
8. Rules relating to standards, etc.
9. Powers of Council in relation to registration and training schools.
10. Right of Appeal.
11. Evidence of registration.
12. Offences.
13. Regulations.
14. Membership of Council not an office of emolument under the Crown.
15. Amendment of Schedules.
16. Persons previously registered, and past acts of Council.
17. Repeal.

FIRST SCHEDULE—Constitution of Council.

SECOND SCHEDULE—Persons entitled to registration on general register.

THIRD SCHEDULE—Recognised nursing bodies.

FOURTH SCHEDULE—Persons entitled to registration on supplementary register.

A BILL

FOR

Title.

AN ORDINANCE TO PROVIDE FOR THE PROFESSIONAL QUALIFICATIONS, REGISTRATION AND DISCIPLINARY CONTROL OF NURSES AND MATTERS INCIDENTAL THERETO.

[By Notice, see section 1]

Commencement.

Enactment.

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

Short title, commencement and application.

1. (1) This Ordinance may be cited as the Nurses Ordinance, 1959, and shall come into operation on a day to be appointed by the Governor-General by notice in the Gazette.

(2) This Ordinance shall have effect throughout the Federation.

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

"Council" means the Nursing Council for Nigeria established under section 3;

"nurse in training" means a person training to be a nurse at any hospital or other institution approved as a training school under section 7;

"regional committee" means a nursing committee established for a Region under section 4;

"register" means a register kept in accordance with section 5, and "general register" and "supplementary register" shall be construed accordingly;

"registered" means registered under this ordinance and "registered nurse" shall be construed accordingly.

(2) Any reference in this Ordinance to a Region shall, unless the context otherwise requires, be deemed to include a reference to the Federal Territory of Lagos and to the Southern Cameroons.

3. (1) There shall be established a Nursing Council for Nigeria to be constituted in accordance with the provisions of the First Schedule.

(2) A member of the Council nominated in accordance with the provisions of the First Schedule shall retain his membership for a period of three years and at the end of that period shall be eligible for re-nomination.

(3) The Council shall not be deemed to be improperly constituted by reason of any failure to nominate any particular member in accordance with the provisions of the First Schedule.

(4) The Chairman or other member presiding and five other members shall form a quorum at any meeting of the Council.

(5) The Governor-General shall appoint a person, whether a member of the Council or not, by name or by office to be the Secretary and Registrar of the Council.

4. The Council shall establish for each Region a nursing committee in accordance with regulations made under section 13 to carry out such functions and duties as may be prescribed.

5. The Council shall keep or cause to be kept, in accordance with the provision of this Ordinance, a general register for the registration of persons holding nursing qualifications of a general nature, and a supplementary register for the registration of persons holding nursing qualifications of a specialized nature.

6. (1) Subject to the provision of this Ordinance the persons specified in the Second Schedule shall upon making application in the prescribed form and payment of the prescribed fee and upon proof of identity be entitled to be registered by the Council on the general register under the provisions of this Ordinance.

(2) Subject to the provisions of this Ordinance, any person whose name is registered in the register of any of the bodies set out in the Third Schedule or possessing the qualifications entitling him or her to registration by the Nursing Council for England and Wales shall upon making application in the prescribed form and payment of the prescribed fee and upon proof of identity be entitled to be registered by the Council on the general register under the provisions of this Ordinance in respect of the qualifications registered or registerable by that body.

Interpretation.

Establishment of Nursing Council. First Schedule.

Establishment of committees.

Registers to be kept.

Persons who may be registered. Second Schedule.

Third Schedule.

Third
Schedule.

(3) Subject to the provisions of this Ordinance any person who proves to the satisfaction of the Council that he or she has been trained in any place outside Nigeria, other than a place in which registration by one of the bodies set out in the Third Schedule may be effected and has passed an examination in nursing, and the Council is satisfied that the standards of training and examination in that place are not lower than the standards required under the provisions of this Ordinance, shall upon making application in the prescribed form and payment of the prescribed fee and upon proof of identity be entitled to be registered by the Council on the general register under the provisions of this Ordinance in respect of the qualifications to which the examination related :

Provided that the Council may, in any case of doubt, require the applicant to pass an examination approved by the Council.

Fourth
Schedule.

(4) Subject to the provisions of this Ordinance the persons specified in the Fourth Schedule shall upon making application in the prescribed form and payment of the prescribed fee and upon proof of identity be entitled to be registered by the Council on the supplementary register under the provisions of this Ordinance.

(5) Subject to the provisions of this Ordinance the Council may, in its discretion, upon application in the prescribed form and payment of the prescribed fee and proof of identity, register any person registered by or holding a valid certificate of a nursing body outside Nigeria on the supplementary register, under the provisions of this Ordinance if such registration or certificate does not entitle him or her to registration by the Council on the general register under the provisions of this Ordinance.

(6) No person shall be registered under this section by reason of his or her registration by a body outside Nigeria or of his or her possession of qualifications entitling him or her to registration by such a body unless he or she produces a certificate to that effect duly authenticated to the satisfaction of the Council.

Approval of
training
schools.

7. The Council may, on the recommendation of a Regional Nursing Committee, approve hospitals and other similar institutions in Nigeria as training schools for nurses.

Rules
relating to
standards,
etc.

8. The Council may, by rule—

- (a) prescribe the standards and subjects for nurses in training ;
- (b) prescribe the standards and subjects for examinations to entitle nurses in training to be registered by the Council under the provisions of this Ordinance.

Powers of
Council in
relation to
registration
and training
schools.

9. The Council may, by resolution—

- (a) direct that the name of any person be removed from a register who has, in the opinion of the Council, been guilty of infamous conduct or when, in the opinion of the Council, the conduct or character of any person renders it expedient, in the public interest, so to do ;
- (b) direct that the name of any person be entered in the appropriate register if in the opinion of the Council such person is qualified to be so registered and, notwithstanding the other provisions of this Ordinance, refuse to enter the name of any person on a register, even if so qualified, when the Council is of opinion that it is in the public interest so to refuse ;

(c) on the recommendation of a regional committee direct that any hospital or other similar institution previously approved as a training school be no longer so approved, where the Council is of opinion that it is expedient in the public interest so to do.

10. (1) Any person aggrieved by a refusal of the Council to enter his or her name in a register or by a direction to remove his or her name from a register or by a refusal to approve any hospital or other similar institution as a training school or by a direction that any training school be no longer approved as such may, within one month of notification of the refusal or direction, appeal therefrom to the appropriate High Court.

Right of appeal.

(2) The appropriate High Court to which an appeal lies under subsection (1) shall be—

(a) in the case of a refusal to enter a name in a register, or a direction to remove a name from a register, the High Court having jurisdiction in that part of the Federation where the appellant is residing at the time when the appeal is entered, or

(b) in the case of a refusal to approve a hospital or other similar institution as a training school, or a direction that a training school be no longer approved as such, the High Court having jurisdiction in that part of the Federation in which the hospital, institution or training school is situated.

11. In any proceedings a certificate under the hand of the Secretary and Registrar of the Council shall be conclusive evidence that the person named in the certificate is registered in accordance with the terms of the certificate or is not registered, as the case may be.

Offences.

12. Any person who—

(a) not being a person duly registered under this Ordinance, uses the title "registered nurse" or "nurse-in-training" or its equivalent in any language either alone or in combination with any other word or letters, or who uses any name, title, description, uniform or badge implying that he or she is a person registered under this Ordinance or is a nurse-in-training, or uses any title, uniform or badge prescribed for the use of persons registered under this Ordinance, or of nurses-in-training; or

(b) being a person whose name is included in the supplementary register and not in the general register, uses any name, title, description, uniform or badge or otherwise does any act implying that he or she is registered in the general register; or

(c) with intent to deceive uses a certificate of registration issued under this Ordinance to any other person; or

(d) wilfully gives or causes to be given any false information knowing or having reason to believe that such information may be used for any application or other matter under the provisions of this Ordinance,

shall be guilty of an offence and liable on conviction to a fine of one hundred pounds and to imprisonment for one year,

13. (1) The Council may, with the approval of the Governor-General, make regulations prescribing or providing for—

Regulations.

(a) the manner and procedure of meetings of the Council;

(b) the establishment, constitution and powers of regional committees;

(c) the form of registers kept under this Ordinance, the manner in which they shall be kept and in which they may be amended or revised;

(d) the holding of examinations and the persons or bodies who may hold examinations;

(e) the issue of certificates of registration under this Ordinance and the uniform or badges to be worn by registered nurses or nurses-in-training;

(f) fees and exempting any persons or class or classes of persons from the payment thereof;

(g) the keeping of indexes and records of nurses-in-training;

(h) generally for carrying into effect the provisions of this Ordinance.

(2) Regulations made under this section shall be signed by the Chairman of the Council and shall be published in the Gazette of the Federation in accordance with the provisions of subsection (3) of section 19 of the Interpretation Ordinance.

Cap. 94.

Membership of Council not an office of emolument under Crown.
L.N. 16 of 1959.

Amendment of Schedule.

Persons previously registered and past acts Council.

Cap. 196.

14. The office of member of the Council shall not be an office of emolument under the Crown for any of the purposes of the Nigeria (Constitution) Order in Council, 1954.

15. The Governor-General may by order amend any of the Schedules.

16. (1) Any person whose name was, immediately before the coming into operation of this Ordinance, included in the register of nurses for the sick kept in accordance with the Registration of Nurses Ordinance referred to in section 17 shall, without application or payment of a fee, be entitled to be registered in the appropriate register under the provisions of this Ordinance in respect of the qualifications held by such persons.

(2) Any certificate granted and any other thing done under and in accordance with the Ordinance referred to in subsection (1) by the former Nursing Council for Nigeria established under the Registration of Nurses Ordinance referred to in section 17, shall so far as is consistent with the provisions of this Ordinance, continue to be effective and be deemed to have been granted or done under and in accordance with this Ordinance, by the Council established under this Ordinance.

17. (1) The Registration of Nurses Ordinance is repealed in respect of Lagos.

(2) To the extent that any provisions of the Registration of Nurses Ordinance or of any other enactment relating to nurses are inconsistent with the provisions of this Ordinance, that Ordinance or other enactment is superseded by this Ordinance in respect of each Region.

Repeal Cap. 196.

FIRST SCHEDULE [(sections 3 and 15)]

CONSTITUTION OF COUNCIL.

1. The Chairman of the Council shall be the Chief Medical Adviser to the Federal Government of Nigeria or, if he is absent from Nigeria or otherwise unable to carry out the functions of Chairman, the person for the time being carrying out the functions of Chief Medical Adviser.

2. The following shall, in addition to the Chairman, be members of the Council:—

the Principal Matron of the Federation;

the Principal or Regional Matron from each Region and the Southern Cameroons;

the Principal Tutor of the School of Nursing, University College Hospital, Ibadan;

one representative nominated by the Federal Minister of Health after consultation with such professional associations connected with matters relating to health as the Minister may deem appropriate;

two representatives nominated by the Federal Minister of Health after consultation with such voluntary agencies operating hospitals as the Minister may deem appropriate;

five registered nurses trained in Nigeria comprising one from each Region, one from the Southern Cameroons and one from Lagos nominated by the Minister charged with responsibility for matters relating to health in the territory concerned on the recommendation of the Professional Head of the Medical Service of that territory;

one Woman Education Officer nominated by the Federal Minister of Education;

five Sister Tutors comprising one from each Region, one from the Southern Cameroons and one from Lagos nominated by the Minister charged with responsibility for matters relating to health in the territory concerned on the recommendation of the Professional Head of the Medical Service of that territory.

SECOND SCHEDULE (sections 6 (1) and 15)

PERSONS ENTITLED TO REGISTRATION ON GENERAL REGISTER

(a) Any person holding a valid certificate of competency in nursing issued by the Council in pursuance of regulations made under section 13.

(b) Any person holding a valid certificate of competency in nursing issued by University College Hospital, Ibadan.

(c) Any person holding a valid certificate of competency in nursing issued by the head of the Medical Services in Nigeria, however designated, prior to the 1st August, 1957.

(d) Any person registered as, or possessing the qualifications entitling him or her to registration as, a Mental Nurse in the United Kingdom.

(e) Any person holding a valid certificate of competency in Mental Nursing issued by the Council in pursuance of regulations made under section 13.

(f) Any person registered as, or possessing the qualifications entitling him or her to registration as, a Mental Deficiency Nurse in the United Kingdom.

(g) Any person registered as, or possessing the qualifications entitling him or her to registration as a Sick Children's Nurse in the United Kingdom.

(k) Any person holding a valid certificate of competency in Sick Children's Nursing issued by the Council in pursuance of regulations made under section 13.

(l) Any person registered as, or possessing the qualifications entitling him or her to registration as, a Health Visitor in the United Kingdom.

(j) Any person holding a valid certificate of competency in Health Visitor training issued by the Council in pursuance of regulations made under section 13.

THIRD SCHEDULE (sections 6 (2) and (3) and 13)

RECOGNISED NURSING BODIES

The General Nursing Council for England and Wales.

The Nursing and Midwives Council of Northern Ireland.

The General Nursing Council for Eire.

The General Nursing Council for Scotland.

FOURTH SCHEDULE (sections 6 (4) and 15)

PERSONS ENTITLED TO REGISTRATION ON SUPPLEMENTARY REGISTER

(a) Any person holding a valid certificate of the British Tuberculosis Association.

(b) Any person holding a valid certificate of competency in Community Nursing issued by the Council in pursuance of regulations made under section 13.

(c) Any person registered by or holding a valid certificate of the Royal Medico Psychological Association.

(d) Any person holding a valid Sister Tutor Diploma or such diploma or certificate in the teaching of nurses as the Council may approve.

Objects and Reasons

The object of this Bill is to make new provision for the qualifications, registration and disciplinary control of nurses throughout the Federation and for the re-constitution of the Nigeria Nursing Council.

2. Primarily the effect of the Bill will be to give greater Regional representation on the Council (First Schedule). Otherwise the Bill is based largely on the provisions of the present Registration of Nurses Ordinance (Chapter 196) which is superseded, adapted and brought up to date. The more notable changes are :—

Clause 3 (2) : nominated members of the Council will cease to be members after three years and thereupon will be eligible for re-nomination.

Clause 3 (4) : provides that the Chairman and five members shall form a quorum of the Council.

Clause 6 : extends the classes of persons entitled to registration.

Clause 12 : increases the maximum penalty for offences from £50 and 6 months imprisonment to £100 and one year's imprisonment.

Clause 13 : transfers the power to make regulations from the Governor-General to the Council subject to the approval of the Governor-General.

ATO RORJI,
Federal Minister of Health

LIQUOR (LICENSING) ORDINANCE, 1959

ARRANGEMENT OF SECTIONS

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1. Short title, commencement and application.
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5. Authority for the issue of licences.
6. Authority conferred by licences.
7. Permitted hours.
8. Club liquor licences.
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10. Conditions against discrimination to be implied.
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48. Incriminated informer not to incur penalty.
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SCHEDULE—Provisions of the Liquor Ordinance that are repealed.

A BILL FOR

AN ORDINANCE TO REGULATE THE SALE OF INTOXICATING LIQUOR AND THE
MANUFACTURE OF WINE IN THE FEDERAL TERRITORY OF LAGOS

[By Notice, see section 1]

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

PART I—PRELIMINARY

1. (1) This Ordinance may be cited as the Liquor (Licensing) Ordinance, 1959, and shall come into operation on a day to be appointed by the Governor-General by notice in the Gazette.

(2) This Ordinance shall have effect in respect of the Federal Territory of Lagos.

Title.

Commence-
ment.

Enactment.

Short title,
commence-
ment and
application.

Interpreta-
tion.

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

"beer" includes every description of beer, porter, cider, and perry and any fermented malt liquor;

"board" means the licensing board established under section 3;

"club" includes an institute;

"country liquor" means fermented liquor usually made by Africans in or about Nigeria and palm wine;

"denatured spirits" means an intoxicating liquor which by the addition of some substance has been rendered impossible for use as a beverage;

"Deputy Commissioner of Police" means the Deputy Commissioner of Police in charge of Lagos Police District;

"intoxicating liquor" and "liquor" means any liquid which, used as a beverage, may have an intoxicating effect and wines, beer and spirits, but do not include country liquor;

"licenced premises" and "premises" in relation to sections 36, 37, 41 and 47 include any room or place adjacent to and communicating with any portion of any premises licensed for the sale of liquor;

"Minister" means the Minister charged with the responsibility for matters relating to liquor;

"retail" means the sale of liquor in quantities not exceeding two gallons to any one person, during the space of twenty-four hours;

"sale" includes the distribution of liquor which is the property of the members of a club amongst such members;

"spirits" means ethyl alcohol and includes all liquors mixed with ethyl alcohol and all mixtures compounded with or prepared from ethyl alcohol but does not include methylated spirits or other denatured spirits, or wine, beer, cider, perry or other fermented liquors which do not contain more than twenty *per centum* of pure alcohol;

"wholesale" means the sale of liquor in quantities of not less than two gallons to be delivered at one time to one person.

PART II—LICENSING BOARD AND LICENCES

Licensing
board.

3. (1) There shall be a licensing board which shall consist of a chairman and eleven other members.

(2) The chairman and members of the board shall be appointed either by name or by office by the Minister.

(3) The chairman and other members of the board if appointed by name shall, subject to the Ordinance, hold office for a period of two years from the date of their appointment and, after the expiry of that period, shall be eligible for re-appointment.

(4) The Minister may at any time terminate the appointment of the chairman or other members of the board.

(5) The Minister shall appoint a person to be secretary to the board.

4. Licences of the several descriptions following authorizing the sale of intoxicating liquor may, subject to the provisions of this Ordinance, be issued or renewed by the secretary to the board.

Description
of liquor
licences.

- (a) a tavern licence;
- (b) a wine and beer on licence;
- (c) a wine and beer off licence;
- (d) a general wholesale liquor licence;
- (e) a general retail liquor licence;
- (f) a hotel liquor licence;
- (g) a club liquor licence;
- (h) a railway station liquor licence;
- (i) a railway restaurant car liquor licence;
- (j) a temporary liquor licence.

5. (1) No licence other than a railway restaurant car liquor licence and a temporary liquor licence shall be granted or renewed except with the written authority of the board.

Authority
for the issue
of licences.

(2) No railway restaurant car liquor licence shall be granted or renewed except with the written authority of the Minister.

6. (1) Subject to the provisions of this Ordinance—

Authority
conferred by
licences.

(a) a tavern licence shall authorize the licensee therein named to sell liquor by retail, during the permitted hours, for consumption on the premises therein specified;

(b) a wine and beer on licence shall authorize the licensee therein named to sell by retail wine and beer, during the permitted hours, for consumption on the premises therein specified;

(c) a wine and beer off licence shall authorize the licensee therein named to sell on the premises therein specified, during the permitted hours, wine and beer, in quantities not exceeding twelve bottles during the space of twenty-four hours to any one person, for consumption off the said premises;

(d) a general wholesale liquor licence shall authorize the licensee therein named to sell on the premises therein specified, during the permitted hours, liquor by wholesale for consumption off the said premises;

(e) a general retail liquor licence shall authorize the licensee therein named to sell on the premises therein specified, during the permitted hours, liquor by retail for consumption off the said premises;

(f) a hotel liquor licence shall authorize the licensee therein named to sell liquor by retail—

(i) to persons sleeping on the premises therein specified, for consumption on the said premises;

(ii) during the permitted hours, to persons taking meals on the said premises for consumption on the said premises with the meals;

(g) a club liquor licence shall authorize the sale of liquor by retail to members of the club therein specified for consumption on the premises of the said club;

(h) a railway station liquor licence shall authorize the sale of liquor by retail to bona fide passengers travelling by train for consumption on the said premises;

(2) a railway restaurant or liquor licence shall authorize the person therein named to sell liquor by retail in a restaurant car to passengers travelling on a train for consumption on the train;

(j) a temporary liquor licence shall authorize the licensee therein named to sell during the permitted hours, liquor by retail at such place of recreation or public amusement or other assembly as may be therein specified, for consumption at the said place.

(2) A wine and beer on licence and a wine and beer off licence shall not authorize the sale of wine or beer containing more than twenty per centum of pure alcohol.

Cap 32.

(3) No licence shall authorize the sale of liquor on premises licensed under the Cinematograph Ordinance:

Provided that a temporary liquor licence may authorize the sale of liquor on such premises while exhibitions are not being given.

(4) A licence shall be issued subject to such conditions as may be prescribed in respect of that licence.

Permitted
hours.

7. (1) The hours during which liquor may be sold under—

- (a) a tavern licence;
- (b) a wine and beer on licence;
- (c) a wine and beer off licence;
- (d) a general wholesale liquor licence; and
- (e) a general retail liquor licence, shall be—

(i) on Christmas Day and Good Friday between the hours of 12.30 p.m. and 2.00 p.m., and 5.00 p.m. and 12.00 midnight;

(ii) on Sundays between the hours of 12.00 midnight and 2.00 a.m., 12.30 p.m., and 2.00 p.m., and 5.00 p.m. and 12.00 midnight;

(iii) on other days between the hours of 6.00 a.m. and 12.00 midnight.

(2) The hours during which liquor may be sold under a hotel liquor licence shall be—

(a) on Christmas Day and Good Friday between the hours of 11.30 a.m. and 2.30 p.m., and 6.30 p.m. and 12.00 midnight;

(b) on Sundays between the hours of 12.00 midnight and 2.00 a.m., 11.30 a.m. and 2.30 p.m., and 6.30 p.m. and 12.00 midnight;

(c) on other days between the hours of 8.00 a.m. and 12.00 midnight:

Provided that liquor may be sold under a hotel liquor licence to persons sleeping on the premises therein specified for consumption on the said premises, on any day and at any hour.

(3) Liquor may be sold under a club liquor licence to members of the club on any day and at any hour.

(4) Liquor may be sold under a railway station liquor licence to bona fide passengers travelling by train on any day and at any hour.

(5) Liquor may be sold under a railway restaurant or liquor licence to passengers travelling on a train on any day and at any hour.

(6) Liquor may be sold under a temporary liquor licence on such days and during such hours as may be therein specified.

(7) The secretary to the board may, upon application being made to him by a licence holder, by authority in writing, attend the hours during which liquor may be sold on any special occasion:

Provided that an extension of hours under this subsection shall not be granted in respect of any one licence during any period of twelve months on more than twelve occasions, other than occasions confined to the holding of a function by a society or other lawful association of persons.

(8) (a) Notwithstanding the preceding provisions of this section, whenever the Minister is satisfied that for the purpose of maintaining law and order it is necessary to prohibit the sale of liquor, he may by order prohibit such sale for a period, not exceeding seventy-two hours at a time, to be specified in the order.

(b) Any order made under paragraph (a) may exempt any licence holder or class of licence holders from the provisions of the order.

8. (1) No club liquor licence shall be granted or renewed unless the applicant produces a certificate issued by the Minister that the club complies with the conditions required by this section and is a proper club to be granted a licence.

(2) The conditions which shall be complied with by a club for the purposes of this section shall be as follows—

(a) the club shall be a *bona fide* body, association or company associated together for social, literary, political, sporting, athletic or any other lawful purpose;

(b) the club shall be established for the purpose of providing accommodation or entertainment for the members thereof and their guests upon premises of which the club is a *bona fide* occupier;

(c) only members or their guests shall be allowed entry or accommodation.

(3) (a) Where it appears to the Minister that a club has ceased to comply with the conditions required by subsection (2) or has ceased to be a proper club to be licensed, he may, after giving notice to the holder of the licence in respect of the club and giving such holder an opportunity to make representation with regard to the proposed revocation, revoke a certificate issued in respect of the club.

(b) Upon the revocation of a certificate issued by the Minister any licence granted to the club in question in force at the date of the revocation shall be forfeited, but the board may grant temporary authority to the holder of the licence, subject to such conditions as it may specify, to sell, otherwise than by retail, any intoxicating liquor being the residue of the stock held by the club at the date of the revocation of the certificate.

(4) A club liquor licence shall be issued to the proprietor, secretary, or manager of the club, and the person for the time being holding such of those offices to which it is issued shall be entitled to the rights and privileges granted by the licence and shall be subject to the duties and obligations imposed upon the holder thereof, and upon any change in the holder of the office of proprietor, secretary or manager, as the case may be, no transfer of the licence shall be necessary.

9. (1) A temporary liquor licence—

(a) shall only be granted to the holder of a licence to sell liquor for consumption on specified premises;

(b) shall not authorize the sale of any type of liquor which the holder is not authorized to sell under a licence for consumption on specified premises as aforesaid;

(c) shall not be granted for the sale of liquor at any place other than a place of recreation, public amusement or other assembly;

(d) shall not be granted for a period exceeding three days;

(e) shall specify the days during which and the hours between which the sale of liquor by the holder is authorized.

Temporary
liquor
licences.

(2) On issuing a temporary liquor licence the secretary to the board shall notify the Deputy Commissioner of Police of the issue of the licence and of the particulars thereof.

Conditions against discrimination to be implied.

10. Every licence issued under this Part, other than a club liquor licence, shall be subject to and shall be deemed to contain a condition that the holder of the licence shall not refuse to sell liquor to any person who may otherwise lawfully be supplied, on account of the race, colour or creed of such person.

Duration of licences.

11. (1) Every licence issued under this Part, other than a temporary liquor licence, shall unless previously forfeited under the provisions of this Ordinance, expire on the 31st December in the year in which it is issued :

Provided that when proper application for the renewal of a licence has been made, that licence shall continue in force until such time as the applicant has been notified of the decision of the board of the Minister as the case may be.

(2) Notwithstanding the provisions of subsection (1), where under any regulation the prescribed fee for any licence may be paid by instalments the licence shall become void as soon as any instalment is in arrear and shall thereafter be and remain of no effect.

12. (1) Every licence issued under this Part shall be in the prescribed form.

(2) A renewal of a licence issued under this Part may be made by an endorsement on the licence.

PART III.—PROCEDURE

13. (1) There shall be quarterly sittings of the board in each quarter in every year.

(2) Special sittings, in addition to the quarterly sittings, may be held by the board for the purposes of this Ordinance.

(3) The Chairman or other member presiding and three other Members shall form a quorum of the Board.

NEW LICENCES AND RENEWALS

14. (1) All applications for the grant or renewal of licences under Part II which may be issued on the certificate of the board shall be made to the secretary to the board in the prescribed form in triplicate.

(2) An application for the grant of a new licence for the sale of liquor for consumption on specified premises shall be delivered not later than ten weeks before the commencement of the quarter in which it is to be considered by the board.

(3) An application other than an application referred to in subsection (2) shall be delivered not later than six weeks before the commencement of the quarter in which it is to be considered by the board.

(4) An application delivered later than the date provided in subsection (2) or (3) may, if the board thinks fit, be considered by them upon being satisfied that the late delivery was caused through inadvertence and upon payment of a fee of five pounds :

Provided that the Minister may, if he thinks fit, remit the whole or any part of a fee so paid,

Quarterly and special sittings.

Applications.

15. (1) The secretary to the board—

(a) shall notify the Deputy Commissioner of Police of each application received;

(b) shall cause a copy of each application received to be posted in some conspicuous place outside the place of sitting of the board;

(c) shall not less than ten days before a sitting of the board notify each applicant in writing and the public by a notice posted as provided in paragraph (b) of the date on and place at which the board will sit to inquire into the application and hear objections thereto;

(d) in the case of an application for the grant of a new licence or for the transfer of a licence shall not be less than ten days before a sitting of the board either—

(i) cause to be published in a newspaper approved by the board a notice of the date on and place at which the board will sit to enquire into the application and hear objections thereto; or

(ii) cause a notice of the said date and place to be posted in some conspicuous place outside the premises in respect of which the application is made.

(2) Any expenses incurred by the secretary to the board in connection with the publication or posting of notices relating to an application in pursuance of subsection (1) shall be refunded to the secretary by the applicant, and a licence shall not be issued in respect of the application until all such expenses have been so refunded.

(3) The Deputy Commissioner of Police shall on being notified of an application in pursuance of subsection (1) cause an inspection to be made of the premises in respect of which the application was made, and a report thereon to be forwarded to the secretary to the board.

16. (1) Any public officer or local authority and any person residing within a distance of a quarter of a mile from the premises in respect of which an application is made under section 14 for the grant or renewal of a licence may, either individually or jointly with others, object to the grant or renewal of the licence.

Procedure
receipt of
application

(2) All objections to the grant or renewal of a licence shall be sent in writing to the secretary to the board, and, where the objection is to the renewal of a licence, notice thereof stating the reasons for such objections shall be given to the applicant either personally or by means of a registered letter by the person objecting, not less than two days before the date appointed for the commencement of the sitting of the board.

Objections.

Provided that the secretary to the board may, in his discretion, hear an objector to the grant or renewal of a licence notwithstanding that he has not made his objections in writing or given notice as aforesaid, but when the notice required has not been given to the applicant, the secretary to the board shall adjourn the inquiry for such time as he may think proper in the interests of the applicant.

17. (1) An inquiry into an application for the grant or renewal of a licence shall be held by the secretary to the board sitting alone.

Procedure
at inquiry.

(2) Every applicant for a new licence for the sale of liquor for consumption on specified premises shall appear either in person or by a representative at the time and place appointed for the inquiry or to which the inquiry may be adjourned.

(3) Every applicant for the renewal of a licence and person opposing an application for the grant or renewal of any licence, may, and shall if required by the secretary to the board, appear in person before the board at the said time and place.

(4) All persons appearing at any inquiry, whether as for an applicant or a person opposing an application may be required to give evidence on oath on any question which the board may think proper affecting the application or any objection thereto.

(5) An inquiry may be adjourned from time to time as the secretary to the board may think proper.

Report on
inquiry to be
forwarded to
the board.

18. (1) Immediately on the completion of an inquiry, under section 17 the secretary to the board shall forward a copy of the application together with all written objections (if any) thereto, and a certified copy of any evidence taken thereon to the chairman of the board, so that the same shall be received not later than the last day of the month next preceding that in which the meeting of the board at which they are to be considered is to be held.

(2) The Secretary to the board when forwarding the application shall report to the board on all matters which may affect the decisions of the board in respect of the application, and shall furnish the board with his recommendation.

Powers of the
board.

19. (1) The board may of its own motion take notice of any matter or thing which in the opinion of the members thereof would be an objection to the grant or renewal of a licence:

Provided that in the case of an application for the renewal of a licence, if the cause of objection has not been previously brought to the knowledge of the applicant, the applicant shall be given an opportunity of answering the objection either in person or in writing as the board may direct, and the consideration of the application shall be adjourned for that purpose for such time as the chairman of the board may think proper.

(2) (a) The board may in its discretion refuse to authorise the grant or renewal of a licence on any of the grounds mentioned in section 20 or may authorise the grant of a licence on such conditions consistent with the provisions of this Ordinance as it may think proper.

(b) Any such conditions shall be specified in the written authority of the board and shall be embodied on the licence.

Grounds on
which licences
may be
refused.

20. The board may refuse to authorise the grant or renewal of a licence on any of the following grounds—

(a) that the applicant is a person of drunken or dissolute habits or otherwise of bad repute;

(b) that his licence has within the twelve months preceding the date of application been cancelled;

(c) that the applicant has been convicted of an offence under this Ordinance within a like period;

(d) that the premises are insanitary;

(e) that the reasonable requirements of the neighbourhood do not justify the grant or renewal of the licence;

(f) that the premises are in the immediate vicinity of a place of public worship, hospital or public school;

(g) that the good order of the neighbourhood in which the premises are situate will be disturbed if a licence is granted or renewed;

(h) that the premises are used as a brothel or are the habitual resort or meeting place of prostitutes.

21. (1) The decision of the board, and the authorisation, if any, shall be sent by the chairman to the secretary to the board who shall notify the applicant accordingly.

Issue of
licences.

(2) The secretary to the board shall on receipt of the prescribed fee issue or renew the licence in the terms of the authorisation.

22. (1) When the board has refused to authorise the renewal of a licence, the board may in its discretion authorise the issue of a licence to the applicant for such period as the board may think proper to enable the applicant to dispose of liquor then in his possession.

Issue of
temporary
licence when
renewal
refused.

(2) A proportionate part of the prescribed fee for the annual licence shall be paid for every such licence.

23. If the applicant dies or becomes insolvent after applying for the grant or renewal of a licence and before the licence or renewed licence has been issued, the board may authorise the issue of the licence or renewed licence to the executor, administrator, receiver or trustee, as the case may be, of the estate of such applicant.

Death or
insolvency of
applicant.

TRANSFERS AND REMOVALS

24. (1) Any person being the holder of a licence granted on the authority of the board, who during the currency thereof, sells or disposes of his business or the premises in respect of which the licence was granted, may make application to the secretary to the board for a temporary transfer of the licence to the purchaser of the business or to the purchaser or lessee of the premises as the case may be, and the secretary to the board may, upon payment of the prescribed fee, grant a temporary transfer of the licence accordingly.

Transfers.

(2) The secretary to the board may refuse to grant a temporary transfer of a licence under this section on any of the grounds mentioned in section 20 as if the person to whom the licence is desired to be transferred was an applicant.

25. (1) The holder of any licence granted on the authority of the board who desires to remove his licence from the licensed premises to any other premises may apply to the secretary to the board to authorize such removal; and if the secretary to the board is satisfied that to wait for the next meeting of the board would subject the holder the serious loss or inconvenience, he may cause notice of the application and of the date and place at which he will hear objections to the application to be posted in a conspicuous manner on the premises to which it is proposed that the licence shall be removed, which date shall not be less than thirty days after the posting of such notice.

Removal.

(2) If on hearing the application and the objection, if any, thereto, the secretary to the board considers that the licence should be transferred, he may on payment of the prescribed fee authorize the removal of the licence and endorse the licence accordingly.

Fresh application to be made on the expiration of a licence transferred.

Death or insolvency of a licence holder.

Duties and liabilities of a transferee.

Provisions relating to railway restaurant car liquor licences.

Provisions relating to temporary liquor licences.

Appeals to the Minister.

26. Any person to whom a licence is transferred and any person who is authorized to remove his licence to other premises shall on the expiration of the licence apply for a new licence as if he were not a licensed holder.

27. In the event of the death of the holder of any licence, the executor or the administrator of the deceased person or any person approved by the secretary to the board, and in case of insolvency the trustee or receiver of such insolvent, may carry on the business until the expiration of the licence either personally or by an agent approved by the secretary to the board without any formal transfer of the licence.

28. Any person to whom a licence may have been transferred or who may be carrying on a business in pursuance of section 27 shall possess all the rights and be subject and liable to the duties, obligations and penalties of the original holder of the licence.

RAILWAY RESTAURANT CAR AND TEMPORARY LIQUOR LICENCES

29. (1) Application for the grant or renewal of a railway restaurant car liquor licence shall be made to the Minister before the 1st day of December in any year.

(2) A railway restaurant car liquor licence shall be subject to such conditions consistent with this Ordinance as the Minister may see fit to impose.

(3) The Minister may authorize the transfer or removal of a railway restaurant car liquor licence as he may think fit.

(4) The provisions of sections 23, 24, 26, 27 and 28 shall apply in relation to railway restaurant car liquor licences as they apply in relation to licences granted on the authorization of the board, but as if references to the board and to the secretary to the board were references to the Minister.

(5) The prescribed fee shall be paid upon the grant, renewal or transfer of a railway restaurant car liquor licence.

30. (1) Application for a temporary liquor licence shall be made in the prescribed form to the secretary to the board.

(2) A temporary liquor licence shall be subject to such conditions consistent with this Ordinance as the secretary to the board may see fit to impose.

(3) The prescribed fee shall be paid upon the grant of a temporary liquor licence.

PART IV.—APPEALS

31. (1) Any applicant who thinks himself aggrieved by the refusal of the board to authorize the grant or renewal of a licence and any objector who thinks himself aggrieved by any decision of the board to authorize the grant or renewal of a licence may appeal to the Minister.

(2) Where the secretary to the board refuses to grant a temporary transfer of a licence under section 24, the applicant or person to whom the licence is desired to be transferred may appeal to the Minister.

(3) Notice in writing shall be given by the appellant of his intention to appeal and the grounds thereof to the Minister within twenty-one days of the decision of the board or of the secretary to the board as the case may be,

(4) The Minister may uphold the decision of the board or of the secretary to the board or—

(a) in the case of an appeal against the refusal to authorise the grant or renewal of a licence, may direct that the grant or renewal of the licence be authorized by the board subject to such conditions, if any, as he may specify that are not inconsistent with this Ordinance;

(b) in the case of an appeal against the refusal to grant a transfer of a licence, may direct that the transfer of the licence be granted by the secretary to the board;

(c) in the case of an appeal by an objector, direct the board to withdraw its authorization for the grant or renewal of the licence.

(5) A person appealing under this section shall, at the time when notice of the appeal is given under subsection (3), deposit with the Minister the sum of ten pounds, and if, on considering the appeal, the Minister is of the opinion that the appeal was frivolous, he may direct that such sum shall be forfeited.

PART V.—MANUFACTURERS' LICENCES

32. No person shall manufacture wine except under a licence granted by the Minister and subject to such conditions as may be prescribed.

Minister may grant manufacturers' licences.

PART VI.—OFFENCES AND PENALTIES

33. (1) No person shall sell intoxicating liquor unless he holds a licence issued under this Ordinance authorizing the sale nor at any place except that at which the licence authorizes the sale.

Selling liquor without a licence.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine of one hundred pounds.

34. Any person who manufactures wine in contravention of section 32 shall be guilty of an offence and liable on conviction to a fine of five hundred pounds.

Manufacturing wine without a licence.

35. The holder of a licence who commits any breach of a condition of his licence for which no other penalty is provided shall be guilty of an offence and liable on conviction to a fine of one hundred pounds.

Breach of condition by a licence holder.

36. The holder of a retail licence who—

Offences by retail licence holder.

(a) permits drunkenness or any riotous or quarrelsome conduct to take place upon his premises, or

(b) sells liquor to any person already in a state of intoxication or by any means encourages or incites any such person to drink intoxicating liquor, or

(c) sells liquor to a child under sixteen years of age for consumption on the licensed premises, or

(d) permits any person under eighteen years of age to take part in the sale of liquor for consumption on the licensed premises, or

(e) sells or supplies liquor to any soldier or police officer on duty, or knowingly harbours or suffers to remain on his premises any such soldier or police officer unless for the purpose of keeping or restoring order or in execution of his duty; or

(f) permits the premises to be used as a brothel or the habitual resort or place of meeting of prostitutes, or allows any such person to remain on the licensed premises longer than is necessary for the consumption of any liquor purchased by her; or

(g) fails to admit to, or obstructs, any police officer or other authorized person from entering the licensed premises in the execution of his duty or fails to produce his licence when demanded by a police officer or other authorized person, or

(h) keeps his premises open for the sale of liquor during any time when he is not authorized by his licence to sell liquor or allows any liquor to be consumed on such premises during any such time, or

(i) being the holder of a tavern licence, a wine and beer licence or a general retail liquor licence, permits gaming or any unlawful game to be played on the licensed premises,
shall be liable to a fine of one hundred pounds.

Restriction
as to goods
sold on cer-
tain licensed
premises.

37. Any person who sells on premises licensed under a tavern licence or a wine and beer licence any article, whatever, other than intoxicating liquor, non-intoxicating beverages, food intended for consumption on the premises, tobacco, cigars and cigarettes shall be guilty of an offence and liable to a fine of fifty pounds.

Offences by
persons other
than licence
holders.

38. Any person who—

(a) not being the occupier or a servant or member of the family of the occupier consumes any intoxicating liquor on premises licensed for the sale of liquor by retail during the hours when the sale of liquor is prohibited; or

(b) obtains or attempts to obtain intoxicating liquor during the hours when the sale of liquor is prohibited by falsely representing himself to be a person sleeping on hotel premises; or

(c) being found on licensed premises during the hours during which the sale of liquor is prohibited, refuses his name and address when demanded by a police officer, or gives a false name or address, shall be guilty of an offence and liable on conviction to a fine of ten pounds for a first offence and of twenty pounds for any subsequent offence.

Signboards
to be dis-
played.

39. (1) Every holder of a licence (other than a club liquor licence) granted on the authority of the board authorizing the sale of liquor by retail shall suspend or affix, and maintain over the entrance to the licensed premises a board of not less dimensions than two feet by eight inches, on which shall be printed in legible characters the name of the licensee and the class of the licence of which he is the holder.

(2) Any person who fails to comply with provisions of this section shall be guilty of an offence and liable to a fine of forty pounds.

Inaccurate
descriptions
as to licences.

40. (1) No person who is not licensed shall have any words on his premises purporting that he is licensed, and no licensed person shall have any word or letter on his premises purporting that he is licensed in any other way than that in which he is duly licensed.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine of one hundred pounds.

41. (1) Any licensed person or his agent or servant may refuse to admit to or may turn out of his licensed premises, by force, if necessary, any person who is drunken, violent, quarrelsome or disorderly, and any person whose presence on his premises would subject him to a penalty under this Ordinance.

Power to expel drunkards, etc., from licensed premises.

(2) Any such person who, on being requested by such licensed person or his agent or servant or by a police officer to quit such premises refuses or fails to do so, shall be liable to a fine of ten pounds.

(3) All police officers are required, on demand of such licensed person agent or servant to expel or assist in expelling such person from such premises and may use such force as may be required for the purpose.

42. (1) (a) Every conviction under this Ordinance of a licence holder shall be endorsed on his licence by the convicting court, and the licence holder shall produce his licence to the court for such purpose.

Conviction to be endorsed on licence.

(b) Every applicant for the renewal of a licence shall, if required by the board or the authority to whom application is made, produce the licence for inspection.

(c) In the case of a renewal of the licence, all convictions within five years preceding such renewal endorsed on the licence renewed shall be transferred to the renewed licence, and it shall be the duty of licence holder to produce his licence for such purpose to the officer issuing the renewed licence.

(2) Any person who—

(a) neglects to produce his licence as required by subsection (1): or

(b) without proper authority obliterates or alters any such endorsement as aforesaid, shall be guilty of an offence and liable on conviction to a fine of twenty pounds.

43. If a person convicted of an offence under this Ordinance, other than an offence under section 38, has been previously convicted of a similar offence, the court may, in lieu of or in addition to any fine, sentence the convicted person to imprisonment for four years.

Imprisonment may be imposed on second or subsequent conviction.

44. If any person being the manager for, or the servant of, or authorized to act for, a licence holder shall do any act or thing or be guilty of any omission which if done or omitted by the licence holder would constitute an offence by the licence holder such person and the licence holder shall each be guilty of the offence and liable on conviction to the penalties prescribed by this Ordinance for the offence, whether such act, thing or omission was done or made with or without the knowledge or consent of the licence holder.

Both Employer and employee liable for offences of latter.

45. Whenever a licence holder is convicted of an offence under this Ordinance, his licence shall be liable to forfeiture by the authority by whom it was granted.

Licence liable to forfeiture on conviction.

46. A court may order the forfeiture of—

Things liable to forfeiture.

(a) intoxicating liquor, manufactured, sold or otherwise dealt with in contravention of this Ordinance; or

(b) any receptacle and package containing intoxicating liquor liable to forfeiture together with any article packed therewith.

PART VII MISCELLANEOUS

47. Any magistrate or person authorized in writing by a magistrate and every police officer may—

(a) enter any licensed premises at any time for the purpose of detecting or preventing any breach of the provisions of this Ordinance, or of any licence granted under this Ordinance;

(b) at any time demand the production of any licence or permit granted under this Ordinance;

(c) having reasonable grounds for suspecting that intoxicating liquor is being unlawfully sold or otherwise dealt with, enter and inspect any premises;

(d) seize and detain any intoxicating liquor which he has reason to believe has been manufactured or sold contrary to the provisions of this Ordinance, or is on unlicensed premises for the purposes of sale, and any receptacle containing the same.

48. If any person lodges an information which leads to the conviction of any other person for an offence against this Ordinance, he shall not incur any penalty notwithstanding that he may himself be incriminated in such offence;

Provided that this section shall not apply if the offender is convicted of an offence of less gravity than that in respect of which the informer is incriminated.

49. (1) If through any accident or omission anything required by this Ordinance to be done is omitted to be done or is not done within the time fixed, the Minister may order all such steps to be taken as may be necessary to rectify any error or omission and may validate anything which may be irregularly done in matter or form so that the intent and purpose of this Ordinance may have effect.

50. The Governor-General may make regulations for all or any of the following purposes—

(a) prescribing the fees to be paid for licences and on the making of applications for licences or for renewals of licences the cases in which the fees may be paid by instalments and the manner and times or payment of such fees or instalments;

(b) prescribing the conditions of a licence;

(c) prescribing the procedure before the board and on inquiries and providing for the payment of costs;

(d) prescribing the powers of police officers as to the inspection and reporting upon premises in connection with the licensing thereof;

(e) prescribing the returns to be made in connection with the issue of licences;

(f) regulating and prescribing the cleanliness, drainage and sanitary conveniences of any premises licensed under this Ordinance for the sale of liquor by retail;

(g) requiring the keeping of such books and records and the making of such returns relating to the sale of liquor by the holders of all or any specified type of licence granted under this Ordinance as may be prescribed;

(h) prescribing the forms of licences and applications under this Ordinance;

(i) generally for the purpose of giving effect to the objects and purposes of this Ordinance.

Powers of
magistrate
and police
officers.

Incriminated
informer not
to incur
penalty.

Power of
Minister to
rectify
omissions.

Regulations.

51. Nothing in this Ordinance shall apply to—

Exemptions.

(a) the manufacture or sale of country liquor;

(b) the sale of denatured spirits imported into Nigeria or distilled in Nigeria under a licence;

(c) the sale by any qualified medical practitioner or licensed druggist for purely medical purposes of any *bona fide* medicine containing intoxicating liquor;

(d) the sale of intoxicating liquor by any person acting under the order of a court or selling forfeited liquor;

(e) the sale of intoxicating liquor by an executor or administrator when such liquor forms part of the estate of a deceased person;

(f) the sale by private arrangement of intoxicating liquor being the residue of a reasonable stock held for private consumption by a person about to leave Nigeria;

(g) the sale of liquor which is the property of the members of an officers' or non-commissioned officers' mess in the Nigerian Military Forces, Royal West African Frontier Force, or of a wardroom or ratings' canteen in the Nigerian Navy or of any civilian mess approved in that behalf by the Minister to the members of such mess, wardroom or canteen.

(h) the sale of liquor to members of the crews of Her Majesty's ships under conditions approved by the Commander-in-Chief South Atlantic and South America;

(i) the sale of intoxicating liquor to members of Her Majesty's Army, Navy and Air Force by any *bona fide* organisation engaged in supplying food or drink solely to members of such forces, and approved by the Minister;

(j) the sale by wholesale by the holder of an excise licence to manufacture beer granted under the provisions of the Customs and Excise Management Ordinance, 1958, or of a licence to manufacture wine granted under the provisions of this Ordinance, of beer or wine manufactured by him to the holder of a licence to sell beer or wine.

No. 55 of 1958.

52. The provisions of the Liquor Ordinance are repealed to the extent set out in the Schedule.

Repeal.
Cap. 115.
Schedule.

53. Licences granted under the provisions of the Liquor Ordinance and in effect immediately before the coming into operation of this Ordinance shall—

Transitional
Cap. 114;

(a) subject to the provisions of paragraph (b) continue in force for the period for which they were granted;

(b) may be removed, transferred or forfeited as if they had been granted under this Ordinance.

SCHEDULE

(s. 52)

PROVISIONS OF THE LIQUOR ORDINANCE THAT ARE REPEALED

The whole Ordinance, except sections 1, 2, 3, 7, 11, 15, 16, 60, 62, 63, 64, 65 and 68 (i) and (j).

Objects and Reasons

The present provisions relating to the sale of liquor and the manufacture of wine in Lagos are contained in the Liquor Ordinance (Chapter 114). That Ordinance has existed since 1917 and was designed for application to the whole of Nigeria. There are thus many provisions which are inappropriate in its present application to Lagos.

2. This Bill replaces that Ordinance (in respect of Lagos) in so far as it relates to the sale of liquor and manufacture of wine and in so doing substantially re-enacts its relevant provisions. The more notable changes are as follows:—

(i) The powers of the Governor-General, except those relating to the making of regulations, are transferred to the Minister.

(ii) The penalties for offences (see Part VI) are increased to twice the present penalties which are considered insufficient.

(iii) A provision is included preventing the grant of a licence for the sale of liquor in premises licensed under the Cinematograph Ordinance. This provision will not apply in relation to a temporary liquor licence for the sale of liquor while no exhibition is being given (clause 6 (3)).

(iv) The Minister is empowered to prohibit the sale of liquor for periods not exceeding seventy-two hours, for the purpose of maintaining law and order (clause 7 (3)).

(v) The grounds on which licences may be refused are set out in detail (clause 20).

(vi) At present an appeal lies only from refusal to renew a licence. The right of appeal is extended to the case of a refusal to grant a new licence or a transfer of a licence and to aggrieved objectors. In order to discourage frivolous appeals a ten pound deposit is required on lodging an appeal (clause 31).

(vii) At present it is an offence for a holder of a retail licence to sell liquor to a child under 14 years of age. In the case of an on-licence this age is considered to be too low and is raised to 16 years. In the case of an off-licence the restriction is not considered necessary and is omitted (clause 36 (c)).

(viii) It is made an offence for an on-licencee to permit a person under the age of 18 years to take part in the sale of liquor (clause 36 (d)).

(ix) Two new matters may be provided for by regulations, namely, the general cleanliness of licensed premises and the keeping of records and the making of returns by licensees.

(Bills 616)

J. M. JOHNSON,
Federal Minister of Internal Affairs

A BILL FOR

AN ORDINANCE TO AMEND THE LAGOS LOCAL GOVERNMENT LAW, 1953
(WESTERN REGION LAW NO. 4 OF 1953), TO PROVIDE FOR ITS REDESIGNATION
AND FOR MATTERS INCIDENTAL AND SUPPLEMENTARY TO THE
PURPOSES AFORESAID.

Title.

BE IT ENACTED by the Legislature of Nigeria as follows—

1. This Ordinance may be cited as the Lagos Local Government
(Amendment) Ordinance, 1959 and shall be of application in the Federal
Territory of Lagos.

Commence-
ment.

Enactment.

Short title
and
application.

General provisions as to amendment W.R. Law 4 of 1953.
Amendment of section 1.
Amendment of section 2.

2. The Lagos Local Government Law, 1953 (hereinafter referred to as the principal Law) is amended in accordance with the provisions of this Ordinance and references to sections in the succeeding sections of this Ordinance shall be taken to be references to sections of the principal Law.

3. Section 1 is amended by the repeal of subsection (2) and the deletion in subsection (1) of the figure "(1)".

4. Section 2 is amended—

(a) by the deletion of the definition of the "Head of the House of Ado" and the substitution therefor (in its proper alphabetical order) of the following—

"Oba of Lagos" means the Oba of Lagos recognised in accordance with the Oba and Chiefs of Lagos Ordinance, 1959;";

(b) by the addition at the end of the definition of "qualifying date" of the following proviso—

"Provided that when in accordance with the rules in Part I of the First Schedule the Federal Register of Electors constitutes the official list of voters the qualifying date shall be the date utilised for the purpose of that Register;".

5. Section 7 is amended by the deletion of the words "a grave danger and menace" and the substitution of the words—
"a danger".

6. Section 8 is amended—

(a) by the deletion in subsection (1) of the words "and may delegate to them such of his functions as he may think fit";

(b) by the deletion of subsection (2) and of the figure "(1)" in subsection (1).

7. Section 9 is amended by the deletion in subsection (1) of the words "by the Governor-General in Council", by the repeal of subsection (2), and by the deletion in subsection (1) of the figure "(1)".

8. The principal Law is amended by the insertion in Part II after section 9 of the following new section—

"Power to make regulations. 9A. The Governor-General may make regulations prescribing or providing for—

(a) means of ensuring that any service provided by the council in respect of which a grant may be paid under section 93A is maintained in accordance with such standards as the Minister may require;

(b) the establishment of a commission to be known as the Municipal Service Commission for the purpose of advising the council on matters relating to appointments and conditions of service of employees of the council, and the constitution, powers, duties, procedure and other matters relating to the commission;

(c) the establishment of a board to be known as the Municipal Transport Board for the purpose of administering the transport service provided by the council;

(d) the form in which estimates shall be submitted under section 94."

Amendment of section 7.

Amendment of section 8.

Amendment of section 9.

Insertion of new section 9A.

9. Section 10 is amended by the deletion in subsection (1) of the words preceding "there shall be in and for the town of Lagos".

Amendment
of section
10.

10. Section 11 is amended by the repeal of subsections (1) and (2) and the substitution of the following—

Amendment
of section
11.

"(1) The Oba of Lagos shall be the President of the council.

(2) The remuneration of the President shall be eighteen hundred pounds per annum which shall be paid from the funds of the council, together with such allowances as may be voted by the council and approved by the Minister."

11. Section 12 is amended—

(a) by the deletion in subsection (1) of the words "or the Headship of the House of Ado is vacant" and the substitution of the words—

Amendment
of section
12.

"or there is no Oba of Lagos";

(b) by the insertion after subsection (1) of the following new subsection—

"(1A) The remuneration of the chairman shall be such as may be voted by the Council with the approval of the Minister, together with such allowances as may be so voted and approved."

12. Section 13 is amended by being re-numbered as subsection (1) and by the addition of the following—

Amendment
of section
13.

"(2) A traditional member shall come into office on the day that his election is recognised by the Governor-General and shall hold office until the next election of traditional members."

13. Section 17 is amended—

Amendment
of section
17.

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

"(b) on the qualifying date was ordinarily resident in Lagos and is a British subject or a British protected person, and for the purpose of this paragraph ordinary residence shall be determined by reference to the tests applied for the purpose of an election to the House of Representatives."

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

"(d) is disqualified in accordance with any law relating to corrupt practices at elections."

14. Section 19 is amended—

Amendment
of section
19.

(a) by the deletion of the word "shall" where it first appears and the substitution of the following—

"may";

(b) by the deletion in paragraph (b) of the words "to electoral officers".

15. Section 20 is repealed and replaced by the following—

Replace-
ment of
section 20.

"Chief registration officer and returning officer. 20. The Governor-General shall appoint a chief registration officer and a returning officer as occasion may arise, and may provide that one person shall hold both offices."

Replace-
ment of
sections 22
and 23.

16. Sections 22 and 23 are repealed and replaced by the following—
- "Deputy returning officer. 22. (1) The returning officer may, by writing under his hand, appoint one or more fit persons (but not more than there are wards in which elections are taking place) to be his deputy or deputies for all or any purposes of an election.
- (2) A deputy shall receive such remuneration as the Minister may determine.
- (3) Any functions which the returning officer is authorised or required to discharge in relation to the election may be discharged by a deputy so appointed.
- Registration and revising officer. 23. The chief registration officer may, with the approval of the Minister, appoint registration officers and revising officers who shall receive such remuneration from the funds of the council as the Minister may determine."

Amendment
of section
25.

17. Section 25 is amended—
- (a) by the deletion in subsection (1) of the words "chief electoral officer on the recommendation of the";
- (b) by the deletion in subsection (2) of the words "chief electoral officer" and the substitution of the following—
- "returning officer".

Amendment
of section
27.

18. Section 27 is amended by the deletion of paragraph (b) and the substitution of the following—

"(b) his name appears in the official list of voters".

Amendment
of section
29.

19. Section 29 is amended—
- (a) by the insertion in paragraph (a) of subsection (1) after the words "place of profit" of the following—
- "(other than that of chairman of the council)";
- (b) by the insertion after paragraph (e) of subsection (1) of the following—
- "(f) is under any law in force in Nigeria declared to be of unsound mind or adjudged to be a lunatic."

Amendment
of section
34.

20. Section 34 is amended—
- (a) by the deletion of the words "the council shall" and the substitution of the following—
- "the town clerk (with the approval of the chairman) shall";
- (b) by the deletion of the words "signed by the town clerk" and the substitution of the following—
- "signed by him".

Amendment
of section
35.

21. Section 35 is amended by the deletion in subsection (6) of the words "by the council" and the substitution of the following—
- "by the town clerk".

Amendment
of section
37.

22. Section 37 is amended—
- (a) by the deletion in paragraph (a) of subsection (1) of the words "or the council" and the substitution of the following—
- "or the town clerk";

(b) by the deletion of paragraph (b) of subsection (1) and the substitution of the following—

"(b) in any other case, within sixty days after the town clerk has declared the office to be vacant;"

(c) by the deletion in subsection (2) of the words "chief electoral officer" and the substitution of the following—

"returning officer".

23. Section 49 is amended by the deletion of the words "marking" and "marked" in each case and the substitution of the words "casting" and "cast" respectively.

Amendment
of section
49.

24. Section 61 is amended by the repeal of subsection (3) and the substitution of the following two subsections—

Amendment
of section
61.

"(3) The local education committee constituted under the Education (Lagos) Ordinance, 1957, shall be deemed to be the education committee of the council and subject to the provisions of that Ordinance shall be exclusively charged with the functions of the council in relation to education.

(4) With the exception of the education committee, committees constituted under this section shall consist of members of the council."

25. Section 65 is amended by the addition at the end of the proviso to subsection (1) of the following—

Amendment
of section
65.

"nor power to incur any expenditure on behalf of the council other than expenditure previously authorised in accordance with estimates approved in accordance with section 95."

26. Section 68 is amended—

Amendment
of section
68.

(a) by the deletion of the words "and municipal treasurer" and the substitution of the following—

"municipal treasurer and chief education officer.";

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

"(3) No officer shall render professional assistance or advice to private persons or firms whether on payment or otherwise except by the permission of the Minister and if in exceptional cases such permission is given any remuneration shall be paid into the funds of the council."

27. Section 71 is amended by the repeal of subsection (2).

Amendment
of section 71.

28. Section 73 is amended by the deletion of the words "or municipal treasurer" and the substitution of the following—

Amendment
of section
73.

"municipal treasurer or chief education officer".

29. Section 76 is amended by the deletion of the words "or municipal treasurer" and the substitution of the following—

Amendment
of section
76.

"municipal treasurer or chief education officer".

30. Section 79 is amended by being re-numbered as subsection (1) of the section and by the addition thereto of the following—

Amendment
of section
79.

"(2) Where an officer is dismissed or his appointment is terminated (other than in the case of an officer on probation) and the ground of his misconduct was inefficiency such officer may appeal in writing to the Minister.

(3) The Minister may after consideration of any appeal and the representations thereon made by the council, either confirm or set aside the decision of the council and where such decision is set aside the council shall forthwith retrospectively reinstate the officer concerned in his former post on terms and conditions no less favourable than those on which he was formerly employed, subject only to any variation thereof as the Minister may sanction.

(4) The right of appeal shall not apply to such classes of officers, or to officers holding such posts, as the Minister may by order declare, and no appeal shall be entertained unless it is lodged with the Permanent Secretary of the Ministry concerned within three months of the date of dismissal or termination."

Amendment
of section
80.

31. Section 80 is amended—

(a) by the deletion in subsection (1) of the words "executive and";

(b) by the addition after subsection (5) of the following—

"(6) The town clerk shall have the additional powers and duties specified in the Eighth Schedule."

Insertion of
new sections
80A and
80B.

32. The principal Law is amended by the insertion after section 80 of the following new sections—

"Status and duties of town engineer, medical officer of health and municipal treasurer.

80A. The status, powers and duties of the town engineer, medical officer of health and municipal treasurer shall be as specified in the Eighth Schedule.

Amendment of Eighth Schedule. 80B. The Minister may at the request of the council amend or add to the provisions in the Eighth Schedule."

Amendment
of section
81.

33. Section 81 is amended—

(a) by the deletion of the word "twelve" and the substitution of the following—

"six";

(b) by the insertion at the end thereof of the following—

"or Chairman."

Amendment
of section
82.

34. Section 82 is amended by the addition after subsection (4) of the following—

"(5) The General Orders and Financial Regulations of the Government of the Federation relating to matters for which provision may be made by regulations under this section shall, if no corresponding regulations under this section are in force, apply to officers and servants of the council with such modifications as may be necessary to make them so applicable."

35. The principal Law is amended by the insertion in Part IX after section 93 of the following new sections—

Insertion of new sections 93A and 93B.

"Grants payable from public revenues.

93A. (1) Grants may be paid to the council in accordance with the provisions of this section out of the general revenues of Nigeria in respect of expenditure by the council on the services specified in the first column of the Table hereunder of amounts equivalent to—

(a) in respect of expenditure other than capital expenditure, the percentage of such expenditure specified in the second column of the Table; and

(b) in respect of capital expenditure, the percentage of such expenditure specified in the third column of the Table.

TABLE

Service	Percentage of Grant	
	Ordinary Expenditure	Capital Expenditure
Health	50	50
Roads Maintenance—Trunk ..	100	—
Maintenance—Special list ..	50	—
Improvement and alteration ..	50	—
Traffic lights	75	100
Street lighting	50	50
Fire Brigade:		
First and second year of expenditure	100	100
Third year of expenditure ..	75	75
Thereafter	50	50
Welfare	50	50
Education	70	100
Parks and Amenity	50	50

(2) Any grant payable under this section shall be paid in accordance with the following provisions—

(a) in respect of expenditure other than capital expenditure—

(i) the grant shall normally be assessed on the audited expenditure of the year preceding the year in which the grant is made;

(ii) the grant shall be paid at the end of each quarter of the year in arrears;

(b) in respect of capital expenditure—

(i) where the expenditure relates to a project and is incurred over a period of time, the grant shall be paid in instalments as the work on the project proceeds;

(ii) where the expenditure relates to a single payment, the grant shall be paid on a claim, supported by confirming vouchers issued by the council.

(3) No grant shall be paid under this section in respect of capital expenditure unless the expenditure was approved by the Minister before it was incurred and such requirements in relation to the expenditure as the Minister may have made were complied with.

(4) The amount of a grant paid under this section may be reduced by the amount of any debt or part of a debt owed by the council to the Government of the Federation.

(5) The Governor-General may by order amend the Table set out in subsection (1).

Safe-guarding of monies.

93b. The council shall make safe and efficient arrangements for the receipt of monies paid to it and those arrangements shall be carried out under the supervision of the municipal treasurer."

Amendment of section 94.

36. Section 94 is amended—

(a) by the insertion in subsection (1) after the words "in each year" of the following—

"or before any date prescribed in substitution therefor by the Minister,"

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

"(3) Estimates submitted under this section shall be in such form as may be prescribed by regulations made under section 9A."

Replacement of section 97.

37. Section 97 is repealed and replaced by the following—

"Council's powers to vary estimates.

97. (1) The council shall be bound by the Estimates as finally approved by the Minister and shall not incur expenditure unless it is covered by an item in the approved estimates, save as provided in subsections (2), (3) and (4) hereof.

(2) Save as hereinafter provided, the council may re-allocate the approved provisions between items within the same sub-head of the approved estimates (but not from one sub-head to another under any head) provided that the total amount re-allocated by the council within all sub-heads of a head relating to any committee shall not exceed twenty-five per cent of the original approved provision for that committee, and provided further that no expenditure shall in any case be incurred for a purpose in respect of which an item in the estimates has been disapproved by the Minister.

(3) Save as hereinafter provided, the council may approve expenditure on new items under any sub-head (other than any item already disapproved for the financial year) provided that the total of expenditure so approved is covered by equivalent savings under other items within the same sub-head.

(4) The council may not effect any increase in the approved staff establishment or the regrading of an approved office unless the Minister approves such increase or regrading and (without necessarily requiring the submission of revised estimates) any additional expenditure necessary to give effect to the same.

(5) The Minister may approve expenditure on new items of any sub-head without necessarily requiring the submission of revised estimates providing that the total of new items of expenditure so approved shall not exceed ten per cent of the original approved provision for the head."

38. Section 112 is amended by the repeal of subsection (1) and the substitution of the following two new subsections—

Amendment
of section
112.

"(1) Within six months of the close of the financial year the council shall cause a summary of the accounts to be prepared and laid before the auditor for examination and report, and shall furnish two copies thereof to the Minister.

(1A) The summary shall include a balance sheet and shall specify—

(a) amounts set aside during the year for repayment of debt by way of periodical contribution to a sinking fund, to a loans fund, or otherwise;

(b) sums borrowed;

(c) sums received from sale or alteration of property;

(d) the amount of the annual revenue, the amount of rates collected and the amount of sums in arrear or remaining unpaid at the close of the accounts;

(e) the amounts of all sums paid and sums remaining unpaid of any expense incurred during the year distinguishing capital expenditure from expenditure out of annual revenue."

and is further amended by the insertion after sub-section (2) of the following—

"(2A) The Council shall cause the audited accounts to be laid before them and taken into consideration within nine months after the end of the financial year, or within such time as the Minister may in each year prescribe."

39. Section 115 is amended by the repeal of subsection (2) and the deletion in subsection (1) of the figure "(1)".

Amendment
of section
115.

40. Section 116 is amended by the deletion of paragraph (b) of subsection (1) and the substitution of the following—

Amendment
of section
116.

"(b) by way of mortgage, issue of stock, debentures or annuity certificates, as may be approved by the Minister;"

41. Section 138 is amended by the repeal of subsection (1) and the substitution of the following—

Amendment
of section
138.

"(1) If any person fails to pay any rate or any part thereof, for which he is liable within one month after the same becomes due and payable, the council may recover the same with costs, and if any rate or any part thereof is not paid within six months after the same becomes due and payable it shall be increased by a sum equal to five per cent thereof and shall be similarly increased by five per cent of the original rate or such part thereof in respect of each complete period of six months for which it is outstanding."

42. Section 140 is amended—

(a) by the insertion in paragraph (1) after the word "swine" of the words—

Amendment
of section
140.

"sheep and goats";

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

"(4) to provide and maintain public markets, pounds and slaughter-houses and all such things as may be necessary for the convenient use of the same and to impose fees, rents and tolls for the use of the same, and to supervise and control them together with all private markets and slaughterhouses;"

(c) by the insertion after paragraph (12) of the following two new paragraphs—

"(12A) to provide in accordance with the Education (Lagos) Ordinance, 1957, such primary or other education as may be prescribed by such Ordinance;

(12B) to provide a school health service;"

Amendment
of section
141.

43. Section 141 is amended—

(a) by the insertion after paragraph (4) of the following—

"(4A) to undertake fire-fighting outside the Federal Territory of Lagos when necessary, if responsibility for fire-fighting services has been transferred to the council under paragraph (13) of section 140;"

(b) by the deletion of paragraph (19);

(c) by the deletion in paragraph (20) of the words "any bank licensed under the Banking Ordinance, 1920" and the substitution of the following—

"any duly licensed bank";

(d) by the insertion after paragraph (22) of the following new paragraphs—

"(23) to collect any water rate in accordance with any arrangement so to do, and to declare such rate to be part of the rate levied under Part XII of this Ordinance for the purpose of such collection, and to nominate a representative upon the board of any water authority;

(24) to establish maternity homes;

(25) to restrict or prohibit beggars and loiterers in places to which the public have access."

Amendment
of section
142.

44. Section 142 is amended by the deletion in subsection (1) of the words "fifteen pounds" and the substitution of the following—

"fifty pounds".

Amendment
of sections
143, 144
and 145.

45. Sections 143, 144 and subsection (1) of section 145 are amended by the deletion of the word "regulations" wherever it appears and the substitution of the following—

"bye-laws",

and section 145 is amended by the deletion in subsection (2) of the words "and regulations".

Amendment
of section
163.

46. Section 163 is amended by the deletion in subsection (1) of the words "of Nigeria" and the substitution of the following—

"at Lagos".

Amendment
of section
172.

47. Section 172 is amended by the addition in subsections (1) and (2) after the words "Governor-General in Council" of the following—

"or the Minister".

Amendment
of section
175.

48. Section 175 is amended by the deletion in paragraph (b) of subsection (2) of the words "where there is no person on the premises to whom it can be delivered,".

Replace-
ment of
section 185.

49. Section 185 is repealed and replaced by the following—

"Payments. 185. All payments by the council shall be made in pursuance of an order of the finance committee of the council signed by two members of that committee present at the meeting of the committee at which the order is made and countersigned by the town clerk. The same order may include several payments and all cheques for payment of monies issued in pursuance of such an order shall be signed by the municipal treasurer."

50. Section 187 is amended by the addition at the end of subsection (1) of the following—

Amendment of section 187.

" : Provided that the council may stipulate such conditions as may be approved by the Minister before taking over any street which falls to become vested in it under this section and before the same becomes vested, and the street shall not become vested nor shall its maintenance become the responsibility of the council under paragraph (9) of section 140 if the Minister is satisfied that such conditions have not been fulfilled."

51. The principal Law is amended by the insertion after section 187 of the following—

Insertion of new section 187A.

"**Notices of street works to be given.** 187A. (1) Where, under powers conferred by any enactment, a corporation intends to carry out works in any street vested in the council, the corporation shall (save in the case of an emergency) give at least four weeks notice to the town clerk of its intention before commencing such works.

(2) A corporation carrying out works in any such street shall pay to the council the cost of restoring or repairing any damage caused to the property of the council by the carrying out of such works."

52. The First Schedule to the principal Law is amended by the addition after rule 10 of the following—

Amendment of First Schedule.

"11. The Governor-General may in respect of any election by order declare that the Register of Electors prepared for Lagos for the purpose of elections to the House of Representatives shall constitute the official list of voters for the purpose of such election and such order shall take effect accordingly."

53. The principal Law is amended by the addition at the end thereof and as the Eighth Schedule thereto the matter contained in the Second Schedule hereto.

Addition of new Eighth Schedule.

54. (1) The principal Law, as amended by section 2 of the Lagos Local Government (Amendment) Ordinance, 1956, is amended by the deletion of the words "the Governor-General in Council" wherever they appear in the sections and parts thereof specified in the First Schedule hereto, and the substitution in each case of the following—

Miscellaneous amendments, First Schedule.

"the Minister",

and by the further consequential amendments specified in that Schedule.

(2) Any transfer effected by this Ordinance of any power conferred by the principal Law shall not affect the validity of anything done prior to such transfer, and any delegation by the authority from whom the power is transferred shall continue to be effective until revoked or replaced by the authority to whom the power is transferred.

55. (1) As soon as may be after the coming into operation of this Ordinance, the Federal Government Printer shall print and publish in the Gazette copies of the principal Law with all the necessary additions, omissions, substitutions, adaptations and amendments effected by this Ordinance or any other Ordinance or Law or Order, and upon such reprint being made, such copies shall, with effect from the date to be appointed by the Minister by notice in the Gazette, be deemed to be authentic copies of the principal Law so amended.

Redesignation and reprinting of the principal Law.

(2) From the date so appointed by the Minister, the principal Law shall be re-designated the Lagos Local Government Ordinance, 1959, the word "Law" wherever it appears in the principal Law shall be amended to read "Ordinance", and all copies shall bear an appropriate note to indicate that the principal Law was enacted by the Legislature of the Western Region but by virtue of the Constitution the same takes effect as an Ordinance of the Federal Legislature. Notwithstanding such re-designation a reference in any other Ordinance, in any subsidiary legislation or in any instrument to the principal Law shall take into account the re-designation effected hereby.

FIRST SCHEDULE (section 54)

I.—INSTANCES WHERE "MINISTER" IS TO BE SUBSTITUTED FOR "GOVERNOR-GENERAL IN COUNCIL"

(1) Sections 11 (2), 21, 22, 23, 26 (3), 31 (1), 59 (8), 74 (1) and (2), 75 (1) and (2), 78 (2), 80 (2), 83 (2), 84, 94 (1), 95 (1), (2), (3), and (4), 96, 98, 99 (1), (2) and (3), 100 (2), 104 (1), 105 (1) and (2), 103, 111 (1) and (2), 112 (1) and (2), 114 (2), 116 (1) and (2), 117, 118, 119, 125 (1) and (2), 127 (1), (3) and (6), 128 (1), (3) and (4), 131, 133 (1), (2) and (3), 135 (2), 141 (7) and (8), 146, 147, 149, 151 (1), 157 (1).

(2) The Seventh Schedule, first paragraph.

II.—FURTHER CONSEQUENTIAL AMENDMENTS

(1) The title of Part II shall read—

"Powers of the Governor-General in Council and the Minister".

(2) Marginal notes shall be amended appropriately when substitutions have been effected by Part I of this Schedule.

SECOND SCHEDULE (section 53)

NEW EIGHTH SCHEDULE TO BE INSERTED IN PRINCIPAL LAW

"EIGHTH SCHEDULE (secs. 80 and 80A)

PART I.—STATUS, POWERS AND DUTIES OF TOWN CLERK

(1) The powers and duties specified in section 80.

(2) The preparation of an agenda for each meeting of council and any committee.

(3) The custody of and responsibility for the records and documents of the council, which shall be kept as the council may direct.

(4) The duty of ensuring that the business of the council is carried out with order, regularity and expedition in accordance with the bye-laws, regulations and resolutions of the council, and the responsibility for the general correspondence of the council and the conduct of such negotiations on behalf of the council as the council may require.

(5) The responsibility for conveying decisions of the council to officers of the council relating to their work or conduct.

(6) General legal advice to the council, and to officers of the council on questions arising with regard to their duties and obligations.

(7) The submission not later than the 30th of June in each year to the Chairman, for the information of the council, of a report on the administration of the council, for the previous period ending the 31st March, including a summary of the general state of the town, together with such observations and recommendations as he may consider expedient or necessary.

PART II.—STATUS, POWERS AND DUTIES OF TOWN ENGINEER

(1) The maintenance and repair of all roads, drains and bridges within the municipality (but excluding the trunk roads), including street lighting, traffic signals and street furniture, lorry parks, taxi parks, and other similar amenities.

(2) The collection and disposal of all refuse and sewage arising within the municipality and maintenance of sewage pumping stations, sewers and public lavatories.

(3) The maintenance of all cemeteries, markets and parks including a municipal pool.

(4) The construction and maintenance of all municipal buildings including offices and quarters.

(5) The control of workshops, handling repairs and maintenance of all council vehicles and plant.

(6) The control of works yards producing precast concrete products, bituminous macadam and asphalt, joinery work, and other similar works.

(7) Maintenance and repair of municipal abattoirs and lairages and distribution of meat to the markets.

(8) The examination and approval of all plans submitted in respect of new buildings or alterations to existing buildings, the inspection of all buildings under construction or alteration, the demolition of buildings contravening the bye-laws, the inspection of dangerous buildings and the testing, repair or demolition of same.

PART III.—STATUS, POWERS AND DUTIES OF MEDICAL OFFICER OF HEALTH

The Medical Officer of Health shall be the chief medical officer of the council and shall be responsible for all matters relating to health for which the council is responsible and in particular without prejudice to the generality of the foregoing—

- (a) births, deaths and burials;
- (b) destruction of mosquitoes;
- (c) dogs;
- (d) leprosy;
- (e) markets;
- (f) sale of food;
- (g) vaccination;
- (h) the school care service;
- (i) the infectious diseases hospital;
- (j) maternity homes.

PART IV.—STATUS, POWERS AND DUTIES OF MUNICIPAL TREASURER

(1) The municipal treasurer shall be the principal financial officer of the council.

(2) He shall be primarily charged with all matters of finance and accounts of the council and for such purpose shall in such books as may be necessary record and keep true and proper accounts of all money received and receivable and paid and payable on behalf of the council for the correctness of which he shall be responsible.

(3) He shall attend all meetings of the finance committee and such other meetings as his duties may render necessary.

(4) He shall keep true accounts of all moneys received and receivable and paid and payable by the Chairman or the council for any charitable purpose of which the Chairman or the council may assume the charge.

(5) He shall be responsible for the raising of all loans, the issuing of bonds, the opening and closing of all accounts, the preparation of the annual accounts and balance sheet and such monthly or other statements as may be desirable, or as he may be directed to prepare by the council.

(6) He shall, subject to the bye-laws and regulations of the council and the approval of the finance committee, supervise the storeroom of the council and ensure that proper records are kept of all stores.

(7) He shall be responsible for establishing and maintaining a proper and adequate system of accounting in such a way that the assets and liabilities of the council are properly recorded and that the cost of any particular service may be easily ascertained. He shall also ensure the effective financial control of the revenue and expenditure of the council and the balancing of all accounts and the safe keeping of all records of his department.

(8) He shall from time to time carry out departmental inspection of all financial transactions of the council and shall immediately bring to the notice of the town clerk for the information of the finance committee and the council any error or discrepancy apparent in the books of the council.

(9) He shall whenever required submit to the finance committee a trial balance sheet and such other financial reports and statements as may be necessary for their information and shall, not later than the last day of November in every year, submit to the finance committee a report along with the accounts and balance sheets showing the complete accurate financial position of the council for the period ended the 31st March of the preceding accounts year.

(10) He shall, not later than the last day of November in each year, prepare and submit to the finance committee (after review by the other committees of their own estimates) a full and proper estimate of the income receivable and the expenditure to be incurred on revenue and capital account during the financial year commencing on the 1st April next following.

(11) He shall at the request in writing of any member or members of the council and with the consent of the finance committee submit for inspection of such member or members any book of account or record of the council."

Objects and Reasons

The principal objects of this Bill are twofold, namely, to assimilate in some degree the procedure for elections to the procedure for Federal elections, and, secondly, to carry into effect the bulk of the steps proposed by Sir John Imrie to improve the efficient local government of the town.

2. Electoral changes are effected by *clause 13* which provides for the same franchise for town council elections as the franchise applicable for Federal elections and by the amendments effected by *clause 52* which enables the Federal Register of Electors to be used as the official list of voters for elections to the council (for which purpose *clause 4* provides that in such instances the qualifying date shall be the same in both cases). Amendment will later be made to the electoral regulations provided for in the principal Law to adapt the form of election to be applicable to single-member constituencies. The further provisions of the Bill to a great extent follow the report made by Sir John Imrie. An opportunity has been given for discussion with the town council and the author of the report paid tribute to the co-operation of the council and its officials in the preparation of its contents. It has been possible to agree the bulk of the amendments now formulated.

3. *Clause 5* effects an amendment to section 7 to which the Federal Government attaches some importance. It is considered essential that if there is some omission which constitutes danger to the health, safety or welfare of the public the Governor-General should be able to step into the breach. At present the section refers to "a grave danger and menace" and the amendment would enable the Federal Government to act in cases falling short of such a desperate situation.

4. *Clause 8* enables regulations to be made to provide for the effective use of financial grants to be made on a percentage basis in accordance with paragraph 28 of the Imrie report, for the establishment of a municipal service commission to advise the council on matters in relation to appointments and to make provision for the establishment of a municipal transport board.

5. *Clause 10* provides for the remuneration of the president and *clause 11* enables the chairman to receive remuneration.

6. *Clauses 14 to 17* make minor amendments in the provision of electoral staff.

7. *Clause 30* provides for an appeal where a local government officer is dismissed on the grounds of inefficiency.

8. *Clauses 31 and 32* provide for the status and duties of the principal officers of the Lagos Town Council as is recommended by paragraphs 32, 41, 52 and 56 of the report.

9. *Clause 35* makes an important new provision whereby percentage grants may be made by the Federal Government which includes provision for the Fire Brigade upon that being taken over by the town council.

10. The procedure for estimates and other financial matters is improved by *clauses 37 and 38*.

11. Section 138 of the Law at present enables interest at 6 per cent to be charged on overdue rates. *Clause 41* provides in lieu that if rates shall be outstanding for six months an addition of 5 per cent shall be made and recovered with the rate and so on for each period of six months thereafter.

12. *Clause 54* transfers to the Minister a considerable number of functions at present vested in the Governor-General, and the Bill contains a number of other minor amendments and improvements and provides (in particular by amendment of sections 140 and 141) for the circumstances whereby the town council is or will be responsible for primary education, a school health service and the fire-fighting services in Lagos.

13. The principal Law was enacted in 1953 when Lagos was part of the Western Region. The cumulative effect of this and previous amending Ordinances will have changed the structure of the original enactment fairly considerably, and it is anomalous and likely to lead to confusion that the principal Law should not be available with the rest of the Ordinances of the Federation. *Clause 55* therefore provides that upon the enactment of this amending Ordinance the principal Law shall be reprinted with all amendments and published in the Gazette of the Federation, and upon such reprinting the Minister may provide by order that it shall be redesignated as the Lagos Local Government Ordinance, 1959.

MUHAMMADU RIBADU,
Minister of Lagos Affairs,
Mines and Power,
Federation of Nigeria

SCIENTIFIC AND INDUSTRIAL RESEARCH
ORDINANCE, 1959

C171

ARRANGEMENT OF SECTIONS

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RESEARCH INSTITUTES

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26. Membership of a board not an office of emolument under the Crown.

A BILL

FOR

Title.

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF SCIENTIFIC AND INDUSTRIAL RESEARCH INSTITUTES AND TO MAKE PROVISION GENERALLY FOR THE CONDUCT OF SCIENTIFIC AND INDUSTRIAL RESEARCH.

Commence-
ment.

Enactment.

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

PART I—PRELIMINARY

Short title,
and
application.

1. This Ordinance may be cited as the Scientific and Industrial Research Ordinance, 1959, and shall be of Federal application.

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

"board" in relation to an institute means the board established to manage the institute in accordance with the order made under section 3 establishing the institute;

"chairman" in relation to the board of an institute means the chairman of the board appointed in accordance with the order made under section 3 establishing the institute;

"director" in relation to an institute means the director of the institute appointed in accordance with section 9;

"institute" means an institute established under section 3;

"Minister" in relation to an institute means the Minister charged with responsibility for matters relating to the particular field of research for which the institute was established;

"native land" means land declared as such under the Land and Native Rights Ordinance.

Interpreta-
tion.

Cap. 105.

PART II—ESTABLISHMENT AND MANAGEMENT OF RESEARCH INSTITUTES

3. (1) The Governor-General may by order establish institutes for the purpose of scientific or industrial research.

Power to
establish
research
institutes.

(2) An order establishing an institute under this section may contain supplementary or incidental provisions consistent with this Ordinance relating to the establishment of the institute and to the research to be conducted by the institute, including, without prejudice to the generality of the foregoing power provisions—

(a) for the designation of the institute;

(b) for the matters on which the institute is to conduct research;

(c) for the transfer to the institute of any existing Federal research station or other assets belonging to any existing Federal research department;

(d) for the establishment, constitution and proceedings of a board to manage the institute.

4. (1) The board of any institute shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name.

Incorpora-
tion of
boards.

(2) The application of the seal of a board shall be authenticated by two signatures, namely—

(a) the signature of the chairman or some other member of the board authorized by the board to authenticate the application of the seal; and

(b) the signature of the director of the institute or officer authorized by the board to act in his place for this purpose.

(3) Any instrument or contract which, if executed or entered into by a person other than a body corporate, would not require to be under seal, may be executed or entered into on behalf of an institute by the chairman or by the director or such other members or servants of the board as may be appointed by the board to act in their place.

Duties of
boards.

5. It shall be the duty of the board of each institute—

(a) to prepare a programme of research within the field for which that institute is responsible for such periods of not less than three years as the board may, with the approval of the Minister, determine, together with detailed estimates of the expenditure which will be required to carry out the programme;

(b) each year to review, and if necessary revise, the programme approved under paragraph (a) for the following year, together with the estimates of expenditure for that year;

(c) to submit the programmes and estimates of expenditure, and any annual revisions, for approval by the Minister;

(d) to carry out the programmes of research approved by the Minister ;
and

(e) to arrange for the preparation of annual reports on the progress of research conducted by the institute and the submission of such reports to the Minister.

Powers of
boards.

6. (1) Subject to the provisions of this Ordinance, the board of an institute shall have power to do anything and to enter into any transaction which in its opinion should be done in the proper discharge of its functions.

(2) The board of an institute shall, in particular, and without prejudice to the generality of the foregoing power, have power to acquire and hold land and property and all the property of an institute shall be vested in its board.

Bye-laws.

7. (1) The board of an institute may, with the approval of the Minister, make bye-laws for the control and management of the property and premises vested in or in the possession of the board and the maintenance of good order therein and, in particular, and without prejudice to the generality of the foregoing power, bye-laws so made may provide for all or any of the following purposes—

(a) controlling the keeping of livestock;

(b) for the seizing and impounding of stray animals and for the recovery of expenses incurred in connection therewith;

(c) for the management and control of pounds and prescribing the powers and duties of pound masters;

(d) for the sale of impounded animals and for the disposal of the proceeds of such sale;

(e) regulating the traffic on any street;

(f) regulating the use by the public of any recreation ground or open space;

(g) regulating the growing of crops;

(h) regulating the installation and operation of sewage systems and soil drainage systems;

(i) for the maintenance of public health;

(j) for the prevention of fires;

(k) prohibiting or regulating the hawking of wares or the erection of stalls on or near any street.

(2) Bye-laws made under this section may provide that a breach of any specified bye-law shall be an offence and may prescribe as a penalty therefor a fine not exceeding fifty pounds.

8. A board of an institute may appoint committees and delegate to them any of its functions, other than any function affecting the constitution of the board and its committees and its power to make bye-laws.

Committees
of boards.

9. (1) For each institute there shall be a director appointed, in the first instance by the Governor-General on such terms and conditions as the Governor-General may determine, and thereafter by the board on such terms and conditions as the board may determine.

Directors of
institutes.

(2) If a director of an institute is unable for any reason to discharge the duties of his office, the board may appoint a person temporarily to act in his place.

PART III.—STAFF

10. A board of an institute may appoint and employ such servants and agents as it deems necessary for the discharge of its functions under this Ordinance upon such terms and conditions of service as it may determine:

Employ-
ment of
servants and
agents.

Provided that the rates and scales of salary and other emoluments relating to any such appointment or employment, and any revision of such rates, scales or emoluments, shall be subject to the approval of the Minister.

11. A board of an institute may delegate to the director of the institute its power under section 10 to appoint servants of the board, subject to such conditions and restrictions as the board may see fit to impose:

Power of
delegation
to director.

Provided that nothing in this section shall authorize the delegation to the director of the power to appoint any person as a servant of the board to a post of which the annual salary exceeds three hundred pounds or, if the appointment contains provision for increases in salary, which may carry a maximum annual salary exceeding three hundred pounds.

12. (1) The board of an institute shall, subject to the provisions of this Ordinance, employ such officers, being officers on the established staff of the Government of the Federation, as may be seconded to the institute by the Governor-General from the service of the Government of the Federation on the date on which the institute is established.

Officers
seconded
from
Government
of Federa-
tion to be
employed.

(2) The Governor-General may at any time determine the secondment of an officer who has been seconded to the service of the board of an institute under the provisions of this section, but no request by the board to the Governor-General for the determination of the secondment of any such officer shall be made unless the board shall first have given to the officer written notice of the intention to make such request.

13. (1) Within a period of one year and six months, but not before the expiration of a period of one year, next following the date on which an institute is established, the board of the institute shall offer to every officer seconded to the board from the service of the Government of the Federation on that date, employment by the board upon such terms and such conditions as may be agreed between the Governor-General and the board:

Offers of
employment
with board
to seconded
officers.

Provided that nothing in this section shall prevent the board from informing such officers of proposed terms and conditions of service before the expiration of the period of one year next following the date on which the institute is established.

(2) The Governor-General shall not agree to the terms and conditions comprised in any offer of employment made by a board to an officer under subsection (1) unless he considers those terms and conditions to be not less favourable than those enjoyed by such officer at the date of such offer.

(3) The Governor-General shall not decline to agree to the terms and conditions comprised in any offer merely because they are not in all respects identical with or superior to the terms enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Governor-General offer substantially equivalent or greater benefits.

(4) Any officer who fails within one year to accept in writing an offer made to him by a board in pursuance of this section shall be deemed to have refused such offer.

(5) If an officer refuses an offer of employment made to him by a board in pursuance of this section, the obligation imposed by subsection (1) of section 12 on the board to employ the officer shall thereupon determine.

(6) If no offer in pursuance of this section is made by the board of an institute to an officer seconded to its service then the obligation imposed by subsection (1) of section 12 on the board to employ the officer shall determine on the expiration of the period of two years and six months next following the date on which the institute was established.

(7) When an officer accepts an offer of employment made by the board of an institute in pursuance of this section, his service with the board shall be deemed to have commenced, and his service with the Government of the Federation to have ceased, upon the expiration of the period of one year and six months next following the date on which the institute was established.

14. (1) It shall be lawful for the Governor-General by order to declare that any office under the board of an institute shall be a pensionable office for the purposes of the Pensions Ordinance, 1951.

(2) The provisions of the Pensions Ordinance, 1951, shall, subject to the provisions of subsection (3) and subsection (4) of this section, apply or continue to apply to servants of the board of an institute confirmed in offices declared to be pensionable under subsection (1) of this section in the same manner and to the same extent as the said provisions would apply to such servants if they were serving in a civil capacity in a pensionable office in Nigeria under the Government of the Federation.

(3) For the purposes of this section the Pensions Ordinance, 1951, shall have effect as if in paragraph (1) of section 7 and subsection (1) of section 9 of that Ordinance (as adopted by the Adaptation of Laws Order, 1954) the word "Council" were substituted for the word "Governor-General" wherever such word appears therein.

(4) Nothing in the provisions of subsection (2) of this section shall prevent the appointment of a person to a pensionable office on terms which preclude the grant of a pension under the Pensions Ordinance, 1951, to such person in respect of his service in that office.

15. (1) The board of an institute may, at any time, with the approval of the Governor-General, require any servant of the Board, being a person who if he were in the service of the Government of the Federation would be deemed to be a "European Officer" within the meaning of the Widows' and Orphans' Pension Ordinance, to contribute to the scheme established by that Ordinance:

Provided that no officer appointed on terms which do not provide for the payment of a pension on retirement shall become a contributor to the scheme.

Pensionable
offices.

No. 29 of
1951.

Widows'
and
Orphans'
pensions.

Cap. 231.

(2) Where the board of an institute requires any person to contribute in accordance with subsection (1) of this section, the provisions of the Widows' and Orphans' Pension Ordinance shall apply to such person in the same manner and to the same extent as if such person were in the service of the Government of the Federation, and every such person so contributing shall be deemed a "European Officer" within the meaning of that Ordinance.

16. (1) Every servant of the board of an institute who is in receipt of an annual salary exceeding three hundred pounds or, if his appointment contains provisions for increases in salary, who may receive a maximum annual salary thereunder exceeding three hundred pounds shall be subject to the authority of the board :

Discipline.

Provided that no such person shall be dismissed without the approval of the Governor-General who may, before expressing approval or otherwise, institute such enquiries as shall to him seem fit.

(2) Every servant of the board of an institute who is in receipt of an annual salary not exceeding three hundred pounds or, if his appointment contains provisions for increases in salary, whose terms of appointment provide for a maximum annual salary not exceeding three hundred pounds or, who is paid a salary other than an annual salary, shall be subject to the authority of the director and for the purpose of discipline, including dismissal, to such directions as the director may either generally or specifically issue :

Provided that no such servant holding an office declared to be a pensionable office under section 14 shall be dismissed without the approval of the board.

PART IV.—FINANCIAL PROVISIONS

17. The board of an institute shall have power—

Power to receive funds.

(a) to receive all funds which may from time to time be appropriated by the Legislature of the Federation therefor and to apply and administer such funds in accordance with the terms and conditions which may be attached to the grant thereof and with the provisions of this Ordinance;

(b) to receive all other moneys which may be obtained or given to the board or derived from any source not hereinbefore mentioned and to apply and administer such moneys exclusively in furtherance of the purposes for which the institute was established and in accordance with any terms and conditions upon which such moneys may have been obtained, given or derived.

18. The board of an institute may, with the approval of the Minister, borrow by way of loan or by way of temporary overdraft such sums as the board may require for meeting its obligations and discharging its functions under this Ordinance.

Power to borrow money.

19. The board of an institute may invest all or any portion of the moneys of the board in such manner as may be approved by the Minister.

Investment of moneys.

PART V.—ACCOUNTS AND AUDIT

20. (1) The board of an institute shall keep proper accounts and other records in relation thereto and shall prepare in respect of each financial year a statement of accounts in such form as the Minister may require.

Accounts and audit.

(2) The accounts of the board of an institute shall be audited by auditors to be appointed annually by the board with approval of the Minister.

(3) As soon as the accounts of the board of an institute have been audited, the board shall furnish a copy of the statement of accounts to the Minister, together with a copy of any report made by the auditors on that statement or on the accounts of the board.

(4) The Minister shall lay a copy of every such statement of accounts and report before the House of Representatives.

Financial
year.

21. The financial year of the board of an institute shall coincide with that of the Government of the Federation :

Provided that the period between the date of the establishment of an institute and the end of the financial year then current shall be deemed to be a financial year.

PART VI.—LAND

Con-
struction
for purposes
of Cap. 105.

22. For the purposes of paragraph (c) of subsection (1) of section 12 of the Land and Native Rights Ordinance, a requirement of land by the Government of the Federation for public purposes of the Federation shall be deemed to include a requirement of land by the board of an institute for the purposes of the institute.

Compulsory
acquisition
of land.

23. (1) Whenever there is any hindrance to acquisition by the board of an institute of any land required for any purpose of the board, including any failure by the board to reach agreement as to the amount to be paid in respect of such acquisition, the Governor-General, upon the application of the board and after such inquiry as he may think fit, may declare that the land is required for the service of the board.

(2) Upon such declaration being made, the land to which it relates shall be deemed to be land required for a public purpose of the Federation within the meaning of the Public Lands Acquisition Ordinance or the Land and Native Rights Ordinance as the case may be and the Governor-General—

(a) may cause action to be taken under the Public Lands Acquisition Ordinance for acquiring the land for the Government of the Federation ; or (as the case may require)

(b) (i) if the land is native land in the Southern Cameroons, may revoke, in accordance with the provisions of the Land and Native Rights Ordinance, any rights relating thereto ; or

(ii) if the land is native land in the Northern Region, may issue a requisition in accordance with the provisions of subsection (2) of section 12 of the Land and Native Rights Ordinance for the revocation of any such rights.

(3) When any land which has been the subject of a declaration made under subsection (1) has been acquired, or the rights relating thereto have been revoked in pursuance of the provisions of subsection (2), or the Governor-General is satisfied that there are no rights relating to that land, the Governor-General may—

(a) vest the land in the board of an institute by means of a certificate under the hand and seal of the Chief Federal Land Officer ; or (as the case may require)

(b) grant a right of occupancy in respect thereof to the board of an institute on such terms and conditions as he may think fit.

(4) The compensation, if any, payable under the Public Lands acquisition Ordinance for the acquisition of any land under this section or (as the case may be) payable under the Land and Native Rights Ordinance for the

Cap. 185.
Cap. 105.

revocation of any rights relating to land in pursuance of this section shall in the first instance be paid by the Government of the Federation, but the board of the institute concerned shall refund to that Government any compensation so paid and all incidental expenses incurred by that Government.

(5) A plan of any land referred to in subsection (1), containing measurements of the boundaries of the land and showing the relationship of the land to any sufficient identifying mark, and signed by the director of the institute concerned or person for the time being discharging the functions of the director, shall be a sufficient description of the land for the purposes of an application under the subsection.

24. The board of an institute shall not, without the approval in writing of the Governor-General, alienate, mortgage, charge or demise any immovable property which has been vested in the board under any of the provisions of this Ordinance or in respect of which a right of occupancy has been granted to the board.

Restriction
on
alienation.

PART VII.—MISCELLANEOUS

25. The Governor-General may by order declare that an institute and the board thereof shall be dissolved and cease to exist as from a date to be specified in the order, and thereupon any balance of the funds of the board, and all other property of the board, remaining at such date, shall be disposed of and applied as may be approved by the Governor-General.

Power to
dissolve
institutes
and boards.

26. The office of member of the board of an institute shall not be an office of emolument under the Crown for any purposes of the Nigeria (Constitution) Order in Council, 1954.

Membership
of a board
not an
office of
emolument
under the
Crown.

Objects and Reasons

It is intended that a number of institutes of scientific and industrial research will shortly be established, and it is anticipated that these institutes will require to be incorporated and to have certain powers.

2. In the past the establishment and incorporation of an institute has been provided for by a separate enactment for the institute. The proposed institutes mentioned above will be very similar in nature and in their legislative requirements, and it is considered that these requirements can conveniently be dealt with in a single enactment governing all of them.

3. This Bill therefore provides machinery for the establishment of any number of institutes of scientific or industrial research and for the management of each institute by a board and a director.

4. The board of each institute will have the powers conferred in the Bill which include the making of bye-laws (clause 7); the appointment of employees (clause 10), the holding and investment of money (Part IV) and the acquisition of land (Part VI).

VICTOR MUKETE,
Minister of Research and Information,
Federation of Nigeria

A BILL

FOR

AN ORDINANCE TO AMEND THE QUEEN'S GARDENS AND GLOVER HALL ORDINANCE (CHAPTER 189 OF THE REVISED EDITION OF THE LAWS, 1948)

Title.

[

]

Commencement.

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

Enactment.

1. This Ordinance may be cited as the Queen's Gardens and Glover Hall (Amendment) Ordinance, 1959, and shall be applicable to the Federal Territory of Lagos.

Citation and application.

Addition of
new section
1A Cap. 189.

2. The Queen's Gardens and Glover Hall Ordinance (hereinafter referred to as the principal Ordinance) is amended by the addition after section 1 of the following new section—

"Inter-
pretation.

1A. In this Ordinance, unless the context otherwise requires—

"Minister" means the Minister for the time being charged with responsibility for the matters to which the Ordinance relates;

"trust" means the trust managed since 1899, by the Board of African and European Trustees as a memorial to the work of Sir John Glover, Governor of the Colony of Lagos until the year 1872;

"trustees" means the trustees for the time being of the trust;

"trust property" means any property for the time being held by the trustees for the purpose of the trust."

Repeal and
replacement
of sections 2,
3, 4 and 5.

3. Sections 2, 3, 4 and 5 of the principal Ordinance are repealed and replaced by the following sections—

"Purpose
of trust.

2. The purpose of the trust is to further the social, educational and cultural advancement of the people of Lagos by providing and maintaining a hall for public meetings and lectures, and by such other means as may seem suitable to the trustees.

Vesting of
property.

3. The freehold title and full ownership without encumbrance of the plot of land and buildings thereon known as Queen's Gardens and Glover Hall and identified by means of plan No. N.L.D.C. 432 dated the 16th day of July, 1959, signed by the Chief Federal Land Officer of the Ministry of Lagos Affairs, Mines and Power and lodged at the Federal Land Registry in Lagos is hereby declared to be vested in the trustees.

Constitution
of trustees.
First
Schedule.

4. (1) The Minister shall have power to appoint new trustees of the trust in accordance with and subject to the provisions contained in the First Schedule.

(2) A Chairman and Deputy Chairman of the trustees shall be elected by the trustees from among their own number.

(3) Any appointment in writing by the Minister of a new trustee of the trust shall operate, without any conveyance, transfer or assignment, to vest in the trustees as joint tenants for the purpose of the trust any estate or interest in any land subject to the trust, and in any chattel so subject, and the right to recover or receive any debt or other thing in action so subject.

(4) Any certificate, signed by or on behalf of the Minister, which gives the names of the trustees and their Chairman on a specified date, shall be receivable in evidence without further proof and shall be deemed to state accurately the names of the persons who are the trustees on the date so specified and the name of their Chairman.

Powers and
rights of
trustees.
Second
Schedule.

5. In addition to any other powers and rights vested in the trustees by virtue of this Ordinance or otherwise, the trustees shall in relation to the trust property have the powers and rights specified in the Second Schedule."

4. Section 10 of the principal Ordinance is amended by the deletion from subsection (1) of the words "Of such four trustees; not less than two shall be European trustees."

Amendment
of section 10.

5. Section 15 of the principal Ordinance is amended by the deletion from subsection (1) of the word "gratuitously".

Amendment
of section 15.

6. Sections 9, 19, 21, 22, 23, 24 and 27 of the principal Ordinance are repealed.

Repeal of
certain
sections.

7. The principal Ordinance is amended by the addition at the end thereof of the following new Schedules—

Addition of
two new
Schedules.

"FIRST SCHEDULE

(s. 4)

PROVISIONS RELATING TO APPOINTMENT OF NEW TRUSTEES

The Minister may from time to time appoint in writing a new trustee or trustees of the trust provided that the number of trustees does not exceed fourteen.

2. The Minister shall, so far as is practicable, ensure that one of the trustees is appointed as a representative of the Lagos Chamber of Commerce.

3. The Director of Federal Public Works and the Chief Federal Land Officer shall be appointed by office to be trustees, unless an appointment by name is made to represent either such official among the trustees.

4. If and whenever vacancies occur among the number of the trustees the continuing trustees may recommend to the Minister the names of those recommended by them, without regard to race, as most suitable for appointment. The Minister shall have regard to, but shall not be bound to follow, any such recommendation.

SECOND SCHEDULE

(s. 5)

POWERS AND RIGHTS OF TRUSTEES

1. The trustees shall have power to sell, lease for a term not exceeding 99 years, or to grant options to purchase or lease for a term not exceeding 99 years the trust property or any part thereof or any building or part of a building thereon, or any easement, privilege or right of any kind over or in relation to the trust property or any part thereof.

2. The trustees may in their absolute discretion determine the amount and nature of the consideration for any such sale, lease or option; without prejudice to the generality of the foregoing a lease may be granted by the trustees upon such terms, upon payment of such a premium (if any) and subject to the payment of such a rent (whether or not a rack rent) as the trustees may in their absolute discretion determine.

3. The trustees may accept in satisfaction or partial satisfaction of the consideration for any sale, lease or grant a sum of money, payable in a lump sum or by instalments, or a mortgage or other security, or any shares (whether or not fully paid), stocks, debentures, debenture stock, or other securities or obligations of any company.

4. No sale, lease or grant by the trustees shall be impeached upon the ground that any of the conditions subject to which the sale, lease or grant was made were unnecessarily depreciatory or that the consideration was inadequate.

5. The trustees may, either with or without consideration in money or otherwise, vary, release, waive or modify either absolutely or otherwise, the terms of any lease of the trust property or any part thereof at the request of the lessee thereof, and may, either with or without consideration, accept the surrender of any lease of the trust property or any part thereof.

6. The trustees may raise and borrow money on the security of the trust property or any part thereof, and may advance moneys to any person or company upon the security of freehold or leasehold land in Nigeria, at such rates of interest and generally on such terms and subject to such conditions as the trustees may think fit.

7. The trustees may purchase, take on lease or otherwise acquire any land or buildings in Lagos, or any easement, privilege or right for the time being vested in them.

8. The trustees may invest any part of the trust property which consists of money in any public stock of any Government or statutory body, or in the shares, stock, bonds, debentures, debenture stock or securities of any company or by placing the same on deposit in Nigeria with any bank or company, or partly in one mode and partly in another.

9. The receipt in writing of the Chairman of the trustees and of two other trustees for any money, security or other personal property or effects, paid, transferred or delivered to the trustees shall be a sufficient discharge to the person or company paying, transferring, or delivering the same and shall effectually exonerate such person or company from seeing to the application or being answerable for any loss or misapplication thereof.

10. The trustees may, either with or without any consideration in money or otherwise, compromise, compound, abandon, submit to arbitration, or otherwise settle any claim, dispute or question whatsoever relating to the trust property or any part thereof.

11. The trustees may promote, and subscribe for share in, any company for the furthering, directly or indirectly, of any of the purposes of the trust, and for any of these purposes the trustees may give financial or other assistance to, or enter into partnership, joint working, profit sharing or any other form of association with, any person, firm, company or corporation.

12. The trustees, either alone or in association with any person, firm, company or corporation, may erect, maintain, alter, pull down, remove or manage any building or part of a building on land, which is subject to the trust and is for the time being in the lawful possession of the trustees.

13. The trustees may cause subscriptions and donations to be collected and received for the purpose of the trust, and may make charges for admission to any building, room, hall or land for the time being in the lawful possession of the trustees. The trustees may also hire out any such building, room, hall or land.

14. The trustees may promote exhibitions, concerts, lectures, cinematograph performances, operas, theatrical performances and other entertainments.

15. The trustees may sell or grant to any person a licence to sell food, Transitional provisions.
stuffs, cooked meals, tobacco, cigarettes, confectionary and alcoholic or
non-alcoholic beverages and refreshments, and may conduct or grant to
any person a licence to conduct the business of a retail trade, in any building
or part of a building for the time being in their lawful possession.

16. The trustees may effect and maintain all such policies of insurance
as they may deem expedient for their own protection or for the protection
of the trust property or any part thereof.

17. The trustees may remunerate or reward any person for services
rendered or to be rendered to the trustees, and may pay the salaries,
wages and other remuneration of any employee of the trustees; the trustees
may reimburse themselves or pay and discharge out of the trust property all
expenses properly incurred by them or any of them.

18. Each person who is for the time being one of the trustees shall be
answerable for what he actually receives only, notwithstanding his signing
any receipt for conformity, and in respect of his own acts, receipts and
defaults only, and shall not be answerable in respect of those of any other
trustee, or of any banker, broker or other person, or for the insufficiency or
deficiency of any securities, or for the loss not happening through his own
wilful default."

8. (1) The present trustees shall at the commencement of this Ordinance, be deemed to be the trustees for the purposes of the principal Ordinance as amended by this Ordinance.

(2) A schedule of the present trustees' assets and liabilities as the same existed immediately before the commencement of this Ordinance shall be signed by the Secretary to the trustees and delivered to the Minister charged with responsibility for the matters to which the principal Ordinance relates as soon as may be practicable after the commencement of this Ordinance.

(3) In this section—

"present trustees" means the persons who were trustees of Queen's Gardens and Glover Hall immediately prior to the commencement of this Ordinance.

Objects and Reasons

The Glover Memorial Hall has for some years been considered to be structurally unsound. The Trustees' plans for redevelopment of the site cannot be carried out by reason of the restricted nature of their powers at present contained in the Queen's Gardens and Glover Hall Ordinance (Chapter 189).

2. This Bill, in amending that Ordinance, sets out a new list of powers (new Second Schedule added by clause 7) designed to enable the Trustees to take full advantage of the possibilities for redevelopment of the site.

3. The opportunity is taken to make a number of minor amendments to the Ordinance as follows—

- (i) a new section 2 sets out specifically the purpose of the trust (clause 3);
- (ii) a new section 4 (3) automatically vests the trust property in the continuing and the newly appointed trustees on the appointment of new trustees in order to facilitate investigation of title by a purchaser or lessee (clause 3);

(iii) a new section 4 (4) provides that the Minister's certificate as to the names of the trustees at any particular time shall be receivable in evidence without further proof (clause 3);

(iv) section 10 of the Ordinance is amended to remove the requirement that two European trustees must be included in order to form a quorum (clause 4);

(v) section 15 (1) of the Ordinance is amended to remove the provision that a trustee may only be appointed as secretary gratuitously.

(Bills 623)
L0171/II

MUHAMMAD RIBADI,
Minister of Lagos Affairs,
Miner and Power,
Federation of Nigeria

**PRODUCE (ENFORCEMENT OF EXPORT STANDARDS)
BILL, 1959**

C187

ARRANGEMENT OF SECTIONS

1. Short title, commencement and application.
2. Interpretation.
3. Produce to which Ordinance applies.
4. Establishment of the Produce Inspection Board.
5. Constitution and proceedings of Board.
6. Functions of the Board.
7. Power to make regulations.
8. Emergency orders for pest control in Lagos.
9. Export of damaged produce.
10. Wrongful grading an offence.
11. Unauthorised use or possession of seals, etc.
12. Pest infestation.
13. Powers of entry and seizure.
14. Treatment of detained produce.
15. Powers to re-examine produce.
16. Offences generally.
17. Offences in relation to samples.
18. Offences in relation to inspection, grading, etc.
19. Forfeiture of produce.
20. Duty to provide labour for inspection.
21. Produce experts.
22. Prosecutions.
23. Power to sue for fees.
24. Presumption as to intention to export.
25. Offence by public officer.
26. Effect of inspection, passing or grading.
27. Repeal of No. 24 of 1950.

SCHEDULE

FIRST SCHEDULE. Produce to which Ordinance applies.

SECOND SCHEDULE. Constitution and proceedings of Board.

A BILL

FOR

AN ORDINANCE TO MAKE PROVISION FOR THE INSPECTION OF COMMODITIES FOR EXPORT FROM NIGERIA IN THE FEDERAL TERRITORY OF LAGOS AND AT PORTS OF SHIPMENT, FOR THE PURPOSE OF ENFORCEMENT OF GRADES AND STANDARDS OF QUALITY IN RESPECT OF SUCH COMMODITIES, AND FOR MATTERS INCIDENTAL TO THE EXECUTION OF THE POWERS CONFERRED BY THIS ORDINANCE.

Title.

Commence-
ment.

[1959]

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

Short title,
commence-
ment
and
application.

1. (1) This Ordinance may be cited as the Produce (Enforcement of Export Standards) Ordinance, 1959, and shall come into operation on the day of 1959.

(2) This Ordinance shall apply in respect of the Federal Territory of Lagos and also at any port of shipment of produce for export from Nigeria.

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

Interpreta-
tion.

"assistant produce officer" means an officer of that rank in the Produce Inspection Service of the Government, whether of the Government of the Federation or of a Region;

"Board" means the Produce Inspection Board established under section 4;

"buy" includes exchange or barter, whether for goods or services, and any agreement or contract to buy, exchange or barter;

"buyer" means the person who himself conducts the transaction of buying, whether for himself or for another;

"chief produce inspector", subject to the provisions of subsection (2), means an officer of that rank in the Produce Inspection Service of the Federation;

"clean" means to free produce from any foreign, superfluous or inferior matter by picking, boiling or other means, and includes the extraction of excessive moisture from produce;

"export", with its grammatical variations and cognate expressions, means to take or cause to be taken out of Nigeria;

"exportable standard" means a standard which is not lower than that prescribed for produce intended for export, under the provisions of the Export of Nigerian Produce Ordinance, 1958, or any other law;

No. 36 of
1958.

"expose for sale" includes to place any produce on premises on which produce is habitually bought by, or for eventual delivery to, any exporter of produce or licensed buying agent, whether the person so placing such produce states that he intends to offer it for sale or not;

"Government" means the Government of the Federation or of a Region;

"inspector", subject to the provisions of subsection (2), means a produce inspector of the Produce Inspection Service of the Federation, and includes any person appointed as an inspector or examiner for the purposes of this Ordinance;

"licence" means a licence issued in accordance with the provisions of this Ordinance;

"licensed buying agent" means a person or firm or a servant of such person or firm, holding a licence in that behalf issued by the Western Region Marketing Board under the provisions of the Western Region Marketing Board Law, 1954;

W.R. Law
10 of 1954.

"licensing authority" means an authority empowered under this Ordinance to grant a licence;

"Minister" means the member of the Council of Ministers for the time being charged with responsibility for matters relating to external trade;

"pest" means any vermin, insect, parasite, fungus, bacterium or disease harmful to produce;

"port of shipment" means the place from which produce is exported by any means and for such purpose the whole of the Federal Territory of Lagos shall be deemed a port of shipment;

"produce officer", subject to the provisions of subsection (2), means any officer of the Produce Inspection Service of the Federation of or above the rank of produce officer or pest infestation control officer;

"possess for sale" include constructive possession of produce which is exposed for sale, or of produce which is found upon the premises of any store in respect of which there is in force a certificate of registration issued in accordance with the provisions of any regulations made under this Ordinance;

"sell" includes exchange or barter, whether for goods or services, and any agreement or contract to sell, exchange or barter;

"senior produce inspector" subject to the provisions of subsection (2), means an officer of that rank in the Produce Inspection Service of the Federation;

(2) Except in any respect that the Governor-General may otherwise direct, officers of the Produce Inspection Service of the Western Region—

(a) shall have and may exercise in respect of Lagos all the powers and duties conferred in this Ordinance upon officers of the Produce Inspection Service of the Federation; and

(b) shall have and may exercise in respect of Lagos all the powers and duties conferred upon them in the Western Region under any law in force in that Region dealing with the inspection and grading of produce for export,

with the exception of powers and duties relating to the final re-examination of produce at the time of shipment.

(3) Subsection (2) shall not come into operation until the Minister shall have notified in the Gazette of the Federation the consent of the Governor of the Western Region thereto.

3. (1) This Ordinance shall apply to the produce described in the First Schedule, being produce intended for export, and the word "produce" in this Ordinance shall be construed accordingly.

(2) The Minister may by order add to or delete from the First Schedule any description of produce.

4. (1) Upon the coming into operation of this Ordinance the Produce Inspection Board established under the provisions of section 5 of the Produce Inspection Ordinance, 1950, without prejudice to anything lawfully done under that ordinance shall cease to exist and there shall be established a Produce Inspection Board (hereinafter referred to as the Board) constituted as hereinafter mentioned.

(2) The Board shall be appointed by the Minister and shall consist of a Chairman and nine other members as follows—

(a) six members, of whom two shall be appointed from the Northern, Western and Eastern Regions respectively with the consent of the Governor of the Region, and who shall in respect of each Region consist of one officer in the public service of the Region with technical experience of produce inspection and one person (not being a public officer) appearing to the Minister to have special knowledge of or interest in produce subject to inspection;

(b) two members, not being public officers, of whom one shall be appointed from the Federal Territory of Lagos, and one from the Southern Cameroons with the consent of the Commissioner of the Cameroons, such persons appearing to the Minister to have special knowledge of or interest in produce subject to inspection, and

(c) one member who shall be appointed by name or by office with the consent of the Governor-General and who shall be an officer of the public service of the Federation.

Produce to
which
Ordinance
applies.
First
Schedule.

Establish-
ment of the
Produce
Inspection
Board.

5. The provisions of the Second Schedule shall apply in relation to the constitution and proceedings of the Board.

Constitution and proceedings of Board. Second Schedule.

6. The functions of the Board shall be as follows—

Functions of the Board. No. 38 of 1958.

(a) to advise the Minister under section 4 (1) of the Export of Nigerian Produce Ordinance, 1958;

(b) to advise the Minister upon the making of regulations under section 7, or the making of any order under subsection (2) of section 3;

(c) to advise the Regions of the Federation, upon request, on matters concerning produce inspection legislation under Regional produce inspection laws;

(d) to advise the Minister concerning the Ordinance or its application or any matter concerning produce inspection generally.

7. (1) The Minister with the advice of the Board may make regulations prescribing or providing for—

Power to make regulations.

(a) the precautions which shall be taken to prevent the occurrence and spread of pest infestation in produce at Lagos by means of inspection thereof and for such purposes prescribing or providing for the powers and duties of officers concerned in pest control;

(b) the inspection and grading according to its quality and purity of any produce at its port of shipment, and prohibiting or regulating the export of any produce which has not been so inspected and graded, or which does not conform to standards prescribed in accordance with the Export of Nigerian Produce Ordinance, 1958, or any other law;

(c) the structural conditions to which stores or buildings used or partly used for the inspection, grading and storage of produce in Lagos must conform, and providing for the registration, licensing, classification and numbering of such stores or buildings by the Western Region Produce Inspection Service and for the conditions under which produce shall be stored;

(d) prohibiting the inspection and grading of produce on any premises in Lagos which do not conform to the prescribed conditions, or which have not been registered;

(e) in the Federal Territory of Lagos, prohibiting the transport of adulterated produce or produce which cannot be passed or graded in accordance with any written law, and generally prohibiting the traffic in such produce;

(f) the type of containers to be used for produce and the packing, closing, marking or sealing the same;

(g) the type of marking appliances to be used by an inspector and the designs or letters to be placed on such marking appliances and for the Federal Territory of Lagos only the types of seals, presses or punch dies to be used by any officer of the Produce Inspection Services and the designs or ~~appliance to be placed on such seals presses or dies~~;

(h) the form and place in which registers shall be kept by the person in charge of any store or building licensed under paragraph (c) hereof for storage of specified produce, and for the inspection of such registers by specified officers;

(i) what shall be deemed to constitute adulteration for the purposes of this Ordinance, in respect of any description of produce;

(j) penalties for offences against any regulation made hereunder not exceeding a fine of one hundred pounds or imprisonment for six months or both;

(k) powers and duties of produce officers, assistant produce officers or inspectors, to permit or require the cleaning of any produce, and the removal and destruction of any extraneous matter or siftings separated from produce, and empowering pest infestation control officers to require the fumigation or treatment of produce, stores, buildings or platforms used or partly used for the storage of produce, for the purpose of decontamination;

(l) the fees to be paid including those for inspection or re-inspection, or overtime;

(m) conditions for the working of overtime by assistant produce officers or inspectors, and the officers who may issue permits for overtime work;

(n) the appointment of licensing authorities, and the grant, renewal, form and duration of any licences which may be prescribed, and the conditions which may be attached thereto;

(o) the appointment of markets and inspection stations;

(p) generally for the better carrying into effect of the provisions of this Ordinance;

(2) In relation to the making of regulations the Minister shall not be bound to accept the advice of the Board.

(3) The Minister may make regulations without the advice of the Board in any case in which the matter is, in his judgment, too urgent to admit of the giving of their advice in the time within which it may be necessary to make the same.

(4) Any such regulations shall be laid before the House of Representatives at the next meeting thereafter and the House of Representatives may approve or revoke such regulations but any revocation shall be without prejudice to anything lawfully done thereunder or to the making of further regulations.

8. (1) In the event of an outbreak of serious pest infestation, the Minister may by Order notified in the Gazette provide for the immediate steps which in his opinion are necessary in Lagos to combat such infestation and to prevent its spread, and, without prejudice to the generality of this provision, may provide by such Order for the prohibition of the movement or for the destruction of any produce.

(2) An Order made under this section may prescribe penalties for offences against any provision of such Order not exceeding a fine of one hundred pounds or imprisonment for six months or both.

(3) When an Order has been made under this section, the Minister shall convene a meeting of the Board within thirty days of the making of such Order and shall seek the advice of the Board and if so advised shall by regulation under section 8 make such provision as may be necessary in the circumstances, and upon such provision being made by the Minister the Order made under this section shall without prejudice to anything lawfully done thereunder expire unless it shall previously have expired under the provisions of the Order itself.

9. (1) Notwithstanding anything in this Ordinance, where any produce which has been inspected and passed for export has subsequently suffered damage or deteriorated in quality to such an extent that it can no longer be made to conform to an exportable standard, the Minister or officer deputed by him in writing in that behalf may grant a special permit authorising the export of such produce upon such conditions and for such purposes as may be specified in the permit.

Export of
damaged
produce.

(2) Notwithstanding anything in this Ordinance, where any produce has suffered damage or deteriorated in quality to such an extent that it no longer conforms to an exportable standard, the Minister or officer deputed by him in writing in that behalf may, if satisfied that such damage or deterioration was due to circumstances beyond the control of the owner of such produce, grant a special permit authorising the export of the produce upon such conditions and for such purposes as may be specified in the permit.

(3) Where produce is exported under the authority of a special permit granted under the provisions of subsection (1), any seals or other marks indicating that such produce has been graded for export shall be removed or obliterated by the person exporting the same to the satisfaction and in the presence of a produce officer, assistant produce officer, or inspector of the Produce Inspection Service of the Region in which the port of shipment is situated, or in respect of Lagos, the Produce Inspection Service of the Western Region.

10. (1) A produce officer, assistant produce officer, chief produce inspector, senior produce inspector or inspector who knowingly passes or grades produce for export which is not of exportable standard shall be guilty of an offence, and liable to a fine of two hundred pounds or to imprisonment for one year, or to both such fine and imprisonment.

Wrongful
grading an
offence.

(2) Where in any prosecution under this section the person charged alleges that unauthorised use was made of any seal, press, punch-die or other sealing or marking appliance used for sealing produce or for marking containers without his consent, the onus of proving such unauthorised use shall be on him.

(3) In any prosecution under this section it shall be sufficient for the prosecution to prove the person charged to be a produce officer, assistant produce officer, chief produce inspector, senior produce inspector or inspector, and that he passed or grade the produce in question for export and that such produce was not of exportable standard, and thereupon the onus of proof that such wrong grading was not done knowingly shall be upon the person charged.

11. Any person who—

(a) makes unauthorised use of any prescribed type of seals, presses, punch-dies or other sealing or marking appliances used for sealing produce or for marking containers or of any apparatus for sampling or testing produce, or for extracting any of the contents of bags of produce intended for export or detained under the provisions of this Ordinance; or

(b) is found in possession of any such article or of any article so closely resembling the same as reasonably to be mistaken therefor without lawful excuse (the onus of proving such lawful excuse being upon the person charged)

Unauthor-
ised use or
possession
of seals,
etc.

shall be guilty of an offence, and shall be liable to a fine of two hundred pounds or to imprisonment for one year, or to both such fine and imprisonment.

Pest infestation.

12. Where any produce is found within Lagos to be infested or suspected to be infested with any pest—

(a) a produce officer may make such order as he may deem necessary for the treatment of such pest; and

(b) upon the failure of the owner of the produce to comply with any such order, the officer who made the order, or any person authorised by him in that behalf in writing, may enter upon any land or premises and carry out such measures as he may deem necessary to prevent the spread of the pest, at the owner's expense.

Powers of entry and seizure.

13. (1) For the purpose of carrying out his duties under this Ordinance, any produce officer, assistant produce officer, chief produce inspector, senior produce inspector or inspector in uniform shall have power—

(a) to enter at all times which are reasonable, having regard among other things to the religious beliefs and social customs prevailing in the area in question, any building or place in which he has reason to suppose that any produce which is subject to regulations made under this Ordinance is stored, and inspect and take samples of any such produce stored therein, whether or not such produce has previously been inspected or graded;

(b) to stop any person carrying or believed to be carrying any such produce and to examine such produce, and to stop and search any vehicle, boat, canoe or animal carrying or believed to be carrying such produce and to call upon the person in charge of such vehicle, boat, canoe, or animal or, if he cannot be ascertained, the person appearing to be in charge of such vehicle, boat, canoe or animal, and the person or persons in charge of such produce to unload any such produce for examination;

(c) to direct the person in charge of the vehicle, boat, canoe or animal, and the person or persons in charge of any produce seized under the provisions of paragraph (d), to proceed in or with the particular conveyance employed to the nearest suitable place for the purpose of depositing therein the seized produce and containers thereof;

(d) to seize and detain any produce which he reasonably suspects to have been adulterated, or in respect of which an offence against this Ordinance appears to him to have been committed, together with any receptacle in which such produce is contained, and to seize and detain any article, register or document believed to be connected with the offence;

(e) in cases where he is satisfied that the owner of any produce which has been seized and detained under the provisions of paragraph (d) did not know that the produce was adulterated, to permit the owner to clean the produce, and, when it has been cleaned, to release the produce and any receptacle in which the produce was contained; and

(f) to call upon any person to furnish him with any information he may reasonably require for the purpose of investigating any offence against this Ordinance.

(2) No person who obtains any information by virtue of the foregoing paragraph shall, otherwise than in the execution of his duties under this Ordinance, disclose that information except with the permission of the Minister.

(3) Except as provided in paragraph (e) of subsection (1), any person who seizes and detains any produce or receptacle under the provisions of subsection (1) shall forthwith report the fact to the nearest magistrate.

14. (1) Where any produce which has been seized and detained is not already packed in receptacles, a produce officer, assistant produce officer or inspector may order that it shall be so packed, and the owner of the produce and the person in charge thereof at the time of seizure shall be responsible for the provisions of suitable receptacles and the labour necessary to carry out the order.

Treatment
of detained
produce.

(2) Save as is provided to the contrary in this section, any produce which has been seized and detained shall be sealed in receptacles to the satisfaction of a produce officer, assistant produce officer or inspector, and shall not be removed or cleaned except with the written permission of a produce officer or until any charge which may be brought against any person for an offence in respect of the produce or any complaint laid for the purpose of forfeiture under the provisions of subsection (2) of section 19 has been determined: Provided that—

(i) unless a charge against some person is made, or a complaint under the provisions of subsection (2) of section 19 is laid, within the space of three months after the seizure, the seized produce shall be released from detention;

(ii) notwithstanding anything contained in section 263 of the Criminal Procedure Ordinance, where a person charged with an offence against this Ordinance in respect of any produce has been acquitted or discharged, the Court shall not order the release of the produce until fourteen days have elapsed from the date of the judgment of acquittal or discharge, or until a produce officer has notified the Court in writing of his intention not to institute further proceedings in respect of the produce, whichever date is the earlier;

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(iii) if a produce officer notifies the Court in writing within the said period of fourteen days of his intention to institute further proceedings in respect of the produce or to appeal against the judgment of acquittal or discharge, the Court shall not order the release of the produce pending the determination or withdrawal of such proceedings or appeal.

(3) Notwithstanding the provisions of subsection (2), where a produce officer deems it advisable he may order that any produce which has been seized and detained shall be removed and kept under detention in other premises approved by him.

(4) Where the owner of the produce or the person in charge thereof considers that the condition of the produce which has been seized and detained is such that the storage thereof in that condition will result in further damage or deterioration, he may make application in writing to a produce officer for the purpose of obtaining permission to clean the produce.

(5) Where application has been made to a produce officer under the provisions of subsection (4), the produce officer may permit the owner or person in charge of the produce to clean it, and when the produce has been cleaned, it shall then be dealt with in accordance with the provisions of subsection (2) or (3).

(6) Where an application made under the provisions of subsection (4) has been granted, there shall be prepared in the presence of the applicant and the produce officer or an officer deputed by him in that behalf, a document showing the net weight of the produce, the number of receptacles in which it is packed, and the gross weight of any samples taken, and such document when signed by both the applicant and the produce officer or his deputy shall be conclusive evidence of the particulars therein contained.

(7) Where any produce which has been seized and detained is, in the opinion of the produce officer or assistant produce officer, in such condition that its storage in that condition will result in further damage or deterioration, and whether an application under subsection (4) has been made or not, a produce officer or assistant produce officer may order the person in charge of the produce or any person claiming to be the owner thereof to clean it, and may permit the temporary release of such produce for the purpose, and where such order has been given, the provisions of subsection (6) shall apply.

Power to
re-examine
produce.

15. (1) If a produce officer, assistant produce officer, chief produce inspector, senior produce inspector or inspector, in his discretion, considers it advisable, he may re-examine any produce which has been inspected, passed or graded, and for such purpose may take all such steps in that behalf, including the opening of packages, as he may deem necessary: Provided that where seals have to be removed such seals shall be removed only by officers of the Regional Produce Inspection Service who are carrying out duties at the port of shipment.

(2) If, upon such re-examination, the produce officer, assistant produce officer, chief produce inspector, senior produce inspector or inspector finds that the produce has not been properly passed or graded or has deteriorated to such an extent as no longer to conform to the quality or grade assigned thereto on its previous examination, such produce shall not be exported until it has been properly graded, passed and marked in accordance with the provisions of any regulations made under this Ordinance or until a special permit for its export has been granted in accordance with the provisions of section 10.

(3) If, upon such re-examination, the produce officer, assistant produce officer, chief produce inspector, senior produce inspector or inspector finds that the produce has been adulterated, or that any offence has been committed in respect of the produce, he shall deal with the produce in accordance with the provisions of sections 14 and 15.

(4) If, upon such re-examination, the produce officer, assistant produce officer or inspector finds that the produce has been properly passed or graded, he shall cause it to be re-packed, sealed and marked in accordance with the provisions of any regulations made under this Ordinance.

(5) The owner of any such produce re-examined under the provisions of this section may appeal within twenty-one days to the head of the Produce Inspection Service of the Region which has re-examined this produce, or to an officer deputed by him in that behalf, against the decision made on either the examination or the re-examination.

16. (1) Any person who in Lagos or at any port of shipment—

(a) hinders or molests any produce officer, assistant produce officer, chief produce inspector, senior produce inspector, inspector or other person charged with any duties or powers under this Ordinance or any regulations made hereunder in the exercise of any of his duties or powers;

(b) without lawful excuse, fails to comply with any order lawfully given under the provisions of this Ordinance or of any regulations made hereunder;

(c) without lawful excuse, removes, cleans or in any way tampers with any produce or any receptacle, which has been seized or detained, by a produce officer, assistant produce officer, chief produce inspector, senior produce inspector, or inspector in accordance with the provisions of this Ordinance or of any regulations made hereunder;

Offences
generally.

(d) without lawful excuse, breaks or removes any seal placed upon a receptacle containing produce by a produce officer, assistant produce officer or inspector, whether after the grading of the produce contained therein or after the seizure and detention of such produce and receptacle in accordance with the provisions of sections 14 and 15, or any twine, wire or other means of securing such receptacle or seal;

(e) without lawful excuse, substitutes for any produce which has been inspected and passed or graded any other produce, or adds extraneous matter or any uninspected produce to any produce which has been so inspected and passed or graded;

(f) without lawful excuse, fails to furnish any information lawfully demanded under the provisions of this Ordinance, or furnishes information which he knows to be false in a material particular, or does not believe to be true;

(g) without lawful excuse possesses or has in his custody or under his control whether for sale or other purpose, and whether for the use or benefit of himself or any other person or whether as agent or servant of any other person—

(i) any produce which has been inspected or passed or graded, and of which the containers have been tampered with as described in this section, or

(ii) any produce which has been substituted for produce which has been passed or graded; or

(h) without lawful excuse, ships or exports or attempts to ship or export or delivers or causes to be delivered for shipment or export any produce which is not of exportable standard,

shall be guilty of an offence, and shall be liable to a fine of two hundred pounds or to imprisonment for one year, or to both such fine and imprisonment.

(2) In any prosecution for an offence against this section, the onus of proving the existence of a lawful excuse shall lie on the person charged.

(3) No person shall be convicted of an offence under paragraph (g) of subsection (1) if he proves to the satisfaction of the court—

(a) that he did not know and could not with reasonable diligence have known that the produce or containers thereof had been tampered with or suffered substitution as aforesaid;

(b) that he had taken all reasonable precautions against the commission of the offence;

(c) that as soon as he discovered or became aware that an offence had been or was being committed he made immediate report in writing to a produce officer; and

(d) that on demand made by a produce officer, assistant produce officer, chief produce inspector, senior produce inspector or inspector he gave all the information in his power with respect to the produce and containers thereof, the person from whom he obtained the produce and the person who conveyed or delivered it to him or to any other person on his behalf or into the possession, custody, control of himself or any other such person.

17. Any person authorised to take samples of produce under the provisions of this Ordinance, who employs or disposes of such samples or any part thereof for his own gain or use or for any purpose other than that for which provision is made under any written law, shall be guilty of an offence and liable to a fine of two hundred pounds or to imprisonment for one year, or to both such fine and imprisonment.

Offence in
relation to
samples.

Offences in
relation to
inspection,
grading, etc.

18. (1) Any produce officer, assistant produce officer, chief produce inspector, senior produce inspector or inspector who, without lawful excuse, proof of which shall lie upon him, delays, detains or refuses to inspect, pass or grade produce for export shall be guilty of an offence and liable to a fine of two hundred pounds or to imprisonment for one year, or to both such fine and imprisonment.

(2) The provisions of subsection (1) of section 22 shall not apply to a prosecution brought for an offence against this section.

Forfeiture
of produce.

19. (1) Upon the conviction of any person for an offence against this Ordinance in respect of any produce of which he is the beneficial owner, the Court may, in addition to any penalty which may be imposed therefor, order that the produce in respect of which the offence was committed and the receptacles thereof shall be destroyed or forfeited or that such produce shall be cleaned by the owner thereof to the satisfaction of a produce officer, assistant produce officer or inspector and shall thereafter be released for sale or export.

(2) Where any produce or receptacle has been seized and detained under the provisions of sections 14 and 15—

(a) the owner thereof is unknown or cannot be found, or

(b) the produce is adulterated or is of such inferior quality that—

(i) it cannot be cleaned to an exportable standard; or

(ii) its retention in that condition may endanger the quality of any other produce with which it may come into contact; or

(iii) a produce expert considers by reason of its inferiority that it should be destroyed;

and whether or not any person has been convicted of an offence in respect of such produce, a complaint shall, as soon as may be after the expiry of seven days from the date on which such produce was seized, be laid before the magistrate having jurisdiction in the place where such produce or receptacle is detained for the purpose only of enforcing forfeiture of such produce or receptacle, and the magistrate may cause notice to be given in such manner as he may think proper, stating that unless cause is shown to the contrary at the time and place stated in the notice such produce or receptacle may be forfeited, and at such time and place the magistrate shall, unless cause is shown to the contrary, order that the produce or receptacle shall be forfeited and disposed of in such manner as may be directed by the head of such Produce Inspection Service as in the opinion of the magistrate is appropriate.

20. Where a produce officer, assistant produce officer, chief produce inspector, senior produce inspector or inspector is about to inspect or re-inspect any produce for any of the purposes of this Ordinance, the person in charge thereof shall provide the necessary labour to enable such inspection or re-inspection to be made.

21. (1) The Minister may by notice in the Gazette declare suitably experienced persons to be produce experts in respect of any kind of produce.

(2) In any proceedings for an offence against the provisions of this Ordinance, in which the quality or condition of any produce is a fact in issue, the court may, if it thinks fit, direct any produce expert to examine such produce, or samples thereof, and to report to the Court on its quality or condition, and the written report of such produce expert shall be sufficient evidence of the facts stated therein unless the person charged requires the produce expert to be called as a witness.

Duty to
provide
labour for
inspection.

Produce
experts.

22. (1) No prosecution (other than a prosecution by or on behalf of a law officer of the Federation or a Region) for any offence against this Ordinance (other than an offence under section 18) shall be commenced except with the consent of an officer not below the rank of produce officer.

Prosecutions.

(2) A prosecution for an offence against this Ordinance may be brought in the name of the head of the Produce Inspection Service of the Federation or of a Region and may be conducted by him or by a produce officer or assistant produce officer or chief produce inspector or senior produce inspector, and any prosecutions so instituted shall be deemed *prima facie* to have been commenced with due consent.

23. (1) Any fees due under the provisions of this Ordinance or any regulations made hereunder may be recovered as a civil debt by—

Power to
sue for fees.

(a) the head of a Produce Inspection Service of a Region or

(b) by the Board of Customs and Excise.

(2) All such fees shall be paid into the general Revenue of the Region concerned or of the Federation as the case may be.

24. In any proceedings against any person for an offence against this Ordinance, it shall not be necessary to prove that produce the subject of the charge was intended for export and such produce shall be presumed to have been intended for export unless the contrary be proved.

Presump-
tion as to
intention to
export.

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

Office by
public
officer.

(2) No act or thing done by any public officer, if it was done *bona fide* for the purpose of executing this Ordinance, shall subject him personally to any action, liability, claim or demand whatsoever: Provided that nothing herein contained shall exempt any person from any proceeding by way of *mandamus*, injunction, prohibition or similar order.

26. In any action relating to the quality or purity of any produce inspected and passed or graded under the provisions of this Ordinance, the inspection, passing or grading of such produce shall not be conclusive as to the quality or purity thereof.

Effect of
inspection,
passing or
grading.

27. (1) Without prejudice to the continuance of any provision of the Produce Inspection Ordinance, 1950, which takes effect as a law enacted by each Regional Legislature until amended or repealed by such Legislature in accordance with the Nigeria (Constitution) Orders in Council, 1954 to 1959, such Ordinance is repealed in so far as it applies to ports of shipment of produce and to the Federal territory of Lagos.

Repeal of
No. 24 of
1950.

(2) Without prejudice to the continuance of any provision of the regulations made under the Produce Inspection Ordinance, 1950, which has Regional application until amended or revoked in accordance with any law enacted or taking effect as if enacted by any Regional legislature, such regulations shall continue in effect in accordance with section 18 of the Interpretation Ordinance in respect of ports of shipment of produce and the Federal territory of Lagos until amended or revoked in accordance with section 7 of this Ordinance.

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FIRST SCHEDULE

(s. 3)

PRODUCE TO WHICH THE ORDINANCE APPLIES

- | | |
|-------------------|-------------------------------------|
| 1. Banniseed | 9. Fruit Products (other than oils) |
| 2. Capsicums | 10. Ginger |
| 3. Cassava Starch | 11. Groundnuts |
| 4. Cocoa | 12. Groundnut Cake |
| 5. Copra | 13. Palm Kernels |
| 6. Cotton Seed | 14. Palm Oil |
| 7. Cotton Lint | 15. Rubber |
| 8. Fruit | 16. Soya Beans |

SECOND SCHEDULE

(s. 6)

CONSTITUTION AND PROCEEDINGS OF THE BOARD

Tenure and
vacation of
office by
members.

1. (1) A member of the Board, other than a public officer, may by notice in writing to the Chairman of the Board resign his membership, but, save as aforesaid and subject to the other provisions of this paragraph, a member other than a public officer shall hold office for three years from the date of his appointment.

(2) If the Minister is satisfied that a member other than a public officer—

(a) has been absent from two consecutive meetings of the Board without the permission of the Board;

(b) is incapacitated by physical or mental illness; or

(c) is otherwise unable or unfit to discharge the functions of a member, the Minister may declare his seat upon the Board vacant and shall notify the fact in such manner as he may think fit and thereupon such vacancy may be filled according to the provisions of subsection (2) of section 4 of the Ordinance.

(3) Where a member is temporarily incapacitated or is temporarily absent from Nigeria, the Minister may appoint any person qualified under clause 4 (2) to be temporarily a member of the Board during such incapacity or absence.

(4) A member of the Board other than a public officer shall not be deemed by virtue of being such a member to be the holder of an office of emolument under the Crown for any of the purposes of the Nigeria (Constitution) Orders in Council, 1954 to 1959.

2. (1) Subject to the provisions of this paragraph, the Board may make standing orders providing for the proper conduct of its business.

(2) Meetings of the Board shall be convened by the Chairman but any three members may by notice in writing signed by them request the Chairman to convene a special meeting of the Board for the purposes specified in such notice, and, upon receipt of such notice, the Chairman shall convene a special meeting for such purposes at the earliest convenient date.

Meetings
and pro-
ceedings of
the Board.

(3) Where upon any special occasion the Board desires to obtain the advice of any person upon any matter, the Board may co-opt such person to be a member for such meeting or meetings as may be required, and any such person shall, whilst so co-opted, have all the rights and privileges of a member of the Board, save that he shall not be entitled to vote on any question.

(4) All questions proposed for decision shall be determined by the majority of the votes of the members present and voting.

(5) The Chairman shall have an original vote and also, if upon any question the votes are equally divided, a casting vote.

(6) At a meeting of the Board, the Chairman and four other members, two of whom shall be members other than public officers, shall form a quorum.

(7) The Board shall not be disqualified for the transaction of business by reason only of any vacancy among the members, and in case of the absence of the Chairman from any meeting the Board may appoint a temporary Chairman from amongst their own number.

Objects and Reasons

In accordance with the recommendations of the Constitutional Conference held in February, 1958, this Bill provides the machinery for the enforcement of grades and standards of quality of produce for export in the Federal Territory of Lagos and ports of shipment, which is a responsibility of the Government of the Federation. The essential effects of the substitution of the Produce Inspection Ordinance, 1950, by the present Ordinance will be—

(a) the power of the Federal Government to enforce grades and standards of quality of produce for export will be confined to ports of shipment, and to the Federal Territory of Lagos;

(b) the enforcement of grades and standards of quality of produce for export elsewhere will be the responsibility of Regional Governments;

(c) under *Clause 2 (b)* officers of the Western Regional Produce Inspection Service will be empowered to exercise the provisions of Western Regional produce inspection legislation in Lagos;

(d) under *Clause 4* a Produce Inspection Board with substantial Regional representation, to which appointments will be made by the Minister of Commerce and Industry of the Federation, will be set up to give him advice on the prescription of grades and standards of quality of produce for export and on the making of regulations under this Ordinance. Regional Governments may ask advice from this Board on matters dealing with produce inspection and produce inspection legislation;

(e) under *Clause 7* the power to make regulations is vested in the Minister;

(f) under *Clause 8* powers will be vested in the Minister;

(g) under *Clause 9* powers will be vested in the Minister;

(h) *Clause 10 (3)* has been inserted because it was previously unjustifiably difficult to prove that a defendant "knowingly" or "wrongly" did anything. This Clause enables a court to deem such knowledge on the part of the accused (subject to his explanations and evidence), after the substantive elements of the offence have been proved;

(i) under *Clause 21* power relating to the recognition of produce experts will be vested in the Minister;

(j) *Clause 23* has been inserted because it was previously difficult to collect fees from the public who were unwilling to pay fees for services after such services had been rendered. The clause enables action to be taken to recover such fees.

(k) *Clause 25* is a normal provision in legislation of this type, and contains some protection against personal proceedings against officers acting in the execution of their duty. It was apparently mistakenly omitted from the present Ordinance when enacted in 1950;

(l) *Clause 27* is the repeal provision. The 1950 Ordinance will continue in Regions as a Regional Ordinance. The regulations thereunder will continue as Regional regulations but for the time being also as regulations under this replacing Ordinance.

Z. BUKAR DIPCHARIMA,
Minister of Commerce and Industry
Federation of Nigeria