

L.N. 212 of 1959

NIGERIAN NAVY ORDINANCE, 1956

(No. 28 of 1956)

Nigerian Navy Ordinance, 1956 (Amendment of Schedule)
Order, 1959

Commencement : 8th October, 1959

In exercise of the powers conferred by section 12 of the Nigerian Navy Ordinance, 1956, the Governor-General, after consultation with the Council of Ministers, has made the following order—

1. This Order may be cited as the Nigerian Navy Ordinance, 1956 (Amendment of Schedule) Order, 1959, and shall be of Federal application.

Citation and application.

2. For the Schedule to the Nigerian Navy Ordinance, 1956 (as substituted by the Nigerian Navy Ordinance, 1956 (Transitional Amendment of Schedule) Order, 1958) there shall be substituted the following Schedule—

Amendment of Schedule. No. 28 of 1956. L.N. 89 of 1958.

"SCHEDULE (Section 12)

APPLICATION OF THE NAVAL DISCIPLINE ACT, 1957, AND OF
QUEEN'S REGULATIONS AND ADMIRALTY INSTRUCTIONS

Certain provisions not to apply. PART I.—The following provisions of the Naval Discipline Act, 1957, shall not apply:—

(a) sections 1, 49 (4), 49 (5), 50, 53, 54, 56 (1), 58, 101 and 120; and

(b) the Second Schedule.

Interpretation.

PART II.—(1) The Naval Discipline Act, 1957, Queen's Regulations and Admiralty Instructions and all other laws and regulations for the time being in force for the government of Her Majesty's ships, vessels and naval forces, shall, in their application to members of the Nigerian Navy by virtue of section 12 of the Ordinance, be read and construed with such formal alterations as to names, ranks, localities, courts, offices, persons, moneys, penalties and otherwise as may be necessary to make the same applicable to the circumstances.

(2) Without prejudice to the generality of paragraph (1), in the construction of the Naval Discipline Act, 1957, Queen's Regulations and Admiralty Instructions and the other laws and regulations aforesaid, unless the context or subject matter otherwise requires—

(i) references to "the Admiralty" and "the Lords of the Admiralty" shall be construed as references to the Governor-General;

(ii) references to "the Commander-in-Chief" shall be construed as references to the Director;

(iii) references to "a court-martial" shall be construed as references to a court-martial constituted under Part III of this Schedule.

(3) The Courts-Martial (Appeals) Act, 1951, to which reference is made in Queen's Regulations and Admiralty Instructions, shall not be deemed to be applied to members of the Nigerian Navy in respect of convictions and sentences by a court-martial constituted under Part III of this Schedule.

Modifica-
tions.

PART III.—The application of the Naval Discipline Act, 1957, Queen's Regulations and Admiralty Instructions and the other laws and regulations aforesaid to members of the Nigerian Navy shall be subject to the following modifications :—

(1) The powers of summary trial and punishment, which in Part II of the Naval Discipline Act, 1957, are expressed to be conferred upon a commanding officer, shall be exercised by the Governor-General acting in his discretion or by the Director or other officer, to the extent that such powers are delegated to him, but not otherwise.

(2) Without prejudice to the provisions of section 129 (1) of the Naval Discipline Act, 1957, with respect to the powers of any ordinary court of civil or criminal jurisdiction, when a member of the Nigerian Navy is alleged to have committed any offence punishable under that Act, the charge shall, in the case of an officer or warrant rank, and may in the case of a rating, be determined by a court-martial constituted and regulated as follows—

(a) the Governor-General, or the Director or other officer, to the extent that such power is delegated to him, shall have power to order a court-martial to be held for the trial of such offence ;

(b) a court-martial shall consist of not less than three officers, who shall be officers of the Nigerian Navy or the Royal Navy ;

(c) in the case of a court-martial ordered by the Director or other officer, the Director or that other officer as the case may be shall not sit thereon ;

(d) the president and members of every court-martial shall be named by the authority ordering the same.

(3) No sentence of death or of imprisonment for a period exceeding twelve months shall be imposed by a court-martial constituted under this Part.

(4) Every sentence of dismissal with disgrace or of imprisonment for a period exceeding six months imposed by a court-martial constituted under this Part shall be subject to confirmation by the Governor-General acting in his discretion.

(5) Every conviction and sentence by a court-martial constituted under this Part in respect of an officer or warrant rank, who has been admitted to Special List "A" or Special List "B" of Her Majesty's Overseas Civil Service, shall be subject to confirmation by the Secretary of State in accordance with the provisions of the Special List Agreements made between Her Majesty's Government in the United Kingdom and the Government of the Federation of Nigeria.

(6) The provisions of section 121 of the Naval Discipline Act, 1957, shall apply to members of the Nigerian Navy modified as follows :—

"121. Attachment to commonwealth and other Forces—

(1) Without prejudice to the provisions of subsection (3) of section 4 of the Nigerian Navy Ordinance, 1956 (which provides for the placing of the Nigerian Navy or any part

thereof under the control of the Admiralty), any members of the Nigerian Navy may, by order of the Governor-General, be required to serve with any naval, military or air force of the United Kingdom, a Commonwealth country or of any other country.

(2) A person shall not cease to be subject to the Nigerian Navy Ordinance, 1956, and this Act by reason only of his being required to serve with any naval, military or air force in pursuance of this section."

Made at Lagos this 30th day of September, 1959.

MAURICE JENKINS,
Acting Deputy Secretary to the
Council of Ministers

EXPLANATORY NOTE

This Order replaces the Schedule to the Nigerian Navy Ordinance consequent upon the recent coming into force of the new Naval Discipline Act, 1957.

DEF/S/5305

L.N. 213 of 1959

NIGERIAN NAVY ORDINANCE, 1956 (No. 28 of 1956)

Nigerian Navy (Amendment) Regulations, 1959

Commencement : 8th October, 1959

In exercise of the powers conferred by section 18 of the Nigerian Navy Ordinance, 1956, the Governor-General has made the following regulations—

1. These regulations may be cited as the Nigerian Navy (Amendment) Regulations, 1959 and shall be of Federal application.

2. Regulation 29 of the Nigerian Navy Regulations, 1958, (hereinafter referred to as the principal regulations) is revoked and replaced by the following regulation—

"Delegation of powers of summary trial and punishment.

29. (1) In pursuance of subsection (2) of section 4 of the Ordinance and of Part III of the Schedule thereto, the Governor-General, with the prior consent of the Secretary of State, hereby delegates to the officers holding the posts specified in the Second Schedule to these regulations the powers of summary punishment expressed to be delegated to them in the said Second Schedule subject to the provisions of paragraph (3) and the qualifications specified in the said Second Schedule.

Second Schedule.

(2) Where an officer holding a post specified in the said Second Schedule has been absent from his post on duty or approved leave for more than ninety-six hours continuously or has otherwise ceased to carry out his duties through sickness or any other cause, any officer temporarily authorised to carry out the duties of the post may while so authorised exercise the same powers of punishment as may be exercised by the substantive holder of the post, and this regulation and the said Second Schedule shall be construed accordingly.

(3) This regulation shall not have effect in relation to any part of the Navy under the control and subject to the orders and general direction of the Admiralty by virtue of an order made under subsection (3) of section 4 of the Ordinance while it is under such control and so subject."

Citation and application.
Revocation and replacement of regulation 29.

L.N. 90 of 1958.

3. The principal regulations are amended by the addition after the Schedule thereof of the following—

"SECOND SCHEDULE

(reg. 29)

DELEGATED POWERS OF PUNISHMENT

(a) Officer in Command of the Nigerian Navy

	Punishment	Qualifications
No. 1	Imprisonment.	Subject to approval by the Governor-General of the warrant, and in any case not exceeding 3 months.
No. 2	Dismissal from the Nigerian Navy.	Subject to approval by the Governor-General of the warrant.
No. 3	Detention.	Subject to approval by the Governor-General of the warrant if exceeding 1 month, and in any case not exceeding 3 months.
No. 4	Disrating or reduction in rank.	
No. 5	Reduction to 2nd Class for conduct.	
No. 7	Deprivation of good conduct badges.	
No. 8	Reprimand by the Captain.	
No. 9	Extra work and drill.	Not exceeding 14 days.
No. 10	Stoppage of leave.	Not exceeding 30 days.
No. 11	Mulcts for improper absence.	
No. 12	Mulcts of pay for drunkenness.	
No. 14	Extra work or drill for not more than 2 hours a day.	Not exceeding 7 days.
No. 15	Admonition.	

(b) Executive Officer of H.M.N.S. Beecraft if he is of the rank of Commander or above

	Punishment	Qualifications
No. 9	Extra work and drill.	Not exceeding 14 days.
No. 10	Stoppage of leave	Not exceeding 24 days.
No. 11	Mulct for improper absence.	Except as provided hereunder, only in respect of a first leave-breaking offence up to 36 hours absence in accordance with Article 1978.
No. 12	Mulcts of pay for drunkenness.	Except as provided hereunder, only in respect of a first offence of returning from leave drunk or drunkenness on shore.
No. 14	Extra work or drill for not more than 2 hours a day.	Not exceeding 7 days.
No. 15	Admonition.	

If the Officer in Command of the Nigerian Navy is absent from Lagos, he may award mulcts for aggravated or repeated leave-breaking offences and repeated offences of drunkenness with or without the other punishments authorised above. The reason preventing the Officer in Command from dealing with such a case is to be noted against the punishment awarded.

(c) *Executive Officer of H.M.N.S. Beecroft if he is of the rank of Lieutenant Commander or Lieutenant.*

Punishment	Qualifications
No. 9 Extra work and drill.	Not exceeding 7 days.
No. 10 Stoppage of leave.	Not exceeding 14 days and not to Chief Petty Officers or Petty Officers.
No. 14 Extra work or drill for not more than 2 hours a day.	Not exceeding 7 days.
No. 15 Admonition.	

(d) *Officer in Command of H.M.N.S. Quorra*

Punishment	Qualifications
No. 14 Extra work or drill for not more than 2 hours a day.	Not exceeding 5 days.
No. 15 Admonition.	

(e) *Commanding Officer of an Independent Command when absent from Nigerian Waters*

Punishment	Qualifications
No. 4 Distracting	
No. 5 Reduction to 2nd class for conduct.	
No. 7 Deprivation of good conduct badges.	
No. 8 Reprimand by the Captain.	
No. 9 Extra work and drill.	Not exceeding 14 days.
No. 10 Stoppage of leave.	Not exceeding 30 days.
No. 11 Mulcts for improper absence.	
No. 12 Mulcts of pay for drunkenness.	
No. 14 Extra work or drill for not more than 2 hours a day.	Not exceeding 7 days.
No. 15 Admonition.	

(f) *Commanding Officer of a Ship in Nigerian Waters if he is of the rank of Commander or above*

Punishment	Qualifications
No. 5 Reduction to 2nd class for conduct.	
No. 8 Reprimand by the Captain.	
No. 9 Extra work and drill.	Not exceeding 14 days.
No. 10 Stoppage of leave.	Not exceeding 30 days.
No. 11 Mulcts for improper absence.	Only in respect of leave-breaking offences of all kinds up to 72 hours' absence with or without other punishments authorised above and in accordance with Articles 1978 to 1983.

No. 12 Mulcts of pay for drunkenness. Only in respect of a first offence of returning from leave drunk or drunkenness on shore.

No. 14 Extra work or drill for not more than 2 hours a day. Not exceeding 7 days.

No. 15 Admonition.

(g) *Commanding Officer of a Ship in Nigerian Waters if he is of the rank of Lieutenant-Commander or Lieutenant*

Punishment

Qualifications

No. 8 Reprimand by the Captain.

No. 9 Extra work and drill.

Not exceeding 14 days.

No. 10 Stoppage of leave.

Not exceeding 30 days.

No. 11 Mulcts for improper absence.

Only in respect of a first and unaggravated leave-breaking offence up to 36 hours absence.

No. 12 Mulcts of pay for drunkenness.

Only in respect of a first offence of returning from leave drunk or drunkenness on shore.

No. 14 Extra work or drill for not more than 2 hours a day.

Not exceeding 7 days.

No. 15 Admonition.

(h) *Executive Officer of a Ship whether abroad or in Nigerian Waters*

Punishment

Qualifications

No. 9 Extra work and drill.

Not exceeding 7 days.

No. 10 Stoppage of leave.

Not exceeding 7 days and not to Chief Petty Officers or Petty Officers.

No. 14 Extra work or drill for not more than 2 hours a day.

Not exceeding 7 days.

No. 15 Admonition.

General Qualifications.—Punishments Nos. 1 to 7 inclusive which may be known as Warrant Punishments shall not have effect unless a warrant is made out, approved by the Officer in Command of the Nigerian Navy and formally read in accordance with Queen's Regulations and Admiralty Instructions (see Form S.271 and Article 1950). Approval of warrants when necessary must be obtained from the Governor-General or, if the proposed punishment does not exceed that allowed to the Officer in Command of the Nigerian Navy, from that Officer.

Interpretation.—In this Schedule references to punishments by number and to Articles are references to the corresponding punishments or Articles respectively in Queen's Regulations and Admiralty Instructions."

4. The principal regulations are amended by—

(a) the insertion before the word "Schedule" wherever it appears in regulations 31, 33, 37 and 38 of the following—

"First";

(b) the re-naming of the Schedule thereto as the FIRST SCHEDULE thereto.

/MADE at Lagos this 30th day of September, 1959.

M. B. HALL,
Acting Secretary to the
Governor-General

EXPLANATORY NOTE

These regulations contain delegations to certain officers of the Nigerian Navy by the Governor-General of his powers of summary punishment over non-commissioned members of the Navy.

DEF/S/5305

L.N. 214 of 1959

PORTS ORDINANCE, 1954 (No. 27 OF 1954)

Declaration of Port Limits Order, 1959

Commencement : 8th October, 1959

In exercise of the powers conferred by section 6 of the Ports Ordinance, 1954, the Governor-General, after consultation with the Council of Ministers, has made the following Order—

1. This Order may be cited as the Declaration of Port Limits Order, 1959, and shall be of Federal application.
2. The limits specified in the Schedule hereto are hereby declared to be the limits of the port of Bonny for the purposes of the Ordinance.
3. The declaration of the limits of the port of Bonny as set out in the Schedule to Public Notice No. 17 of 1939 is hereby cancelled.

Citation and application.

Declaration of port limits Schedule.

Cancellation of previous limits. (Vol. IX, p. 263).

SCHEDULE

LIMITS OF THE PORT OF BONNY

That part of the main stream of the Bonny River bounded to the north by a line drawn 90° from a position at Peter Fortis Point with Commander Pullen's Observation Stone at Bonny bearing 166½°; to the south by a line drawn from a position with Field Point Beacon bearing 294° 4 cables in a 254° direction to a position with Bonny Lighthouse bearing 046° 2.7 miles. (Reference : Admiralty Chart No. 622).

MADE at Lagos this 26th day of September, 1959.

MAURICE JENKINS,
Acting Deputy Secretary to the
Council of Ministers

EXPLANATORY NOTE

This Order redefines the limits of the port of Bonny for the purposes of clarification.

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L.N. 215 of 1959

DIPLOMATIC PRIVILEGES (EXTENSION) ORDINANCE, 1957
(No. 25 OF 1947)

Diplomatic Privileges (UNICEF) (Revocation) Order, 1959

Commencement : 8th October, 1959

In exercise of the powers conferred by section 3 of the Diplomatic Privileges (Extension) Ordinance, 1947, the Governor-General after consultation with the Council of Ministers, has made the following order—

1. This order may be cited as the Diplomatic Privileges (UNICEF) (Revocation) Order, 1959, and shall be Federal application.
 2. The Diplomatic Privileges (UNICEF) Order, 1956, is revoked.
- MADE at Lagos this 26th day of September, 1959.

Citation and application.

Revocation L.N. 37 of 1956.

MAURICE JENKINS,
Acting Deputy Secretary to the
Council of Ministers

EXPLANATORY NOTE

The Diplomatic Privileges (UNICEF) Order, 1956 (L.N. 37 of 1956) purports to confer certain immunities and privileges on the United Nations Children's Fund (UNICEF) and its representatives. The same immunities and privileges are conferred upon UNICEF by the Diplomatic Privileges (United Nations and International Court of Justice) Order in Council, 1948 (O. in C. 27 of 1948) since UNICEF forms part of the United Nations Organisation. The former order is thus superfluous and is accordingly revoked.

46774/418

L.N. 216 of 1959

WAR PENSIONS ORDINANCE (CHAPTER 226)

*War Pensions (African Military and Air Force Personnel)
(Amendment) Regulations, 1959*

Commencement : 8th October, 1959

In exercise of the powers conferred by section 3 of the War Pensions Ordinance, the Governor-General, after consultation with the Council of Ministers, has made the following regulations—

Citation and
application.

1. These regulations may be cited as the War Pensions (African Military and Air Force Personnel) (Amendment) Regulations, 1959, and shall be of Federal application.

Addition
of new
regulation
8A. (Vol. X,
p. 445).

2. The War Pensions (African Military and Air Force Personnel) Regulations (hereinafter referred to as the principal regulations) are amended by the addition after regulation 8 of the following new regulation—

"Award of
unemploy-
ability
supple-
ment.

8A. Where the board is satisfied that the degree of disablement of a member is such that the member is unemployable, the board may, in addition to any award made under regulation 8 and whatever may be the category of personnel into which the member is placed, award to the member a supplementary allowance at the rate of half the pension for the time being payable under these regulations to a private whose degree of disablement is one hundred per centum."

Amend-
ment of
regulation 9.

3. Regulation 9 of the principal regulations is amended by the insertions after the words "under regulation 8" of the following—

"or regulation 8A".

MADE at Lagos the 30th day of September, 1959.

MAURICE JENKINS,

Acting Deputy Secretary to the
Council of Ministers

EXPLANATORY NOTE

It is considered that the rate of pension payable under the War Pensions (African Military and Air Force Personnel) Regulations to a war pensioner whose degree of disability is such that he is unemployable is insufficient. These regulations introduce a new regulation enabling an unemployability supplement to be awarded at the rate of half the normal pension payable to a private one hundred per cent disabled.

DEF/0/612/T

L.N. 217 of 1959

NIGERIA (ELECTORAL PROVISIONS) ORDER IN COUNCIL, 1958

Elections (House of Representatives) (Amendment No. 2)
Regulations, 1959

Commencement : 8th October, 1959

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

1. (1) These regulations may be cited as the Elections (House of Representatives) (Amendment No. 2) Regulations, 1959, and references in the succeeding regulations refer to such regulations as they appear in the Elections (House of Representatives) Regulations, 1958.

Citation
and
application.
L.N. 117
of 1958.

(2) These regulations shall be of Federal application.

2. Regulation 35 is amended by the addition at the end thereof of the following—

Amendment
of regulation
35.

"and any person so appointed shall be referred to as a Revising Officer."

3. Regulation 47 is amended—

Amendment
of regulation
47.

(a) by the deletion in paragraph (2) of sub-paragraph (d);

(b) by the insertion in paragraph (2) after sub-paragraph (e) of the following new paragraph—

"(h) if his nomination is invalid (for any reason other than because of the provisions of regulation 52)";

(c) by the insertion after paragraph (2) of the following—

"(2A) If a candidate is nominated in more than one constituency and as a consequence his candidature is void in each constituency in accordance with regulation 52 he shall not be entitled to the return of any deposit."

4. Regulation 48 is amended—

Amendment
of regulation
48.

(a) by the deletion in paragraph (1) of the words "or he withdraws in accordance with these regulations";

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

"(bb) that the candidate has been nominated in more than one constituency, or";

(c) by the insertion in paragraph (5) after the word "candidate" of the following—

"or to one of the persons nominating the candidate".

5. Regulation 50 is revoked and replaced by the following—

Replace-
ment of
regulation
50.

"Prohibition of withdrawal. 50. No candidate who has been nominated in accordance with these regulations may withdraw his candidature."

6. Regulation 52 is revoked and replaced by the following—

Replace-
ment of
regulation
52.

"Invalidity of double nominations. 52. If a nomination form, signed by a candidate and by the persons nominating him in each case, is lodged in more than one constituency, his candidature shall be void in each constituency."

Amendment
of regulation
63.

7. Regulation 63 is amended—

(a) by the deletion of the words "no later than three days before the day fixed for the election" and the substitution of the following—

"no later than ten days before the date fixed for the election: Provided that any changes in such appointments shall be notified by the candidate in writing to the appropriate Presiding Officer before the date fixed for the election.";

(b) by the revocation of paragraph (4).

Amendment
of regulation
66.

8. Regulation 66 is amended by the revocation of paragraph (2) and the substitution therefor of the following—

"(2) Each ballot box shall be clearly and durably marked with the candidate's name (and shall bear a photograph of the candidate in a case where the candidate has provided the same), and there shall be displayed on all sides of each box the symbol allotted to the candidate. The method of display shall be such as will be clear and durable. The Electoral Commission may decide that such display may take one or more of the following forms—

(a) stencilling in white or in colour on black boxes without the addition of any further background;

(b) application with adhesive of paper labels bearing coloured symbols on a white or coloured background;

(c) application of white or coloured transfers."

Amendment
of regulation
84.

9. Regulation 84 is amended—

(a) by the insertion in paragraph (2) after the words "the wishes of the person voting" of the following—

"and in the presence of that person alone,";

(b) by the deletion in the same paragraph of the words "shall not be opened by the Electoral Officer" and the substitution of the following—

"shall not be counted by the Returning Officer".

Amendment
of regulation
90.

10. Regulation 90 is amended by the revocation of paragraph (1) and the substitution therefor of the following—

"(1) Each candidate may appoint such number of persons as the Returning Officer, in his discretion, may approve (hereinafter referred to as counting agents) and so far as practicable the appointment of such number of counting agents shall be approved as will facilitate each candidate being represented by one agent at each location and time at which any part of the counting of votes is taking place."

Amendment
of regulation
98.

11. Regulation 98 is amended by the deletion in the margin of the words "Form 7" and the substitution of the words—"Form 8".

Amendment
of regulation
107.

12. Regulation 107 is amended by the insertion after sub-paragraph (a) of paragraph (1) of the following—

"(aa) signs a nomination paper as a candidate in more than one constituency; or".

Amendment
of regulation
114.

13. Regulation 114 is amended—

(a) by the deletion in paragraph (1) of sub-paragraph (g) as amended by regulation 139 of the Elections (House of Representatives) (Amendment) Regulations, 1958, and the substitution therefor of the following two new sub-paragraphs—

"(g) exhibiting, wearing or tendering any notice, symbol, photograph or party card referring to the election : Provided that this sub-paragraph shall not prohibit the retention on a vehicle of a flag of a political party if such flag is furled ;

(h) using any vehicle bearing the colours or symbol of a political party or displaying the name or photograph of a candidate."

(b) by the addition in paragraph (2) after sub-paragraph (b) of the following—

"(c) wear or carry any badge, poster, banner, flag or symbol relating to a party or to the election."

Amendment
to Second
Schedule.

14. Form 3 of the Second Schedule to the regulations is amended by the addition at the end thereof of the following—

"Note : The registration numbers of the objector and of the person whose name is objected to must be stated."

MADE at Lagos this 8th day of October, 1959.

MAURICE JENKINS,
*Acting Deputy Secretary to the
Council of Ministers*

EXPLANATORY NOTE

Amendments are effected to the Electoral Regulations hereby as a consequence of discussion between the Governor-General and Regional representatives, and of recommendations made by the Electoral Commission.

(Ee. 16)