

Assented to in Her Majesty's name this 3rd day of October, 1959.

R. F. A. GREY,
*Officer Administering the
 Government of the Federation*

(L.S.)



Federation of Nigeria

IN THE EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR RALPH FRANCIS ALNWICK GREY, K.C.M.G., K.C.V.O., O.B.E.
Officer Administering the Government of the Federation

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.

[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.

Title.

Commence-
 ment.

Enactment.

Short title,
 commence-
 ment and
 applica-
 tion.

No. 23

1959

Interpretation.

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.

Establishment.

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

General duties of 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.

Number and qualification of special constables.

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.

Appointment.

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.

Schedule.

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.

Resignation
or termi-
nation.

(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. The special constables so suspended or whose appointment is so determined shall have a right of appeal against such suspension or determination of appointment to the Inspector-General who shall hear and determine such appeal.

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.

Equipment.

(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.

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.

Powers,
duties and
ranks.

(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.

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.

Refusal
serve.

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.

Impersona-
tion.

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

Drills and
instruction.

(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.

Allowances.

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

(a) for the re-imbusement 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.

Death.

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—

(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

(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.

(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.

Injury.

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—

(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—

(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

(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,

Cap. 172.
No. 14 of
1952.

First
Schedule to
Ordinance
29 of 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.

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.

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

(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.

No. 29 of
1951.

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.

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

Exemption
from jury
service,
Cap. 97.

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

"Special constables".

(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 CONSTABLE

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.

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

R. F. A. GREY,
*Officer Administering the
Government of the Federation*

(L.S.)

No. 24

1959



Federation of Nigeria

IN THE EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR RALPH FRANCIS ALNWICK GREY, K.C.M.G., K.C.V.O., O.B.E.

Officer Administering the Government of the Federation

**AN ORDINANCE TO AMEND THE NIGERIAN BROADCASTING ORDINANCE, 1956
(No. 39 OF 1956).**

Title.

[15th October, 1959]

Commence-
ment.

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

1. This Ordinance may be cited as the Nigerian Broadcasting Corporation (Amendment) Ordinance, 1959, and shall be of Federal application.

Short title.
and
application

Amendment
of section 14
No. 39 of
1956.

2. Section 14 of the Nigerian Broadcasting Corporation Ordinance, 1956 is amended by the deletion of the words "and shall not" and the substitution therefor of the following—

"or".

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

R. F. A. GREY,
*Officer Administering the
Government of the Federation*

(L.S.)

No. 25

1959



Federation of Nigeria

IN THE EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR RALPH FRANCIS ALNWICK GREY, K.C.M.G., K.C.V.O., O.B.E.
Officer Administering the Government of the Federation

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

Title.

[15th October, 1959]

Commence-
ment.

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

Enactment.

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

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

Administra- 5B (1) The Minister may by order institute an administrative tive scheme. 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,”

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

R. F. A. GREY,
*Officer Administering the
Government of the Federation*

(L.S.)

No. 26

1959



Federation of Nigeria

IN THE EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR RALPH FRANCIS ALNWICK GREY, K.C.M.G., K.C.V.O., O.B.E.

Officer Administering the Government of the Federation

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

[15th October, 1959]

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;”.

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

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.

R. F. A. GREY,
*Officer Administering the
Government of the Federation*

(L.S.)

No. 27

1959



Federation of Nigeria

IN THE EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR RALPH FRANCIS ALNWICK GREY, K.C.M.G., K.C.V.O., O.B.E.

Officer Administering the Government of the Federation

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

Title.

[By notice, see section 1]

Commence-
ment.

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

Enactment.

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.

Short title,
commence-
ment and
applica-
tion.

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

Interpretation.

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.

Authorized officers.

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

Minister may make regulations.

4. (1) The 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.

(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.

Regulations to be laid before House of Representatives.

Furnishing of information.

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.

(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.

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.

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.

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.

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.

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.

Offences.

Prosecution.

Defence in civil and criminal proceedings.

Power to sue for fees, etc.

Transitional provisions.

Repeal of
No. 37 of
1950.

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

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

**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.

R. F. A. GREY,
*Officer Administering the
Government of the Federation*

(L.S.)

No. 28

1959



Federation of Nigeria

IN THE EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR RALPH FRANCIS ALNWICK GREY, K.C.M.G., K.C.V.O., O.B.E.

Officer Administering the Government of the Federation

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

Title.

[By Notice, see section 1]

Commence-
ment.

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

Enactment.

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.

Short title,
commence-
ment and
appli-
cation.

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

Interpreta-
tion.

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.

Authorised
officers.

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

Minister
may make
regula-
tions.

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.

Regulations
to be laid
before
House of
Representatives.

Diseases
and pests.

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.

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.

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.

8. (1) Any person who—

Offences.

(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.

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,

Prosecution.

(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.

Defence in civil and criminal proceedings.

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.

Power to sue for fees, etc.

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.

Transitional provisions. No. 37 of 1950.

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

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.

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).

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives.

R. F. A. GREY,
*Officer Administering the
Government of the Federation*

(L.S.)

No. 29



1959

Federation of Nigeria

IN THE EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR RALPH FRANCIS ALNWICK GREY, K.C.M.G., K.C.V.O., O.B.E.

Officer Administering the Government of the Federation

AN ORDINANCE TO AMEND THE REVISED EDITION (LAWS OF THE FEDERATION AND LAGOS) ORDINANCE, 1958.

[15th October, 1959]

Commence-
ment.

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

1. This Ordinance may be cited as the Revised Edition (Laws of the Federation and Lagos) (Amendment) Ordinance, 1959, and shall be of Federal application.

Citation and
application.

Amendment
of section 8.
No. 25 of
1958.

2. Section 8 of the Revised Edition (Laws of the Federation and Lagos) Ordinance, 1958, is amended by being re-numbered as subsection (1) of section 8 and by the addition thereto of the following new subsection—

"(2) When any law or other instrument is reprinted in pursuance of subsection (1), the provisions of the instrument may be reproduced with such amendments as may have been made thereto by any other instrument, and where any instrument has been applied or extended to Nigeria with modifications, the provisions of the instrument may be reproduced with those modifications, but every departure from the original text of the instrument shall be clearly shown by notes or references or other similar means."

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives



THE SECRETARY GENERAL

R. F. A. GREY,
*Officer Administering the
Government of the Federation*

(L.S.)

No. 30

1959



Federation of Nigeria

IN THE EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR RALPH FRANCIS ALNWICK GREY, K.C.M.G., K.C.V.O., O.B.E.

Officer Administering the Government of the Federation

AN ORDINANCE FURTHER TO AMEND THE EVIDENCE ORDINANCE.

[15th October, 1959]

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".

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

R. F. A. GREY,
*Officer Administering the
Government of the Federation*

(L.S.)

No. 31

1959



Federation of Nigeria

IN THE EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR RALPH FRANCIS ALNWICK GREY, K.C.M.G., K.C.V.O., O.B.E.
Officer Administering the Government of the Federation

**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.

[15th October, 1959]

Commence-
ment.

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

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".

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.



B. ADE. MANUWA,
Clerk of the House of Representatives

R. F. A. GREY,
*Officer Administering the
Government of the Federation*

(L.S.)

No. 32

1959



Federation of Nigeria

IN THE EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR RALPH FRANCIS ALNWICK GREY, K.C.M.G., K.C.V.O., O.B.E.

Officer Administering the Government of the Federation

**AN ORDINANCE TO AMEND THE UNIVERSITY COLLEGE HOSPITAL ORDINANCE,
1952 (No. 26 OF 1952).**

[15th October, 1959]

Commence-
ment.

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

1. This Ordinance may be cited as the University College Hospital (Amendment) Ordinance, 1959, and shall be of Federal application.

Short title
and applica-
tion.

Amendment
of section 5
No. 26 of
1952.

2. Section 5 of the University College Hospital Ordinance, 1952, is amended—

(a) by the deletion in paragraph (a) of subsection (3) of the word "six" and the substitution thereof of the following—"eight";

(b) by the deletion of paragraph (d) of subsection (3);

(c) by the deletion in subsection (4) of the words "(b), (c) or (d)" and the substitution thereof of the following—

"(b) or (c)";

(d) by the addition after subsection (4) of the following subsection—

"(5) Notice of any meeting of the Board and of the agenda for such meeting shall be given to the Permanent Secretary of the Ministry of Finance of the Federation at the same time as such notice is given to members of the Board, and a nominee of the Minister of Finance of the Federation may attend any meeting and speak thereat on any matter relating to finance."

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

R. F. A. GREY,
Officer Administering the
Government of the Federation

(L.S.)

No. 33

1959



Federation of Nigeria

IN THE EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR RALPH FRANCIS ALNWICK GREY, K.C.M.G., K.C.V.O., O.B.E.

Officer Administering the Government of the Federation

AN ORDINANCE TO AMEND THE CRIMINAL PROCEDURE ORDINANCE (CHAPTER 43 OF THE LAWS OF NIGERIA, 1948).

[15th October, 1959]

Commence-
ment.

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

1. This Ordinance may be cited as the Criminal Procedure (Amendment No. 2) Ordinance, 1959, and shall be of Federal application.

Short title
and applica-
tion.

2. Section 410 of the Criminal Procedure Ordinance is amended by the deletion of the words "with the concurrence of the Secretary of State,".

Amendment
of s. 410
Cap. 43

R. F. A. GREY,
*Officer Administering the
Government of the Federation*

(L.S.)

No. 34

1959



Federation of Nigeria

IN THE EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR RALPH FRANCIS ALNWICK GREY, K.C.M.G., K.C.V.O., O.B.E.

Officer Administering the Government of the Federation

AN ORDINANCE FURTHER TO AMEND THE PORTS ORDINANCE, 1954

(No. 27 OF 1954)

Title.

[By Notice, see section 1]

Commence-
ment.

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.

Short title,
commence-
ment and
application.

(2) This Ordinance shall be of Federal 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;"

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 therefor 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, 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."

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

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

"Application 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:

Amendment
of section 19.

Repeal and
replacement
of section 27.

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 on 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."

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clark of the House of Representatives

SCIENTIFIC AND INDUSTRIAL RESEARCH ORDINANCE, 1959

ARRANGEMENT OF SECTIONS

PART I—PRELIMINARY

1. Short title and application.
2. Interpretation.

PART II—ESTABLISHMENT AND MANAGEMENT OF RESEARCH INSTITUTES

3. Power to establish research institutes.
4. Incorporation of boards.
5. Duties of boards.
6. Powers of boards.
7. Bye-laws.
8. Committees of boards.
9. Directors of institutes.

PART III—STAFF

10. Employment of servants and agents.
11. Power of delegation to director.
12. Officers seconded from Government of Federation to be employed.
13. Offers of employment with board to seconded officers.
14. Pensionable offices.
15. Widows' and orphans' pensions.
16. Discipline.

PART IV—FINANCIAL PROVISIONS

17. Power to receive funds.
18. Power to borrow money.
19. Investment of moneys.

PART V—ACCOUNTS AND AUDIT

20. Accounts and audit.
21. Financial year.

PART VI—LAND

22. Construction for purposes of Cap. 105.
23. Compulsory acquisition of land.
24. Restriction on alienation.

PART VII—MISCELLANEOUS

25. Power to dissolve institutes and boards.
26. Membership of a board not an office of emolument under the Crown.

R. F. A. GREY,
*Officer Administering the
Government of the Federation*

(L.S.)

No. 35

1959



Federation of Nigeria

IN THE EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR RALPH FRANCIS ALNWICK GREY, K.C.M.G., K.C.V.O., O.B.E.
Officer Administering the Government of the Federation

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.

Title.

[15th October, 1959]

Commencement.

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

Enactment.

PART I—PRELIMINARY

1. This Ordinance may be cited as the Scientific and Industrial Research Ordinance, 1959, and shall be of Federal application.

Short title and application.

Interpreta-
tion.

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.

Cap. 105.

PART II—ESTABLISHMENT AND MANAGEMENT OF RESEARCH INSTITUTES

Power to
establish
research
institutes.

3. (1) The Governor-General may by order establish institutes for the purpose of scientific or industrial research.

(2) An order establishing an Institute under this section shall not come into operation until it has been approved by resolution of the House of Representatives, and the House of Representatives may by such resolution make such modification to the Order as it thinks fit.

(3) 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.

(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.

Incorporation
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.

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.

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.

Duties of
boards.

Powers of
boards.

Bye-laws.

Committees
of boards.

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.

Directors of
institutes.

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.

(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

Employment of
servants and
agents.

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:

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.

Power of
delegation
to director.

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:

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.

Officers
seconded
from
Government
of Federation
to be
employed.

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.

(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.

Officers of
employment
with board
to seconded
officers.

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:

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.

Pensionable
offices.
No. 29 of
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 adapted 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:

Widows
and
Orphans'
pensions.

Cap. 231.

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.

(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.

Discipline.

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:

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—

(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.

Power to receive funds.

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.

21. The financial year of the board of an institute shall coincide with that of the Government of the Federation :

Financial
Year.

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

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.

Con-
struction
for purposes
of Cap. 105.

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.

Compulsory
acquisition
of land.

(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—

Cap. 185.
Cap. 105.

(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

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.

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B ADE MANUWA,
Clerk of the House of Representatives