

L.N. 257 of 1959

**MINISTERS' STATUTORY POWERS AND DUTIES
(MISCELLANEOUS PROVISIONS) ORDINANCE, 1958
(No. 2 of 1958)**

Transfer of Functions (Lagos) Order, 1959

Commencement : 10th December, 1959

In exercise of the powers conferred by section 2 of the Ministers' Statutory Powers and Duties (Miscellaneous Provisions) Ordinance, 1958, the Governor-General, after consultation with the Council of Ministers, has made the following Order—

1. This Order may be cited as the Transfer of Functions (Lagos) Order, 1959, and shall have effect in respect of the Federal Territory of Lagos.

2. The Ordinances specified in the First Schedule are modified by the substitution, for the words "Governor-General" or "Governor-General in Council", of the word "Minister" wherever the former words appear in the sections or parts of sections of such Ordinances specified in such Schedule.

3. The modifications set out in the Second Schedule shall be made in the Ordinances and sections or parts thereof specified in such schedule.

4. Where as a consequence of the definition of the expressions "Governor" and "Governor in Council" in the Interpretation Ordinance (or by virtue of any other enactment) such expressions are in respect of Lagos to be interpreted as meaning "Governor-General" and "Governor-General in Council", then the modifications effected by this section shall apply as fully as though the latter expressions were those in fact used in the portion of the Ordinance falling to be modified.

5. Where as a consequence of any modification effected by this Order a Minister is authorised to appoint any person to exercise any functions under the Ordinance so modified, then if the person intended to be appointed for that purpose is an officer in the public service of the Federation the consent of the Governor-General shall be necessary to such appointment, but a statement in the terms of any appointment that such consent has been given shall be *prima facie* evidence of such consent, and where such appointment is of a member of the public service already in a department of government with which the Minister is charged with responsibility, or of a member of the staff of his Ministry, such consent shall be deemed to have been given.

6. The provisions of this Order which modify any Ordinance so as to alter the manner in which or the authority by which or the law under or in accordance with which any powers are exercisable shall not render invalid any licence, approval, notification, order, bye-law, rule, regulation or delegation duly made or issued, or anything duly done before the commencement of this Order. Any such licence, approval, notification, order, bye-law, rule, regulation or delegation may be revoked, varied or undone to the like extent and in the like circumstances as if it had been made or issued after the commencement of this Order by the appropriate Minister and under and in accordance with the provisions then applicable to such a case.

Citation and application.

General modifications.
First Schedule.

Specific modifications.
Second Schedule.

Position where "Governor", etc., is already to be construed as "Governor-General", etc.

Appointment of member of Federal Public Service to exercise functions.

Saving of existing Acts.

7. Nothing in this Order shall affect the previous operation of or shall affect anything duly done or suffered under any existing instrument, or any right, privilege, operation or liability already acquired, accrued or incurred under any law.

FIRST SCHEDULE

GENERAL SUBSTITUTION OF "MINISTER" FOR "GOVERNOR-GENERAL" OR
"GOVERNOR-GENERAL IN COUNCIL" IN LAGOS ORDINANCES

ASSESSMENT ORDINANCE (CHAPTER 16)

Sections 3, 4, 5, 7, 8, 9, 16 and 25.

BILLS OF SALE ORDINANCE (CHAPTER 19)

Sections 2 and 3.

BIRTHS, DEATHS AND BURIALS ORDINANCE (CHAPTER 20)

Sections 3 (2), 36, 37, 38 and 43.

BUILDING LINES REGULATION ORDINANCE (CHAPTER 24)

Sections 4, 6 and 7.

CHILDREN AND YOUNG PERSONS ORDINANCE (CHAPTER 31)

Sections 15, 18, 19, 25 and 30, Schedule.

CINEMATOGRAPH ORDINANCE (CHAPTER 32)

Sections 2 and 6.

CO-OPERATIVE SOCIETIES ORDINANCE (CHAPTER 39)

Sections 7, 11, 18, 33, 65 and 67.

CORONERS ORDINANCE (CHAPTER 41)

Sections 36 and 37.

CRIMINAL CODE ORDINANCE (CHAPTER 42)

Sections 62, 67, 68, 207 (2), 210 (d), 240D and 240E of the Schedule.

CRIMINAL PROCEDURE ORDINANCE (CHAPTER 43)

Sections 335, 341, 343, 378 and 427 (f).

DESTRUCTION OF MOSQUITOES ORDINANCE (CHAPTER 52)

Sections 3, 20 and 22.

DISEASES OF ANIMALS ORDINANCE (CHAPTER 55)

Section 2.

DOGS ORDINANCE (CHAPTER 56)

Section 3.

ILLITERATES PROTECTION ORDINANCE (CHAPTER 88)

Section 6.

FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) ORDINANCE
(CHAPTER 73)

Section 3.

FOREIGN PRISONERS DETENTION ORDINANCE (CHAPTER 74)

Section 2.

FIRST SCHEDULE—*continued*

FUGITIVE CRIMINALS SURRENDER ORDINANCE (CHAPTER 96)

Sections 4, 6 (except where "Governor-General" is mentioned for the first and second times), 7, 9, 10, 11, 15, 19 and the forms in the Second Schedule.

LAGOS RACECOURSE ORDINANCE (CHAPTER 101)

Sections 2 (but limited to the proviso of subsection (1), 3, 6 and 7.

LAGOS TOWN PLANNING ORDINANCE (CHAPTER 103)

Sections 3 (7), 6 (1) and (3), 10, 16, 17, 21, 22, 23, 24A, 24B, 26, 31, 33, 34, 37, 38, 39, 51, 54, 56, 57, 65, 80, 81, 84 and 85.

LAND REGISTRATION ORDINANCE (CHAPTER 108)

Sections 3, 14, 18A and 27.

LEGAL PRACTITIONERS ORDINANCE (CHAPTER 110)

Section 8.

LEPROSY ORDINANCE (CHAPTER 112)

Sections 3 (except subsection (4)), 4, 6, 8, 9, 12, 13, 20, and 21 (but only paragraph (d)).

LOCAL LOANS (REGISTERED STOCK AND SECURITIES) ORDINANCE (CHAPTER 120)

Section 35 (2).

LUNACY ORDINANCE (CHAPTER 121)

Sections 3, 4, 7, 9, 18, 21, 22, 23, 26 and 28.

MAINTENANCE ORDERS ORDINANCE (CHAPTER 125)

Sections 3, 4, 5 and 6.

MARKETS ORDINANCE (CHAPTER 127)

Sections 3, 6 and 7.

MONEYLENDERS ORDINANCE (CHAPTER 136)

Section 2.

NIGERIAN EX-SERVICEMEN'S WELFARE ASSOCIATION ORDINANCE (CHAPTER 156)

Sections 3, 4, 10 (2) (where the expression "Governor-General" first appears), 15, 16 and 17.

PHARMACY ORDINANCE (CHAPTER 169)

Section 3.

PREVENTION OF CRIMES ORDINANCE (CHAPTER 175)

Section 4.

PROVIDENT FUNDS ORDINANCE (CHAPTER 181)

Section 7.

PUBLIC COLLECTIONS (REGULATION) ORDINANCE (CHAPTER 182)

Section 5.

PUBLIC HEALTH ORDINANCE (CHAPTER 183)

Sections 19, 35, 36 and 37.

PUBLIC HOLIDAYS ORDINANCE (CHAPTER 184)

Section 4, and items 9, 10 and 11 of Schedule.

REGISTRATION (BIRTHS, DEATHS AND MARRIAGES) ORDINANCE (CHAPTER 194)

Sections 3, 4 and 5.

REGISTRATION OF TITLES ORDINANCE (CHAPTER 197)

Subsection (1) of section 4.

FIRST SCHEDULE—continued

SALES BY AUCTION ORDINANCE (CHAPTER 203)

Sections 5, 8 (3), 9, 10 and 25 (3).

TOWNSHIPS ORDINANCE (CHAPTER 216)

Sections 53, 54 and 55.

VACCINATION ORDINANCE (CHAPTER 224)

Section 5A.

VENEREAL DISEASES ORDINANCE (CHAPTER 225)

Section 9.

WATERWORKS ORDINANCE (CHAPTER 227)

Section 2.

WILD ANIMALS PRESERVATION ORDINANCE (CHAPTER 232)

Sections 11, 14 (2), 16, 21 (1), 23, 25 (1), 26, 32, 34 and 37 and the Second Schedule.

ROAD TRAFFIC ORDINANCE, 1947 (No. 43 of 1947)

Sections 3, 11 (2) and 13 (2).

PUBLICATIONS ORDINANCE, 1950 (No. 13 of 1950)

Section 3 (1).

SURVEY ORDINANCE, 1952 (No. 29 of 1952)

Section 32.

WESTERN REGION ENTERTAINMENT TAX LAW (W.R. LAW NO. 3 OF 1953)

Sections 4, 7, 9 and 10 (1).

WESTERN REGION CO-OPERATIVE SOCIETIES LAW (W.R. LAW NO. 6 OF 1953)

Sections 3 (2), 10, 31 (3), 35 (2) and 56.

WESTERN REGION ASSESSMENTS LAW (W.R. LAW NO. 7 OF 1954)

Sections 4, 5 (2) and 6 (1).

ASSESSMENT AND RATING (PUBLIC UTILITY CORPORATIONS) ORDINANCE, 1956 (No. 29 of 1956)

Sections 2 and 6.

EDUCATION (LAGOS) ORDINANCE, 1957 (No. 26 of 1957)

Section 33.

LAGOS LOCAL GOVERNMENT LAW, 1953 (W.R. LAW NO. 4 OF 1953)
(as re-printed under Ordinance 18 of 1959)

Fifth Schedule.

SECOND SCHEDULE

PARTICULAR MODIFICATIONS OF LAGOS ORDINANCES

BUILDING LINES REGULATION ORDINANCE (CHAPTER 24)

Sections 5, 6 (2), 9 (1) and 11.

Delete "in Council".

CRIMINAL CODE ORDINANCE (CHAPTER 42)

Sections 210, 211 and 212 of the Schedule.

Delete "order in Council" and substitute
"order".

Sections 378 and 379 of the Schedule

After "Governor-General" insert
", Minister".

SECOND SCHEDULE—continued

DESTRUCTION OF MOSQUITOES ORDINANCE (CHAPTER 52)

Section 21.

For "Regional Director" substitute
"Minister".

INCREASE OF RENT (RESTRICTION) ORDINANCE (CHAPTER 93)

Section 3.

In subsections (1), (2) and (3) delete "order in Council" and substitute
"order".

PUBLIC HOLIDAYS ORDINANCE (CHAPTER 184)

Section 3.

Delete and substitute

"Special
public
holidays.

3. The Prime Minister of the Federation may by public notice appoint a special day to be kept as a public holiday, and any day so appointed shall be kept as a public holiday in the Federal Territory of Lagos."

WATERWORKS ORDINANCE (CHAPTER 227)

Section 16.

In subsection (1) delete "appropriate officer" and substitute
"Minister".

Section 16A.

Delete "appropriate officer" wherever it appears and substitute in each
case
"Minister".

WESTERN REGION ASSESSMENT LAW (W.R. LAW NO. 7 OF 1954)

Delete the whole of section 18.

Made at Lagos this 2nd December, 1959.

MAURICE JENKINS,
Acting Deputy Secretary to the
Council of Ministers

EXPLANATORY NOTE

The Order transfers to Ministers functions which are still nominally vested in the Governor-General (and in the Governor-General in Council) but which are correctly Ministerial functions, and which, in all but name, are already exercised by Ministers. In much the same way as the Governor-General hitherto consulted the Council of Ministers in accordance with Royal Instructions in the exercise of powers vested in him, so Ministers consult the Council on important matters and on other matters in respect of which such consultation is customary, for the constitution is such that there is a collective responsibility resting on the government for all Ministerial acts. As many powers as possible have been transferred. The exceptions are powers relating to those matters which are under the Constitution reserved to the Governor-General, and those matters which are regarded as being akin to Acts of State or which demonstrably require promulgation as matters on which a conciliar decision has been taken. In these latter categories are the making of proclamations and regulations.

This Order affects Ordinances dealing with the Federal territory of Lagos, and is promulgated separately in order that it shall not complicate the contemporaneous order which concerns the whole Federation.

L.N. 258 of 1959

**MINISTERS' STATUTORY POWERS AND DUTIES
(MISCELLANEOUS PROVISIONS) ORDINANCE, 1958
(No. 2 of 1958)**

Transfer of Functions (Federation) Order, 1959

Commencement : 10th December, 1959

In exercise of the powers conferred by section 2 of the Ministers' Statutory Powers and Duties (Miscellaneous Provisions) Ordinance, 1958, the Governor-General, after consultation with the Council of Ministers, has made the following Order—

Citation and application.

1. This Order may be cited as the Transfer of Functions (Federation) Order, 1959, and shall be of Federal effect.

General modifications.
First Schedule.

2. The Ordinances specified in the First Schedule are modified by the substitution, for the words "Governor-General" or "Governor-General in Council", of the word "Minister" wherever the former words appear in the sections or parts of sections of such Ordinances specified in such Schedule.

Specific modifications.
Second Schedule.

3. The modifications set out in the Second Schedule shall be made in the Ordinances and sections or parts thereof specified in such schedule.

Appointment of member of Federal Public Service to exercise functions.

4. Where as a consequence of any modification effected by this Order a Minister is authorised to appoint any person to exercise any functions under the Ordinance so modified, then if the person intended to be appointed for that purpose is an officer in the public service of the Federation the consent of the Governor-General shall be necessary to such appointment, but a statement in the terms of any appointment that such consent has been given shall be *prima facie* evidence of such consent, and where such appointment is of a member of the public service already in a department of government with which the Minister is charged with responsibility, or of a member of the staff of his Ministry, such consent shall be deemed to have been given.

Saving of existing Acts.

5. The provisions of this Order which modify any Ordinance so as to alter the manner in which or the authority by which or the law under or in accordance with which any powers are exercisable shall not render invalid any licence, approval, notification, order, bye-law, rule, regulation or delegation duly made or issued, or anything duly done before the commencement of this Order. Any such licence, approval, notification, order, bye-law, rule, regulation or delegation may be revoked, varied or undone to the like extent and in the like circumstances as if it had been made or issued after the commencement of this Order by the appropriate Minister and under and in accordance with the provisions then applicable to such a case.

Saving of existing rights.

6. Nothing in this Order shall affect the previous operation of or shall affect anything duly done or suffered under any existing instrument, or any right, privilege, operation or liability already acquired, accrued or incurred under any law.

Specific savings.

7. (1) The provisions of section 70 (3) of the Administrator-General's Ordinance shall take effect as though the substitution effected by section 2 of this Order and the First Schedule had not taken place.

(2) The modifications effected to the Crown Lands Ordinance as an Ordinance of Federal application by the First Schedule, and any modifications effected by that Schedule to other Ordinances which only take effect as Federal Ordinances to a limited extent or in limited circumstances, shall not be taken to amend that Ordinance or such other ordinances in the application of the same as a law or as laws of a Region or of the Southern Cameroons.

FIRST SCHEDULE

GENERAL SUBSTITUTION OF "MINISTER" FOR "GOVERNOR-GENERAL" OR "GOVERNOR-GENERAL IN COUNCIL" IN ORDINANCES OF FEDERAL APPLICATION

ADMINISTRATOR-GENERAL'S ORDINANCE (CHAPTER 4)

Sections 38 (b), 40 (2), 44 (2), 45, 59 (1), 61 and 62 (3).

ADULTERATION OF PRODUCE ORDINANCE (CHAPTER 6)

Sections 5, 10 and 13.

AIR NAVIGATION (SAFETY OF NAVIGATION) ORDINANCE (CHAPTER 8)

Sections 3, 6, 10 (3), 11 and 14.

ALIENS (DEPORTATION) ORDINANCE (CHAPTER 9)

Sections 3, 5, 6, 7, 8 and 9.

BIRTHS, DEATHS AND BURIALS ORDINANCE (CHAPTER 20)

Section 5.

COINS ORDINANCE (CHAPTER 33)

Sections 3 and 4.

COLONIAL TREASURY BILLS ORDINANCE (CHAPTER 36)

Sections 2, 5 and 6.

COMPANIES ORDINANCE (CHAPTER 38)

Sections 9 (2), 119 (3), 141, 185 (6), 221 (3), 225 and 226.

COPYRIGHT ORDINANCE (CHAPTER 40)

Section 2.

CRIMINAL CODE ORDINANCE (CHAPTER 42)

Sections 58, 62 and 233A of the Schedule.

CRIMINAL PROCEDURE ORDINANCE (CHAPTER 43)

Sections 335, 341, 343, and 403 to 412.

FIRST SCHEDULE—continued

**CROWN LANDS ORDINANCE
(CHAPTER 45)**

Sections 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 22, 23, 24, 25, 27, 28, 38 (2) (where the expression Governor-General secondly appears).

**CURRENCY OFFENCES ORDINANCE
(CHAPTER 47)**

Section 7.

**CUSTOMS DUTIES (ADDITIONAL DUTIES) ORDINANCE
(CHAPTER 49)**

Section 3.

**DANGEROUS DRUGS ORDINANCE
(CHAPTER 50)**

Sections 9 (2) and 10.

**DEVELOPMENT LOAN ORDINANCE
(CHAPTER 53)**

Sections 2, 4 and 5.

**DISEASES OF ANIMALS ORDINANCE
(CHAPTER 55)**

Section 2A.

**EVIDENCE ORDINANCE
(CHAPTER 63)**

Section 166.

**FOLDED WOVEN GOODS ORDINANCE
(CHAPTER 72)**

Sections 12 and 13.

**GENERAL LOAN AND INSCRIBED STOCK ORDINANCE
(CHAPTER 78)**

Sections 4, 6, 8, 12, 13, 23, 24, 25, 26, 27, 29, 31, 33, 35, 36 and 37.

**GENERAL LOAN AND TREASURY BILLS (PROTECTORATE) ORDINANCE
(CHAPTER 79)**

Section 2.

**IMMIGRATION ORDINANCE
(CHAPTER 89)**

Sections 2, 4, 5, 11, 12, 14, 14A and 22.

**IMPORTATION OF TEXTILES (QUOTAS) ORDINANCE
(CHAPTER 91)**

Sections 2, 3, 5, 6, 9 and 11.

**INCOME TAX ORDINANCE
(CHAPTER 92)**

Sections 3 (1), (where the expression "Governor-General" secondly appears (as inserted by the Adaptation of Laws Order, 1954)), 5, 9, 10, 33, 56 and 60 (9).

FIRST SCHEDULE—continued

INTERPRETATION ORDINANCE

(CHAPTER 94)

Section 42A.

LABOUR CODE ORDINANCE

(CHAPTER 99)

Sections 3, 6, 7, 14, 62, 63, 64, 65, 68, 69, 70, 101, 105, 126, 155, 158, 178, 184, 185, 193, 196 and 230.

LAGOS LOANS ORDINANCE

(CHAPTER 102)

Sections 2, 5 and 7.

LAND (PERPETUAL SUCCESSION) ORDINANCE

(CHAPTER 107)

Sections 2, 4, 5, 7 and 9.

LOCAL LOANS (REGISTERED STOCK AND SECURITIES) ORDINANCE

(CHAPTER 120)

Sections 5, 6, 8, 16, 19, 21, 22, 25, 27, 28 and 31.

MARRIAGE ORDINANCE

(CHAPTER 128)

Sections 5, 6, 13 and 23.

MEDICAL PRACTITIONERS AND DENTISTS ORDINANCE

(CHAPTER 130)

Sections 3, 10, 20 (3), 24 and 28.

MIDWIVES ORDINANCE

(CHAPTER 132)

Sections 4 and 7 (2).

MINERALS ORDINANCE

(CHAPTER 134)

Sections 2 (except in the definition of Chief Inspector and Inspector), 3, 8, 9, 11, 12, 13, 14, 16, 17, 18, 19, 21, 22, 24, 25, 26, 27, 29, 30, 33, 34, 35, 36, 37, 40, 42, 43, 47, 48, 49, 50, 51, 52, 53, 54, 58, 59, 60, 61, 62, 65, 73, 75, 76, 79, 106, 107, 108, 110A, 112, 113, 114, 121, 121A, Forms C.D.E.F.G.H. and I. in the First Schedule.

MINERAL OILS ORDINANCE

(CHAPTER 135)

Sections 3, 4, 5 and 6.

MOTOR VEHICLES (THIRD PARTY INSURANCE) ORDINANCE

(CHAPTER 139)

Sections 5, 6 and 7.

NATURALIZATION OF ALIENS ORDINANCE

(CHAPTER 146)

Sections 2, 4, 5, 6, 7, 10 (other than subsection (3)) and 11.

OFFICIAL SECRETS ORDINANCE

(CHAPTER 164)

Section 4.

PETROLEUM ORDINANCE

(CHAPTER 168)

Sections 2 and 4.

FIRST SCHEDULE—continued

**PHARMACY ORDINANCE
(CHAPTER 169)**

Sections 2, 4, 12 and 53.

**PIERS ORDINANCE
(CHAPTER 170)**

Sections 4, 9, 10, 11 and 12.

**POST OFFICE ORDINANCE
(CHAPTER 174)**

Sections 13A, 21, 22, 32 and 34.

**PUBLIC TRUSTEE ORDINANCE
(CHAPTER 187)**

Section 19.

**QUARANTINE ORDINANCE
(CHAPTER 188)**

Sections 2, 3 and 6.

**REGISTRATION OF BUSINESS NAMES ORDINANCE
(CHAPTER 195)**

Section 12.

**REGISTRATION OF UNITED KINGDOM PATENTS ORDINANCE
(CHAPTER 198)**

Section 14.

**SAVINGS BANK ORDINANCE
(CHAPTER 204)**

Sections 5, 8, 9 (2), 10 (2), 11, 13, 16 (1) and 17.

**SHIPPING AND NAVIGATION ORDINANCE
(CHAPTER 206)**

Sections 4, 5, 6, 7, 9 (2), 12 (1), 13 (6), 16, 17 (7), 22 (1), 23, 42G (1), 55 and 59 (1) (where the expression "Governor-General" first appears).

**STAMPS (DEMONETISATION) ORDINANCE
(CHAPTER 210)**

Section 2.

**TELEGRAPHS ORDINANCE
(CHAPTER 213)**

Sections 4 (1), 6, 11, 12 (except where the expression "Governor-General" first appears), 12A, 17 (2), 20 and 21.

**TIN (EXPORT FROM NIGERIA) ORDINANCE
(CHAPTER 214)**

Section 2.

**TIN (PRODUCTION AND EXPORT RESTRICTION) ORDINANCE
(CHAPTER 215)**

Sections 3 (1), 4 (1), 5, 6, 7 (1), 8 (1), 11 and 12.

FIRST SCHEDULE—continued**TRADE MARKS ORDINANCE****(CHAPTER 217)**

Section 2.

TRADE UNIONS ORDINANCE**(CHAPTER 218)**

Sections 13 (1) and 16.

WATERWORKS ORDINANCE**(CHAPTER 227)**

Section 3./

WEIGHTS AND MEASURES ORDINANCE**(CHAPTER 228)**

Sections 11 (1), 13 and 15.

WEST AFRICAN CURRENCY NOTES ORDINANCE**(CHAPTER 230)**

Section 3 (4).

WIRELESS TELEGRAPHY ORDINANCE**(CHAPTER 233)**

Sections 3, 6 and 9.

WORKMEN'S COMPENSATION ORDINANCE**(CHAPTER 234)**

Sections 2 and 28d.

WRECKS AND SALVAGE ORDINANCE**(CHAPTER 235)**

Sections 5 (4), 8, 9, 10, 12, 13 (3), 16, 21, 27 (2), 33, 37 (2), 38 (2), 40 (3), 43 (2), 45 (3) and 56 (3).

ELECTRICITY CORPORATION OF NIGERIA ORDINANCE, 1950**(No. 15 of 1950)**

Sections 7 (1) and (2), 16 (1), 20 (5), 20A, 29 (1), 30, 31, 32, 33, 35, 37, 38, 39, 50, 51 (1), and in the proviso to subsection (4) of section 17.

NIGERIAN COAL CORPORATION ORDINANCE, 1950**(No. 29 of 1950)**

Sections 4, 8 (2), 12 (4), 15 and 17 (1).

LOCAL BORROWINGS ORDINANCE, 1951.**(No. 16 of 1951)**

Sections 2 (2) and 5.

TOBACCO (LICENCES AND RETURNS) ORDINANCE, 1952**(No. 1 of 1952)**

Section 6 (3).

MOTOR SPIRIT (RETURNS) ORDINANCE, 1952**(No. 5 of 1952)**

Section 9 (3).

FIRST SCHEDULE—continued**NIGERIAN COLLEGE OF ARTS, SCIENCE AND TECHNOLOGY ORDINANCE, 1952**
(No. 12 of 1952)

Sections 4, 5, 7 (2), 13 (2) and (4), 15 (1), 18 (1), 19 (1), 23 (2) and 25 (1) and the First Schedule.

UNIVERSITY COLLEGE HOSPITAL ORDINANCE, 1952
(No. 26 of 1952)

Sections 5 (2) (where the expression "Governor-General" thirdly occurs), 5 (3), 5 (4), 13, 14 and 15.

SURVEY ORDINANCE, 1952
(No. 29 of 1952)

Section 3.

VETERINARY SURGEONS ORDINANCE, 1952
(No. 30 of 1952)

Sections 3, 7, 11, 13 and 34.

UNIVERSITY COLLEGE IBADAN ORDINANCE, 1954
(No. 10 of 1954)

Section 30 (4).

LOAN ORDINANCE, 1954
(No. 19 of 1954)

Sections 2, 5 and 6.

PORTS ORDINANCE, 1954
(No. 27 of 1954)

Sections 6 (1), 11 (1), 12 (1), 17 (2), 19, 35 and 45 (3).

NIGERIAN RAILWAY CORPORATION ORDINANCE, 1955
(No. 20 of 1955)

Sections 8, 13 (1), 15 (1), 17 (2) (d), 34, 40 (except in subsection (11)), 42 and 43 (2).

NON-PENSIONABLE RAILWAY SERVANTS PROVIDENT FUND RESERVE
(APPLICATION) ORDINANCE, 1956
(No. 16 of 1956)

Sections 3 (2), 4 (1), 5 and 6 (2).

INDUSTRIAL LOANS (LAGOS AND FEDERATION) ORDINANCE, 1956
(No. 17 of 1956)

Sections 27 and 31, and paragraph 3 (1) of the Schedule.

OIL PIPELINES ORDINANCE, 1956
(No. 31 of 1956)

Sections 3, 4 (2), 12 (1), 13 (1), 14, 17 (except in subsection (5)), 25, 26 (2) and 28.

FIRST SCHEDULE—continued**NIGERIAN BROADCASTING CORPORATION ORDINANCE, 1956**

(No. 39 of 1956)

Sections 5, 6, 14, 20 (2), 21 (where the expression "Governor-General" first occurs), 29 (4), 31, 34, 40 (2), 41 and 48 and paragraphs 5 and 6 of the Second Schedule.

WAGES BOARDS ORDINANCE, 1957

(No. 5 of 1957)

Paragraph 7 of the First Schedule.

GOVERNMENT AND OTHER SECURITIES (LOCAL TRUSTEE INVESTMENTS) ORDINANCE, 1957

(No. 16 of 1957)

Section 2.

LOAN (INTERNAL BORROWING) ORDINANCE, 1958

(No. 18 of 1958)

Sections 2 (1) and 3.

CUSTOMS AND EXCISE MANAGEMENT ORDINANCE, 1958

(No. 55 of 1958)

Sections 12 (1), 22, 40 (2), 45, 60 and 73.

MINISTRY OF FINANCE INCORPORATED ORDINANCE, 1959

(No 7 of 1959)

Section 5 (1).

SECOND SCHEDULE**PARTICULAR MODIFICATIONS OF FEDERAL ORDINANCES
COMMISSIONS OF INQUIRY ORDINANCE
(CHAPTER 37)**

Sections 2, 3, 4, 7, 19, 22 and 23 and the Forms in the Schedule

Delete "Governor-General" and substitute—

"the Prime Minister of the Federation".

Section 2

(a) In subsection (1) *delete* "officer in the public service of Nigeria, or of";

(b) *Add* after subsection (3) the following new subsection—

"(4) The powers vested in the Prime Minister of the Federation by this section may be exercised by the Governor-General, wherever he shall deem it desirable, for the purpose of holding a commission of inquiry into the conduct of any officer in the public service of the Federation, and upon his so doing the functions conferred upon the Prime Minister by this Ordinance shall be vested in the Governor-General in respect of such commission of inquiry, and the forms in the Schedule shall be modified accordingly."

SECOND SCHEDULE—*continued*COMPANIES ORDINANCE
(CHAPTER 38)

Section 1A

After "Governor-General" insert
"Minister".

DANGEROUS DRUGS ORDINANCE
(CHAPTER 50)

Section 10

In the proviso to subsection (1) *delete* "in Council".

IMPORTATION OF TEXTILES (QUOTAS) ORDINANCE
(CHAPTER 91)

Section 3

In subsection (2) *delete* "order in Council" and *substitute*—
"order".

INTERPRETATION ORDINANCE
(CHAPTER 94)

Section 19

In subsection (5) after "Governor-General" *insert*—
"or Minister".

Section 22

Delete section and *substitute*—

"Extent of
power to
issue certain
instruments.

22. When power is given to the Governor-General or to the Governor-General in Council or to a Minister to issue a notification, or to the Governor-General to issue a proclamation, the granting of such power shall include the granting of a power to amend, revoke or suspend the notification or proclamation, and to declare the date of its coming into force and to substitute another therefor."

Section 24

Delete section and *substitute*—

"Coming
into force
of certain
instruments.

24. Notifications of the Governor-General or of the Governor-General in Council or by a Minister, and proclamations of the Governor-General, shall come into operation on the date of their publication in the Gazette unless otherwise specified."

NIGERIAN COLLEGE OF ARTS, SCIENCE AND TECHNOLOGY ORDINANCE, 1952
(No. 12 of 1952)

Delete the whole of section 29.

UNIVERSITY COLLEGE HOSPITAL ORDINANCE, 1952
(No. 26 of 1952)

Section 12

In subsection (2) *delete* "shall be furnished to the Minister, and the Minister shall lay the copy" and *substitute*—
"shall be laid".

SECOND SCHEDULE—*continued*OIL PIPELINES ORDINANCE, 1956
(No. 31 OF 1956)

Section 10

In subsection (3) *delete* "If, after consideration of the report, the Minister considers that the licence should be granted he shall inform the Governor-General accordingly. If, however," and *substitute*—
"If".

Section 14

In the proviso *delete* "of the Minister or".

Section 17

In subsection (5) *delete* "the Governor-General or".

NIGERIAN BROADCASTING CORPORATION ORDINANCE, 1956
(No. 39 OF 1956)

In paragraph 10 of the Second Schedule after "Governor-General in Council" *insert*—
"or Minister".

Made at Lagos this 2nd December, 1959.

MAURICE JENKINS,
Acting Deputy Secretary to the
Council of Ministers

EXPLANATORY NOTE

The Order transfers to Ministers functions which are still nominally vested in the Governor-General (and in the Governor-General in Council) but which are correctly Ministerial functions, and which, in all but name, are already exercised by Ministers. In much the same way as the Governor-General hitherto consulted the Council of Ministers in accordance with Royal Instructions in the exercise of powers vested in him, so Ministers consult the Council on important matters and on other matters in respect of which such consultation is customary, for the constitution is such that there is a collective responsibility resting on the government for all Ministerial acts. As many powers as possible have been transferred. The exceptions are powers relating to those matters which are under the Constitution reserved to the Governor-General, and those matters which are regarded as being akin to Acts of State or which demonstrably require promulgation as matters on which a conciliar decision has been taken. In these latter categories are the making of proclamations and regulations, and important matters such as those affecting relations between Regions.

This Order affects Ordinances dealing with the whole Federation, and a separate Order is promulgated contemporaneously which deals with Ordinances taking effect within Lagos alone and with which Regions are rarely likely to be concerned.

L.N. 259 of 1959

NIGERIA (CONSTITUTION) ORDERS IN COUNCIL,
1954 TO 1959Federal Legislative Houses (Disputed Seats) (Amendment)
Regulations, 1959*Commencement : 10th December, 1959*

In exercise of the powers conferred by sections 8 and 16 of the Nigeria (Constitution) Order in Council, 1954, as amended, the Governor-General has made the following regulations—

Citation
and
application.

1. These regulations may be cited as the Federal Legislative Houses (Disputed Seats) (Amendment) Regulations, 1959, and shall be of Federal application.

Amendment
of regulation
8. L.N. 247
of 1959.

2. Regulation 8 of the Federal Legislative Houses (Disputed Seats) Regulations, 1959 (hereinafter referred to as the principal regulations) is amended by the insertion in paragraph (2) after the word "regulation" of the following—

"in relation to a question as to whether the seat of a member of the House of Representatives has become vacant".

Amendment
of regulation
35.

3. Regulation 35 of the principal regulations is amended—

(a) by the deletion from paragraph (1) of the word "civil";

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

"(cc) Notwithstanding anything contained in this paragraph, if all the parties to the petition consent to the holding of the trial of the petition at a place of sessions other than the place prescribed by this paragraph, the place of trial of the petition may, in the discretion of the court, be that place of sessions."

Amendment
of regulation
40.

4. Regulation 40 of the principal regulations is amended by the deletion of the word "recommended" and the substitution thereof of the following—
"recommended".

Amendment
of regulation
42.

5. Regulation 42 of the principal Regulations is amended by the deletion from paragraph (1) of the words "except as to the sufficiency of the security".

MADE at Lagos this 7th day of December, 1959.

A. F. F. P. NEWS,
Secretary to the Governor-General

EXPLANATORY NOTE

These regulations amend the Federal Legislative Houses (Disputed Seats) Regulations, 1959, as follows—

Regulation 2.—amends regulation 8 of the principal regulations so as to make it clear that the limitation as to the persons who may institute proceedings under that regulation applies only to proceedings concerning members of the House of Representatives and not to proceedings concerning members of the Senate.

Regulation 3.—(a) amends regulation 35 (1) of the principal regulations so as to make it clear that the reference to proceedings over which a petition has precedence includes all proceedings whether civil or criminal, as provided in regulation 12 (2) ;

(b) enables the place of trial of a petition to be elsewhere than as prescribed in regulation 35 (2) of the principal regulations, if all parties so consent.

Regulation 4.—corrects an error in the text of regulation 40 of the principal regulations.

Regulation 5.—amends regulation 42 (1) of the principal regulations so as to include questions as to the sufficiency of the security given by a petitioner among the matters to be heard before a judge.

(Ni.20/5)