

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

A BILL FOR

AN ORDINANCE TO MAKE SUPPLEMENTARY PROVISION FOR THE SERVICE OF THE FEDERATION OF NIGERIA FOR THE YEAR ENDED ON THE THIRTY-FIRST DAY OF MARCH, ONE THOUSAND, NINE HUNDRED AND FIFTY NINE.

WHEREAS by the Appropriation (1958-59) Ordinance, 1958 (hereinafter referred to as the Appropriation Ordinance) a sum not exceeding Thirty-Eight Million, Two Hundred and Sixty-Seven Thousand, Four Hundred and Eighty Pounds was provided for the service of the Federation of Nigeria for the year which ended on the 31st day of March, 1959, to be applied and expended in the manner therein described for the services set forth in the Schedule to that Ordinance:

Preamble
No. 20 of
1958.

No. 35 of
1958.

AND WHEREAS by the Supplementary Appropriation (1958-59) Ordinance, 1958 (hereinafter referred to as the First Supplementary Appropriation Ordinance) a further sum of One Million, Four Hundred and Fifty-Five Thousand, Four Hundred and Thirty Pounds was provided in addition to the sum provided by the Appropriation Ordinance for the services set forth in the Schedule to the First Supplementary Appropriation Ordinance :

No. 59 of
1958.

AND WHEREAS by the Supplementary Appropriation (1958-59) (No. 2) Ordinance, 1958 (hereinafter referred to as the Second Supplementary Appropriation Ordinance, a further sum of Two Hundred and Seventy Thousand, Three Hundred and Twenty Pounds was provided for the services set forth in the Schedule to the Second Supplementary Appropriation Ordinance in addition to the sums provided by the Appropriation Ordinance and the First Supplementary Appropriation Ordinance :

AND WHEREAS certain sums have been applied and expended in the said year for the services set forth in the Schedule hereto beyond the sum provided for those services in the Appropriation Ordinance and in the First and Second Supplementary Appropriation Ordinance :

Enactment.

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

Short Title.

1. This Ordinance may be cited as the Supplementary Appropriation (1958-59) (No. 3) Ordinance, 1960.

Additional
Expenditure
for 1958-59
legalised.
Schedule.

2. The sums set forth in the Schedule hereto are hereby declared to have been duly and necessarily applied and expended for the services therein set forth and are hereby approved, allowed and granted in addition to the sums provided for such services by the Appropriation (1958-59) Ordinance, 1958, the Supplementary Appropriation (1958-59) Ordinance, 1958, and the Supplementary Appropriation (1958-59) (No. 2) Ordinance, 1958.

SCHEDULE

<i>Heads</i>	£
34. Ministry of Education	8,591
38. Ministry of Finance	24,398
42. Statistics	5,662
46. Medical	4,491
73. Public Works	31,853
81. Miscellaneous	701,441
82. Contributions to the Development Fund	2,253,428
	<u>£3,029,864</u>

Objects and Reasons

This Bill makes provision for the services of the Federation of Nigeria for the year 1958-59 in respect of certain Heads of expenditure which exceeded the amounts authorised by the Appropriation (1958-59) Ordinance, 1958, the Supplementary Appropriation (1958-59) Ordinance, 1958, and the Supplementary Appropriation (1958-59) (No. 2) Ordinance, 1958.

The Bill is of a customary nature, the aim of the following notes being to give more details in respect of the contents of the Schedule.

Although it is necessary to provide a further appropriation of £3,029,864 to cover the amounts shown under the various Heads set out in the Schedule to this Bill, savings amounting to £3,450,898 were made under the other Heads of Expenditure. Thus the out-turn of expenditure under all Heads as compared with the Schedule to the Appropriation Ordinances shows a net saving of £421,038. Should the excess under Head 82—Contributions to the Development Fund be discounted, the saving amounts to £2,674,466.

The details of the major items of expenditure which contributed to the excesses, for which legal authority is now required, over the amounts provided under the various Heads by the Appropriation and Supplementary Appropriation Ordinances, are shown hereunder. It will be seen that in all cases the total of the additional amounts detailed under each Head exceeds the total additional sum appropriated for the same Head in the Schedule to this Bill. This is because the additional sums appropriated under each Head represent the net overall increase in expenditure and, in all cases, the extra expenditure detailed below was partially offset by savings under other sub-heads of the same Head.

HEAD 34—MINISTRY OF EDUCATION

24. Federal Government Scholarship Scheme..	..	£ 133,358
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HEAD 38—MINISTRY OF FINANCE

15. Personal Emoluments	16,793
25. Selection of Officers: travelling and other expenses	..	17,323
		<u>£34,116</u>

HEAD 42—STATISTICS

2. Local Transport and Travelling	2,590
5. Fees to Powers Samas Company	1,212
10. Agricultural and Social Surveys	1,498
12. Motor Vehicles	852
		<u>£6,152</u>

HEAD 46—MEDICAL

14. Drugs, Medical Equipment and Supplies, including Uniforms, Clothing and Bedding	£74,655
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HEAD 73—PUBLIC WORKS

1. Personal Emoluments	41,339
2. Local Transport and Travelling	28,642
		<u>£69,981</u>

PENAL CODE (NORTHERN REGION) FEDERAL
PROVISIONS ORDINANCE, 1960

ARRANGEMENT OF SECTIONS

1. Short title, commencement. and application.
2. Application of provisions of Schedule as Law of Northern Region.
3. Punishment of offences in Schedule committed in Northern Region.
4. Circumstances in which provisions of Schedule apply.
5. Repeal of Cap. 42 in Northern Region and amendment in other application.

SCHEDULE

ARRANGEMENT OF SECTIONS

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411. Punishment for treason.
412. Treasonable crimes.
413. Inciting to mutiny.
414. Causing disaffection among soldiers, police or prison officers.
415. Assisting or allowing escape of prisoners of war.

CHAPTER XXVII : SEDITION

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417. Exciting hatred between classes.
418. Publication of false news with intent to cause offence against the public peace.
419. Possession of seditious articles.
420. Power to prohibit importation of publications.
421. Punishment for importation of prohibited publications.
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423. Smuggling or rescuing goods under arms.
424. Smuggling under arms or in disguise.
425. Assembling for the purpose of smuggling.

CHAPTER XXIX : OFFENCES RELATING TO COPYRIGHT

426. Making or dealing in copies of copyright work.
427. Being in possession of plate for making copies : giving unauthorized performances of copyright work.

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428. Definitions.
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430. Entering ship or wharf without ticket.
431. Interfering with navigation works.

CHAPTER XXXI : OFFENCES RELATING TO COIN AND NOTES

- 432. Coin and note defined.
- 433. Counterfeiting coin or notes.
- 434. Making or selling instrument for counterfeiting coin or notes.
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- 436. Import or export of counterfeit coin or notes.
- 437. Fraudulently diminishing weight or altering composition of coin.
- 438. Delivery of coin or note possessed with knowledge that it is counterfeit.
- 439. Possession of coin or note by person who knew it to be counterfeit when he became possessed thereof.

CHAPTER XXXII : OFFENCES RELATING TO REVENUE STAMPS

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- 443. Making or selling instrument for counterfeiting revenue stamp.
- 444. Import, export, use or sale of counterfeit revenue stamps.
- 445. Having possession of counterfeit revenue stamp.
- 446. Effacing writing from substance bearing revenue stamp, or removing from document a stamp used for it, with intent to cause loss.
- 447. Using revenue stamp known to have been used before.
- 448. Erasure of mark denoting that revenue stamp has been used.

CHAPTER XXXIII : OFFENCES RELATING TO WEIGHTS AND MEASURES

- 449. Fraudulent use of false instrument for weighing.
- 450. Fraudulent use of false weight or measure.
- 451. Being in possession of false weight or measure.
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- 454. Paper and dies for postage stamps.
- 455. Paper for postal purposes.
- 456. Stopping mails.
- 457. Intercepting telegrams or postal matter.
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- 464. Illegally setting up of post office.
- 465. Damaging post office, etc.
- 466. Placing injurious substances in or against letter box.
- 467. Interference with telegraphs.
- 468. Negligently injuring telegraphs.

CHAPTER XXXV : OFFENCES RELATING TO RAILWAYS AND AIRCRAFT

- 469. Intentionally endangering safety of persons travelling by railway.
- 470. Obstructing and injuring railways.
- 471. Damage to railway works.
- 472. Obstructing aircraft.
- 473. Trespass on aerodrome.

CHAPTER XXXVI : OFFENCES RELATING TO MINES AND MINERALS

- 474. Fraudulently dealing with minerals in mines.
- 475. Attempt to injure mines.

CHAPTER XXXVII : DEPORTATION AND PASSPORTS

- 476. Deportation of non-natives of Nigeria.
- 477. False statements in application for passports.

A BILL

FOR

Title. AN ORDINANCE TO SUPPLEMENT THE PENAL CODE OF THE NORTHERN REGION IN RESPECT OF MATTERS WITHIN THE EXCLUSIVE LEGISLATIVE COMPETENCE OF THE LEGISLATURE OF THE FEDERATION, AND FOR PURPOSES ANCILLARY THERETO.

**Commence-
ment.**

[By Notice see section 1]

Preamble.

WHEREAS by the provisions of a Law entitled the Penal Code Law 1959, of the Northern Region of Nigeria a Penal Code is upon the coming into operation of that Law to be established for that Region :

AND WHEREAS certain matters which are outside the legislative competence of the Northern Region but are within the exclusive legislative competence of the Federation were not provided for in the said Penal Code.

AND WHEREAS it is necessary and expedient that such matters should be provided for by Federal legislation and that the provisions of such legislation should take effect with the Penal Code so that the whole may conveniently be read as one Code in the Northern Region, in replacement for that contained in the Criminal Code Ordinance of the Federation :

Now, THEREFORE, BE IT ENACTED by the Legislature of the Federation of Nigeria as follows--

Enactment.

1. (1) This Ordinance may be cited as the Penal Code (Northern Region) Federal Provisions Ordinance, 1960, and shall come into operation on a day to be appointed by the Governor-General by notice in the Gazette.

Short title, commencement, and application.

(2) This Ordinance shall be of Federal application.

2. (1) The provisions contained in the Schedule to this Ordinance shall apply in respect of the Northern Region and shall be read as the law of that Region and as such form part of the Penal Code contained in the Schedule to the Penal Code Law, 1959, of the Northern Region (hereinafter referred to as the Penal Code of the Northern Region).

Application of provisions of Schedule as Law of Northern Region. N.R. Law 18 of 1959.

(2) The provisions of Chapter I to Chapter VI of the Penal Code of the Northern Region shall apply in respect of the provisions of the Schedule to this Ordinance as fully as though the provisions of such Chapters were enacted in this Ordinance.

3. Every person shall be liable to punishment under the provisions of section 2 of this Ordinance and of the Schedule to this Ordinance for every act or omission contrary to the provisions of the Schedule to this Ordinance of which he is guilty within the Northern Region : Provided that a sentence of caning shall not be passed in accordance with section 77 of the Penal Code of the Northern Region save in a case where a sentence of whipping could have been passed in accordance with section 18 of the Criminal Code or section 387 of the Criminal Procedure Ordinance.

Punishment of offences in Schedule committed in Northern Region.

Caps. 42 and 43.

4. (1) Where by the provisions contained in the Schedule to this Ordinance, the doing of any act or the making of any omission is made an offence, those provisions shall apply to every person who is in the Region at the time of his doing the act or making the omission.

Circumstances in which provisions of Schedule apply.

(2) Where any such offence comprises several elements and any acts, omissions or events occur which, if they all occurred in the Northern Region, would constitute an offence, and any of such acts, omissions or events occur in the Northern Region, although the other acts, omissions or events, which if they occurred in the Northern Region would be elements of the offence, occur elsewhere than in the Northern Region then—

(a) if the act or omission, which in the case of an offence committed wholly in the Northern Region would be the initial element of the offence, occurs in the Northern Region, the person who does that act or makes that omission is guilty of an offence of the same kind and is liable to the same punishment as if all the subsequent elements of the offence occurred in the Northern Region ; and

(b) if that act or omission occurs elsewhere than in the Northern Region, and the person who does that act or makes that omission afterwards enters the Northern Region, he is by such entry guilty of an offence of the same kind and is liable to the same punishment, as if that act or omission had occurred in the Northern Region and he had been in the Northern Region when it occurred.

(3) Notwithstanding the provisions of subsection (2) it shall be a defence to the charge in any such case to prove that the person accused did not intend that the act or omission should have effect in the Northern Region.

(4) The provisions of subsection (2) do not extend to a case in which the only material event that occurs in the Northern Region is the death of a person whose death is caused by an act or omission at a place outside, and at a time when that person was outside, the Northern Region.

Repeal of
Cap. 42 in
Northern
Region and
amendment
in other
application.

5. (1) The Criminal Code Ordinance, in so far as it has effect as if it were a law enacted by the Legislature of the Federation and as it applies in the Northern Region, is repealed: Provided that such repeal shall not, in respect of proceedings taken outside the Northern Region, affect the operation of the Criminal Code solely because some element or elements of the offence are alleged to have occurred within the Northern Region.

(2) The Criminal Code Ordinance is amended by the addition after section 1 of the following new section—

“Saving in respect of Northern Region. 1A. The provisions of this Ordinance shall take effect subject to the provisions of the Penal Code (Northern Region) Federal Provisions Ordinance, 1960.”

SCHEDULE

(section 2)

CHAPTER XXVI—OFFENCES AGAINST THE STATE

Treason.

*410. (1) Whoever levies war against the Sovereign, in order to intimidate or overawe the Governor-General is said to commit treason.

(2) Nothing in this section shall prevent any act from being treason which is so by the law of England as in force in Nigeria.

Punishment
for treason.

411. Whoever commits treason shall be punished with death, and whoever attempts or abets treason shall be punished with imprisonment for life or for any less term or with fine or with both.

Treasonable
crimes.

412. (1) Whoever intends—

(a) to depose the Sovereign from the style, honour, and royal name of the Imperial Crown of the United Kingdom of Great Britain and Northern Ireland, or of any other of Her Majesty's dominions, or from her style, honour, and name of Supreme Lord in and over Nigeria, or in and over any other country which has been declared to be under her protection; or

(b) to levy war against the Sovereign within any part of Her Majesty's dominions, or within any country which has been declared to be under her protection, in order by force or constraint to compel the Sovereign to change her measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe any House of Parliament or other legislature or legislative authority of any of Her Majesty's dominions, or of any country which has been declared to be under her protection; or

(c) to instigate any foreigner to make an armed invasion of any of Her Majesty's dominions, or of any country which has been declared to be under her protection,

and manifests such intention by an overt act, shall be punished with imprisonment for life or any less term and shall also be liable to fine.

* NOTE: The numbering is consecutive with that of the Penal Code of the Northern Region.

(2) A person charged with any of the offences specified in this section is not entitled to be acquitted on the ground that any act proved to have been committed by him constitutes the offence of treason; but a person who has been tried, and convicted or acquitted, on a charge of any such offence cannot be afterwards prosecuted for treason in respect of the same facts.

413. Whoever—

(a) seduces any person serving in Her Majesty's forces or the military forces of Nigeria or any member of the police force from his duty and allegiance to Her Majesty; or

Inciting to mutiny.

(b) incites any such persons to commit an act of mutiny,

shall be punished with imprisonment for life or for any less term and also be liable to fine.

414. (1) Whoever causes or does any act calculated to cause disaffection amongst persons serving as—

Causing disaffection among soldiers, police or prison officers.

(a) members of Her Majesty's forces or the military forces of Nigeria; or

(b) police officers; or

(c) prison officers,

or does any act calculated to induce any person serving as aforesaid to withhold his services or to commit breaches of discipline, shall be punished with imprisonment which may extend to three years or with fine which may extend to three hundred pounds or with both.

(2) For the purposes of this section the expression "prison officer" shall have the same meaning as in subsection (1) of section 9 of the Prisons Ordinance and includes native authority prison staff as defined in section 127 of the Native Authority Law, 1954, of the Northern Region.

Cap. 177.

N.R. 4 of 1954.

415. Whoever intentionally aids an enemy of Her Majesty, being a prisoner of war in Nigeria, whether such prisoner is confined in a prison or elsewhere, or is suffered to be at large on his parole, to escape from his prison or place of confinement, or if he is at large on his parole, to escape from Nigeria, shall be punished with imprisonment for life or for any less term and shall also be liable to fine, and whoever negligently or unlawfully permits the escape of any such prisoner shall be punished with imprisonment which may extend to two years or with fine or with both.

Assisting or allowing escape of prisoners of war.

CHAPTER XXVII—SEDITION

416. Whoever by words, either spoken or reproduced by mechanical means or intended to be read, or by signs or by visible representation or otherwise excites or attempts to excite feelings of disaffection against the person of Her Majesty her heirs or successors or the person of the Governor-General or the Governor of a Region, or the Government or constitution of the United Kingdom or of Nigeria or any Region thereof or against the administration of justice in Nigeria or any Region thereof, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.

Inciting disaffection to the Government.

EXPLANATION 1.—The expression "disaffection" includes disloyalty and all feelings of enmity.

EXPLANATION 2.—Comments expressing disapprobation of the measures of the Government or the Government of the United Kingdom or any Government of Nigeria with a view to obtaining their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

EXPLANATION 3.—Comments expressing disapprobation of the administrative or other action of the Government or the Government of the United Kingdom or any Government of Nigeria without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

Exciting
hatred
between
classes.

417. Whoever seeks to excite hatred or contempt against any class of persons in such a way as to endanger the public peace, shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

Publication
of false news
with intent to
cause
offence
against the
public peace.

418. Whoever circulates, publishes or reproduces any statement, rumour or report which he knows or has reason to believe to be false with intent to cause or which is likely to cause fear or alarm to the public whereby any person may be induced to commit an offence against the public peace, shall be punished with imprisonment which may extend to three years or with fine or with both.

Possession of
seditious
articles.

419. Whoever has in his possession without lawful excuse, the proof of which shall lie on him, any book, pamphlet, paper, gramophone record, tape recording, drawing, printing, photograph, cinema film or other visible or audible representation or reproduction, the publication or exhibition of which would constitute an offence under section 416, 417 or 418, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Power to
prohibit
importation
of publica-
tions.

420. (1) The Minister charged with responsibility for such matters may, if he is of opinion that the importation of any publication would be contrary to the public interest, by order prohibit the importation of such publication.

(2) If such Minister is of opinion that it would be in the public interest to do so he may by order prohibit the importation of all publications published by or on behalf of any organisation or association of persons specified in the order.

(3) An order made under the provisions of subsection (1) shall, unless a contrary intention is expressed therein, have effect—

- (a)** with respect to all subsequent issues of such publication; and
- (b)** not only with respect to any publication under the name specified in relation thereto in the order, but also with respect to any publication published under any other name if the publishing thereof is in any respect in continuation of, or in substitution for, the publishing of the publication named in the order.

(4) An order made under the provisions of subsection (2) shall, unless a contrary intention is expressed therein, have effect not only with respect to all publications published by or on behalf of the organisation or association of persons named therein before the date of the order but also with respect to all publications so published on or after such date.

(5) An order made under the provisions of subsection (1) or (2) shall, unless a contrary intention is expressed therein, apply to any translation into any language whatsoever of the publication specified in the order.

421. Whoever intentionally imports, publishes, sells, distributes or reproduces or has in his possession any publication the importation of which has been prohibited under section 420 or any extract therefrom, shall be punished with imprisonment which may extend to three years or with fine or with both.

Punishment
for importa-
tion of
prohibited
publications

422. Whoever, without the permission of the Governor-General, instigates, practises, takes part in or is concerned in any exercise, movement, evolution or drill of a military nature shall be punished with imprisonment which may extend to seven years or with fine or with both.

Unlawful
drilling.

CHAPTER XXVIII—CUSTOMS OFFENCES

423. Whoever assembles with two or more persons armed with any dangerous weapon for any of the following purposes—

Smuggling
or rescuing
goods under
arms.

(a) to unlawfully ship, unship, load, move or carry away any goods the importation of which is prohibited, or any goods liable to customs duties, which duties have not been paid or secured ;

(b) to rescue or take any such goods from any person authorised to seize them, or from any person employed by that person, or assisting that person,

shall be punished with imprisonment which may extend to seven years or with fine or with both.

424. Whoever assembles with five or more persons who have with them any goods liable to forfeiture under any law relating to the customs, and who are carrying dangerous weapons, or who are disguised shall be punished with imprisonment which may extend to seven years or with fine or with both.

Smuggling
under arms
or in disguise.

425. Whoever assembles with two or more persons for the purpose of unshipping, carrying, or concealing any goods subject to customs duty and liable to forfeiture under any law relating to the customs shall be punished with imprisonment which may extend to six months or with fine which may extend to one hundred pounds.

Assembling
for the
purpose of
smuggling.

CHAPTER XXIX—OFFENCES RELATING TO COPYRIGHT

426. Whoever intentionally—

(a) makes for sale or hire any copy of a work which infringes a copyright ;
or

(b) sells or lets for hire any copy of any such work ; or

(c) distributes copies of any such work for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright ; or

(d) by way of trade exhibits in public any copy of any such work,

shall be punished with imprisonment for a term which may extend to two months or with fine which may extend to fifty pounds or with both.

Making or
dealing in
copies of
copyright
work.

Being in possession of plate for making copies : giving unauthorised performances of copyright work.

427. Whoever intentionally makes or possesses any plate for the purpose of making copies of any work which infringes a copyright, or intentionally and for profit causes any such work to be performed in public without the consent of the owner of the copyright shall be punished with imprisonment for a term which may extend to two months or with fine which may extend to fifty pounds or with both.

CHAPTER XXX—OFFENCES RELATING TO SHIPS AND WHARVES

Definitions.

428. In this chapter—

“crew” includes masters, mates, pilots, engineers, stokers, deckhands and all persons engaged in the navigation or service of a ship ;

“passenger steamer” means every steamship carrying one or more persons other than the crew, and the owner, his family, friends and servants ;

“ship” includes every description of vessel in the service of the Government or the Government of the Federation and every passenger steamer employed in local navigation on the inland and territorial waters of Nigeria, but does not include ocean going ships not in the service of the Government or the Government of the Federation or vessels or canoes of native manufacture.

Offences relating to ships.

429. (1) Whoever—

- (a) obstructs any member of the crew in the navigation or management of a ship ;
- (b) after having been refused admission to a ship by any authorised member of the crew on account of the ship being full, attempts to enter the ship ;
- (c) having gone on board the ship at any place and being requested, on account of the ship being full, by any duly authorised member of the crew to leave the ship, before it has quitted that place, does not comply with that request ;
- (d) travels in a ship without first paying his fare and with intent to avoid payment ;
- (e) being on board a ship fails when requested by an authorised member of the crew to pay his fare or exhibit the ticket or other receipt, if any, showing the payment of his fare ;
- (f) travels in that part of a ship which is set apart for passengers of a superior class to that for which he holds a ticket ;
- (g) travels in any ship or part of a ship which is not set apart for public passengers and on being ordered by any authorised member of the crew to leave such place refuses so to do,

shall be punished with a fine which may extend to five pounds.

(2) Whoever commits an offence under subsection (1) and on the application of the officer in charge of the ship, refuses to give his name and address, or gives a false name or address, shall be punished with a fine which may extend to twenty pounds.

430. Whoever not being a passenger by a ship or not having purchased a ticket to travel by a ship enters upon any enclosed quay, wharf, or landing place and on being ordered to leave such quay, wharf, or landing place by any public servant acting in the course of his duty refuses to do so shall be punished with imprisonment which may extend to one month or with fine or with both.

Entering ship or wharf without ticket.

431. Whoever intentionally and unlawfully—

(a) removes or disturbs any fixed objects or materials used for securing a bank or wall of a river, canal, aquaduct, reservoir or inland water, or for securing any work which appertains to a dock, canal, aquaduct, reservoir or inland water, or which is used for purposes of navigation or lading or unlading goods; or

(b) does any act which obstructs the carrying on or maintenance of the navigation of a navigable river or canal,

shall be punished with imprisonment which may extend to seven years or with fine or with both.

Interfering with navigation works.

CHAPTER XXXI—OFFENCES RELATING TO COIN AND NOTES

432. (1) Coin is metal used for the time being as money and stamped and issued by or under the authority of any government in order to be so used.

Coin and note defined.

(2) For the purposes of this chapter the word "note" includes every currency note issued by or under the authority of any government and intended to be used as equivalent to or as a substitute for money and bank note which is legally current in any country.

433. Whoever counterfeits or knowingly performs any part of the process of counterfeiting any coin or note shall be punished with imprisonment for life or any less term and shall also be liable to fine.

Counterfeiting coin or notes.

EXPLANATION—A person commits this offence who, intending to practise deception or knowing it to be likely that deception will thereby be practised, causes a genuine coin or note to appear like a different coin or note.

434. Whoever makes or mends or performs any part of the process of making or mending or buys, sells or disposes of any die or instrument for the purpose of being used or knowing or having reason to believe that it is intended to be used for the purpose of counterfeiting coin or notes shall be punished with imprisonment for life or for any less term and shall also be liable to fine.

Making or selling instrument for counterfeiting coin or notes.

435. Whoever is in possession of any instrument or material for the purpose of using the same for counterfeiting coin or notes or knowing or having reason to believe that the same is intended to be used for that purpose shall be punished with imprisonment which may extend to fourteen years or with fine or with both.

Possession of instrument or material for counterfeiting.

436. Whoever imports into Nigeria or exports therefrom any counterfeit coin or note knowing or having reason to believe that the same is counterfeit, shall be punished with imprisonment for a term which may extend to fourteen years and shall also be liable to fine.

Import or export of counterfeit coin or notes.

Fraudulently diminishing weight or altering composition of coin.

437. Whoever fraudulently or dishonestly performs on any coin any operation which diminishes the weight or alters the composition of that coin, shall be punished with imprisonment for a term which may extend to ten years and shall also be liable to fine.

EXPLANATION—A person who scoops out part of a coin and puts anything else into the cavity alters the composition of that coin.

Delivery of coin or note possessed with knowledge that it is counterfeit.

438. Whoever, having in his possession any counterfeit coin or note or any coin with respect to which an offence under section 437 has been committed and having known at the time when he became possessed of such coin or note that such coin or note was counterfeit or that such offence had been committed with respect to such coin, fraudulently or with intent that fraud may be committed delivers such coin or note to any other person or attempts to induce any other person to receive the same, shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

Possession of coin or note by person who knew it to be counterfeit when he became possessed thereof.

439. Whoever fraudulently or with intent that fraud may be committed is in possession of any counterfeit coin or note or of any coin with respect to which an offence under section 437 has been committed having known at the time of becoming possessed thereof that such coin or note was counterfeit or that such offence had been committed with respect to such coin, shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

CHAPTER XXXII—OFFENCES RELATING TO REVENUE STAMPS

Revenue stamp defined.

440. For the purposes of this chapter the words "revenue stamp" mean a stamp issued by or under the authority of any government for postal or other revenue purposes.

Counterfeiting Revenue stamp.

441. Whoever counterfeits or knowingly performs any part of the process of counterfeiting any revenue stamp, shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

EXPLANATION—A person commits this offence who counterfeits by causing a genuine revenue stamp of one denomination to appear like a genuine revenue stamp of a different denomination.

Having possession of instrument or material for counterfeiting revenue stamp.

442. Whoever has in his possession any instrument or material for the purpose of being used or knowing or having reason to believe that it is intended to be used for the purpose of counterfeiting any revenue stamp, shall be punished with imprisonment for a term which may extend to fourteen years and shall also be liable to fine.

Making or selling instrument for counterfeiting revenue stamp.

443. Whoever makes or performs any part of the process of making or buys or sells or disposes of any instrument for the purpose of being used or knowing or having reason to believe that it is intended to be used for the purpose of counterfeiting any revenue stamp, shall be punished with imprisonment for a term which may extend to fourteen years and shall also be liable to fine.

444. Whoever imports into Nigeria or exports therefrom or uses as genuine or sells or offers for sale any stamp which he knows or has reason to believe to be a counterfeit of any revenue stamp, shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

Import, export, use or sale of counterfeit revenue stamps.

445. Whoever has in his possession any stamp which he knows to be a counterfeit of any revenue stamp intending to use or dispose of the same as a genuine revenue stamp or in order that it may be used as a genuine revenue stamp, shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

Having possession of counterfeit revenue stamp.

446. Whoever fraudulently or with intent to cause loss to any government removes or effaces from any substance bearing any revenue stamp any writing or document for which such revenue stamp has been used or removes from any writing or document a revenue stamp which has been used for such writing or document in order that such revenue stamp may be used for a different writing or document, shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

Effacing writing from substance bearing revenue stamp, or removing from document a stamp used for it, with intent to cause loss.

447. Whoever fraudulently or with intent to cause loss to any government uses for any purpose any revenue stamp which he knows to have been used before, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Using revenue stamp known to have been used before.

448. Whoever fraudulently or with intent to cause loss to any government erases or removes from any revenue stamp any mark put or impressed upon such revenue stamp for the purpose of denoting that the same has been used or knowingly has in his possession or sells or disposes of any such revenue stamp which he knows to have been used, shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

Erasure of mark denoting that revenue stamp has been used.

CHAPTER XXXIII OFFENCES RELATING TO WEIGHTS AND MEASURES

449. Whoever fraudulently uses any instrument for weighing which he knows to be false, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

Fraudulent use of false instrument for weighing.

450. Whoever fraudulently uses any false weight or false measure of length or capacity or fraudulently uses any weight or any measure of length or capacity as a different weight or measure from what it is, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

Fraudulent use of false weight or measure.

451. Whoever is in possession of any instrument for weighing or of any weight or of any measure of length or capacity which he knows to be false and intending that the same may be fraudulently used, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

Being in possession of false weight or measure.

452. Whoever makes, sells or disposes of any instrument for weighing or any weight or any measure of length or capacity which he knows to be false in order that the same may be used as true or knowing that the same is likely to be used as true, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

Making or selling false weight or measure.

CHAPTER XXXIV.—OFFENCES RELATING TO POSTS AND TELEGRAPHS

Definitions.

453. In this chapter—

“mail” includes any conveyance of any kind by which postal matter is carried, and also any vessel employed by or under the Posts and Telegraphs Department, or the postal authority of any other country, or the Admiralty, for the conveyance of postal matter, under contract or not, and also a ship of war or other vessel in the service of Her Majesty in respect of letters conveyed by it and also a person or animal used for the conveyance or delivery of postal matter;

“postal matter” includes any letter, telegram, newspaper, packet, parcel, or other thing, authorized by law to be transmitted by post, which has been posted or received at a post office for delivery or transmission by post, and which is in course of transmission by post, and any movable receptacle which contains any such thing, and which is in course of transmission by post;

“post office” and “telegraph office” respectively, include any structure, room, place or receptacle, of any kind appointed by authority of the Director of Posts and Telegraphs for the receipt, despatch or delivery, of any postal matter or telegram, or for the transaction of the business of the department relating to posts and telegraphs; and “telegraph office” includes any room or place used by a telegraph company for the receipt, despatch or delivery of telegrams.

Paper and
dies for
postage
stamps.

454. Whoever without lawful authority, the proof of which lies on him—

(a) makes, or begins or prepares to make, or uses for any postal purpose, or has in his possession or disposes of any imitation or representation on paper or any other material, of any stamp used for denoting any rate of postage of Nigeria, or of any other country; or

(b) makes or mends, or begins or prepares to make or mend, or uses, or has in his possession or disposes of, any die, plate, instrument or material, for making any such imitation or representation,

shall be punished with imprisonment which may extend to one year or with fine which may extend to fifty pounds or with both.

EXPLANATION—A stamp purporting to denote a rate of postage of any country is to be taken to be a stamp used for postal purposes in that country until the contrary is shown.

Paper for
postal pur-
poses.

455. Whoever without lawful authority, the proof of which lies on him, knowingly has in his possession or disposes of any paper which has been specially provided by the proper authority for the purpose of being used for postage stamps, money orders, or postal orders, before such paper has been lawfully issued for public use, shall be punished with imprisonment which may extend to two years or with fine or with both.

Stopping
mails.

456. Whoever stops a mail with intent to carry out an unlawful search or to commit theft of postal matter shall be punished with imprisonment for life or any less term or with fine or with both.

Intercepting
telegrams or
postal
matter.

457. Whoever unlawfully secretes, destroys, tampers with or obtains by cheating any postal matter shall be punished—

(a) with imprisonment for a term which may extend to seven years or with fine or with both; and

(b) if the postal matter so secreted or destroyed shall contain any money or chattel or any valuable security, shall be punished with imprisonment for life or any less term and shall also be liable to fine.

458. Whoever being a public servant charged by virtue of his employment with the delivery of any postal matter intentionally delivers it to a person other than the person to whom it is addressed or to his authorized agent shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

Misdelivery of postal matter.

459. Whoever being a public servant charged with the handling of postal matter—

Retarding delivery of postal matter.

(a) neglects or refuses to receive, despatch, deliver or convey postal matter ;

(b) intentionally detains or delays any postal matter ;

(c) without proper authority allows any postal matter out of his possession ;

(d) is guilty of any neglect whereby any postal matter is endangered, mislaid, detained or delayed,

shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

EXPLANATION 1.—Nothing in this section shall extend to the opening or detaining of any postal matter returned because the addressee is dead or cannot be found or refuses to accept delivery or refuses or neglects to pay any charges payable in respect of the postal matter.

EXPLANATION 2.—Nothing in this section shall extend to the opening, detaining or delaying of any postal matter by a public servant under the authority of any Ordinance or Law or in obedience to an express warrant in writing under the hand of the Governor-General.

460. Whoever, with intent to defraud removes from any postal matter any stamp affixed thereon or removes from a stamp previously used any postal mark or knowingly uses a postage stamp which has been marked by a public servant authorized so to do shall be punished with imprisonment which may extend to one year or with fine or with both.

Fraudulently removing stamps.

461. Whoever with fraudulent intent—

Fraudulent evasion of postal laws.

(a) subscribes on the outside of anything sent by post a false statement of its contents ; or

(b) puts into a post office anything which falsely purports to be a thing falling within any exemption or privilege declared by the laws relating to postal matter,

shall be punished with a fine which may extend to fifty pounds.

462. Whoever being a public servant franks any postal matter—

Unlawful franking of letters.

(a) which does not relate to the business of his office ; or

(b) which contains anything which does not relate to such business,

shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

463. Whoever intentionally sends by post anything which—

Sending dangerous or obscene things by post.

(a) encloses anything of such a nature as to be likely to cause injury to any person or thing in the course of conveyance ; or

(b) encloses any obscene book, pamphlet, paper, gramophone record or similar article, drawing, painting, representation or figure, shall be punished with imprisonment which may extend to one year or with fine or with both.

Illegally
setting up of
post office.

464. Whoever without the authority in writing of the Director of Posts and Telegraphs places or maintains or permits to be placed or maintained, or to remain on any place under his control—

- (a) the words "post office" or "royal mail" ; or
- (b) the words "letter box", accompanied with words, letters or marks which signify or imply, or may reasonably lead the public to believe, that it is a receptacle provided by authority for the reception of postal matter ; or
- (c) any words, letters or marks which signify or imply, or may reasonably lead the public to believe, that any place is a post office, or that any such receptacle is provided by authority,

shall be punished with a fine which may extend to five pounds.

Damaging
post office,
etc.

465. Whoever intentionally destroys, damages or defaces, any post office, receptacle provided by authority for the reception of postal matter, or any card or notice relating to the postal or telegraph service set up by authority of the Director of Posts and Telegraphs, shall be punished with a fine which may extend to fifty pounds.

Placing
injurious
substances
in or against
letter box.

466. Whoever places in or against any receptacle provided by authority for the reception of postal matter or telegrams, any fire or match, or any explosive, dangerous, noxious or deleterious substance, or any fluid or filth shall be punished with a fine which may extend to twenty pounds.

Interference
with
telegraphs.

467. Whoever intentionally and unlawfully—

- (a) destroys, damages or removes, any telegraph works ; or
- (b) prevents or obstructs the sending or delivering of a communication by any telegraph, shall be punished with imprisonment which may extend to three years or with fine or with both.

Negligently
injuring
telegraphs.

468. Whoever negligently destroys or damages any telegraph works shall be punished with a fine which may extend to two pounds.

CHAPTER XXXV.—OFFENCES RELATING TO RAILWAYS AND AIRCRAFT

Intention-
ally
endangering
safety of
persons
travelling
by railway.

469. Whoever with intent to injure or to endanger the safety of any person travelling by any railway—

- (a) places anything on the railway ; or
- (b) deals with the railway, or with anything whatever upon or near the railway, in such a manner as to affect or endanger the safety of any such person ; or
- (c) shows any light or signal, or in any way deals with any existing light or signal, upon or near the railway ; or
- (d) by any omission to do any act which it is his duty to do causes the safety of any such person to be endangered,

shall be punished with imprisonment for life, or for any less term and shall also be liable to fine.

470. Whoever unlawfully and with intent to obstruct the use of a railway or to injure any property upon a railway—

Obstructing and injuring railways.

- (a) deals with the railway or with anything whatever upon or near the railway in such a manner as to affect or endanger the free and safe use of the railway ; or
- (b) shows any light or signal, or in any way deals with any existing light or signal, upon or near the railway ; or
- (c) by any omission to do any act which it is his duty to do causes the the free and safe use of the railway to be endangered,

shall be punished with imprisonment for life or for any less term and shall also be liable to fine.

471. Whoever—

Damage to railway works.

- (a) intentionally damages or obstructs any work, way, road, building, turnstile, gate, toll bar, fence, weighing machine, engine, tender, carriage, waggon, truck, material or plant belonging to any railway works ; or
- (b) intentionally interferes with, any pole, stake, flag, peg, line, mark, or anything driven or placed in or upon the ground, any tree, stone, or buildings, or any other material belonging to any railway works ; or
- (c) commits any nuisance or trespass in or upon any land, buildings or premises, acquired for or belonging to any railway works ; or
- (d) intentionally obstructs the officer in charge of any railway or his assistants or workmen in the execution of any work done or to be done in reference to the construction or maintenance of any such railway,

shall be punished with imprisonment which may extend to three months or with fine which may extend to twenty pounds or with both.

472. Whoever, by any unlawful act, obstructs, causes an alteration to be made in the course of or in any way whatsoever hinders or impedes the movement of any aircraft, which is in motion on or in flight over any aerodrome shall be punished with imprisonment which may extend to two years or with fine or with both.

Obstructing aircraft.

473. Whoever commits any nuisance or trespass in or upon any aerodrome or in or upon any building or premises situated on any aerodrome shall be punished with imprisonment which may extend to three months or with fine or with both.

Trespass on aerodrome.

CHAPTER XXXVI.—OFFENCES RELATING TO MINES AND MINERALS

474. Whoever takes, conceals, or otherwise disposes of, any ore of any metal or mineral in or about a mine, with intent to defraud shall be punished with imprisonment which may extend to three years or with fine or with both.

Fraudulently dealing with minerals in mines.

475. Whoever with intent to injure a mine or to obstruct the working of a mine—

Attempt to injure mines.

- (a) unlawfully, and otherwise than by an act done underground in the course of working an adjoining mine—
 - (i) causes water to run into the mine or into any subterranean passage communicating with the mine : or
 - (ii) obstructs any shaft or passage of the mine ; or

(b) unlawfully obstructs the working of any machine, appliance, or apparatus, appertaining to or used with the mine, whether the thing in question is completed or not; or

(c) unlawfully, and with intent to render it useless, injures or unfastens a rope, chain or tackle or whatever material, which is used in the mine, or upon any way or work appertaining to or used with the mine,

shall be punished with imprisonment which may extend to seven years or with fine or with both.

CHAPTER XXXVII—DEPORTATION AND PASSPORTS

Deportation
of non-
natives of
Nigeria
Cap. 9.

476. (1) Whoever not being a native of Nigeria shall, upon conviction of an offence under section 201, 275, 276, 278 or 281 be liable to be deported by order of the Minister charged with responsibility for such matters, and the provisions of sections 4, 5, 6 and 9 of the Aliens Ordinance shall apply *mutatis mutandis* in the case of a deportation under this section.

(2) Where any person being a native of Nigeria is deported from any British possession to Nigeria under the provisions of any law of such possession and for offences similar to the offences contained in section 201, 275, 276, 278 or 281, such person may, on arrival in Nigeria, be kept temporarily in custody and returned under police escort to the place in Nigeria to which such person belongs.

False state-
ments in
application
for passports.

477. Whoever for the purpose of procuring a passport, whether for himself or any other individual, makes or causes to be made in any written application to a public servant a statement which to the knowledge of such person is false in any material particular shall be punished with imprisonment which may extend to one year or with fine or with both.

Objects and Reasons

The penal Code Law, 1959, which has already been enacted in the Northern Region but will be brought into force at a suitable moment, introduces into the Region a new codification of criminal law, and it is the intention that it shall shortly be supplemented by the Code of Criminal Procedure applicable in that Region. Both are based on a system of law which is current in the Sudan. In respect of the Penal Code the manner in which offences are described is at variance with the manner in which they are described in the Criminal Code that is at present effective throughout Nigeria, but since both are codifications they cover very much the same offences. The Legislature of the Northern Region is not empowered constitutionally to deal with a number of offences which are exclusively a matter for Federal legislation, but in order that there shall be as far as possible one system of law in the Region it has been agreed that in the Bill now being presented to the Federal Legislature those offences with which the Regional Legislature cannot deal shall be prescribed in the form which is suitable for use in the North, the intention being that these provisions for Federal offences shall be read as one with the provisions already enacted in respect of Regional offences.

2. For such purpose the Schedule to this Bill contains clauses numbered from 410 to 477 in continuation, as it were, of the Northern Region Penal Code. They supersede, in that Region, the portions of the Criminal Code which deal with offences against the state, sedition, customs offences, offences relating to copyright, offences relating to ships and wharves, offences relating to coin and notes, offences relating to revenue stamps and to weights and measures, offences relating to posts and telegraphs, railways and aircraft, mines and minerals, and matters concerning deportation and passports.

3. For contraventions of the offences specified in the Schedule prosecution will take place in the Northern Region in accordance with the provisions of the Penal Code and punishments are prescribe in that Schedule, though they are governed by some of the provisions in the Penal-Code Law of the Northern Region. Clause 3 contains a limitation on sentences of caning in order that there shall not be a variation from the present Criminal Code and Criminal Procedure Ordinance of the Federation.

4. The Criminal Code Ordinance continues in force in parts of Nigeria other than the Northern Region and clause 5 introduces into that Code a limitation calling attention to its supersession in the Northern Region.

(Bills 598)

A BILL

FOR

AN ORDINANCE TO MAKE PROVISION FOR THE ENFORCEMENT IN NIGERIA OF JUDGMENTS GIVEN IN FOREIGN COUNTRIES WHICH ACCORD RECIPROCAL TREATMENT TO JUDGMENTS GIVEN IN NIGERIA, FOR FACILITATING THE ENFORCEMENT IN FOREIGN COUNTRIES OF JUDGMENTS GIVEN IN NIGERIA, AND FOR OTHER PURPOSES IN CONNEXION WITH THE MATTERS AFORESAID.

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 Foreign Judgments (Reciprocal Enforcement) Ordinance, 1960, 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
application.

(2) This Ordinance shall be of Federal application.

Interpreta-
tion.

2. (1) In this Ordinance—

“appeal” includes any proceeding by way of discharging or setting aside a judgment or an application for a new trial or a stay of execution ;

“country of the original court” means the country in which the original court is situated ;

“judgment” means a judgment or order given or made by a court in any civil proceedings and shall include an award in proceedings on an arbitration if the award has in pursuance of the law in force in the place where it was made become enforceable in the same manner as a judgment given by a court in that place, or a judgment or order given or made by a court in any criminal proceedings for the payment of a sum of money in respect of compensation or damages to an injured party ;

“judgment creditor” means the person in whose favour the judgment was given, and includes any person in whom the rights under the judgment have become vested by succession or assignment, or otherwise ;

“judgment debtor” means the person against whom the judgment was given, and includes any person against whom the judgment is enforceable under the law of the original court ;

“judgments given in the superior courts in Nigeria” means judgments given in a High Court or the Federal Supreme Court and includes judgments given in any courts on appeals against any judgments so given ;

“original court” in relation to any judgment means the court by which the judgment was given ;

“prescribed” means prescribed by rules of court ;

“registration” means registration under Part I of this Ordinance, and the expressions “register” and “registered” shall be construed accordingly ;

“registering court” in relation to any judgment means the court to which an application to register the judgment is made ;

“superior court in Nigeria” means the High Court of a Region or of Lagos or of the Southern Cameroons.

(2) For the purposes of this Ordinance the expression “action *in personam*” shall not be deemed to include any matrimonial cause or any proceedings in connexion with any of the following matters, that is to say matrimonial matters, administration of the estates of deceased persons, bankruptcy, winding up of companies, lunacy, or guardianship of infants.

PART I—REGISTRATION OF FOREIGN JUDGMENTS

Power to
extend Part I
of Ordinance
to foreign
countries
giving
reciprocal
treatment.

3. (1) The Governor-General if he is satisfied that, in the event of the benefits conferred by this Part of this Ordinance being extended to judgments given in the superior courts of any foreign country, substantial reciprocity of treatment will be assured as respects the enforcement in that foreign country of judgments given in the superior courts in Nigeria, may by order direct—

(a) that this Part of this Ordinance shall extend to that foreign country ;
and

(b) that such courts of that foreign country as are specified in the order shall be deemed superior courts of that country for the purposes of this Part of this Ordinance.

(2) Any judgment of a superior court of a foreign country to which this Part of this Ordinance extends, other than a judgment of such a court given on appeal from a court which is not a superior court, shall be a judgment to which this Part of this Ordinance applies, if—

(a) it is final and conclusive as between the parties thereto; and

(b) there is payable thereunder a sum of money, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty; and

(c) it is given after the coming into operation of the order directing that this Part of this Ordinance shall extend to that foreign country, or if it is a judgment to which section 10 of this Ordinance applies.

(3) For the purposes of this section, a judgment shall be deemed to be final and conclusive notwithstanding that an appeal may be pending against it, or that it may still be subject to appeal, in the courts of the country of the original court.

(4) The Governor-General may by a subsequent order vary or revoke any order previously made under this section.

4. (1) A person, being a judgment creditor under a judgment to which this Part of this Ordinance applies, may apply to a superior court in Nigeria at any time within six years after the date of the judgment, or, where there have been proceedings by way of appeal against the judgment, after the date of the last judgment given in those proceedings, to have the judgment registered in such court, and on any such application the court shall, subject to proof of the prescribed matters and to the other provisions of this Ordinance, order the judgment to be registered: Provided that a judgment shall not be registered if at the date of the application—

(a) it has been wholly satisfied; or

(b) it could not be enforced by execution in the country of the original court.

(2) Subject to the provisions of this Ordinance with respect to the setting aside of registration—

(a) a registered judgment shall, for the purposes of execution, be of the same force and effect; and

(b) proceedings may be taken on a registered judgment; and

(c) the sum for which a judgment is registered shall carry interest; and

(d) the registering court shall have the same control over the execution of a registered judgment;

as if the judgment had been a judgment originally given in the registering court and entered on the date of registration: Provided that execution shall not issue on the judgment so long as, under this Part of this Ordinance and the rules of court made thereunder, it is competent for any party to make an application to have the registration of the judgment set aside, or, where such an application is made, until after the application has been finally determined.

(3) Where the sum payable under a judgment which is to be registered is expressed in a currency other than the currency of Nigeria, the judgment shall be registered as if it were a judgment for such sum in the currency of Nigeria as, on the basis of the rate of exchange prevailing at the date of the judgment of the original court, is equivalent to the sum so payable.

(4) If at the date of the application for registration the judgment of the original court has been partly satisfied, the judgment shall not be registered in respect of the whole sum payable under the judgment of the original court, but only in respect of the balance remaining payable at that date.

(5) If, on an application for the registration of a judgment, it appears to the registering court that the judgment is in respect of different matters and that some but not all, of the provisions of the judgment are such that if those provisions had been contained in separate judgments those judgments could properly have been registered, the judgment may be registered in respect of the provisions aforesaid but not in respect of any other provisions contained therein.

(6) In addition to the sum of money payable under the judgment of the original court, including any interest which by the law of the country of the original court becomes due under the judgment up to the time of registration the judgment shall be registered for the reasonable costs of and incidental to registration, including the costs of obtaining a certified copy of the judgment from the original court.

Rules of court.

5. (1) The power to make rules of court conferred by any Ordinance or Law establishing a High Court shall, subject to the provisions of this section, include power to make rules for the following purposes—

(a) for making provision with respect to the giving of security for costs by persons applying for the registration of judgment ;

(b) for prescribing the matters to be proved on an application for the registration of a judgment and for regulating the mode of proving those matters ;

(c) for providing for the service on the judgment debtor of notice of the registration of a judgment ;

(d) for making provision with respect to the fixing of the period within which an application may be made to have the registration of the judgment set aside and with respect to the extension of the period so fixed ;

(e) for prescribing the method by which any question arising under this Ordinance whether a foreign judgment can be enforced by execution in the country of the original court, or what interest is payable under a foreign judgment under the law of the original court, is to be determined ;

(f) for prescribing any matter which under this Part of this Ordinance is to be prescribed.

(2) Rules made for the purposes of this Part of this Ordinance shall be expressed to have, and shall have, effect subject to any such provisions contained in orders made under section 3 of this Ordinance as are declared by the said orders to be necessary for giving effect to agreements made between Her Majesty and foreign countries in relation to matters with respect to which there is power to make rules of court for the purposes of this Part of this Ordinance.

Cases in which registered judgments must, or may be set aside.

6. (1) On an application in that behalf duly made by any party against whom a registered judgment may be enforced, the registration of the judgment—

(a) shall be set aside if the registering court is satisfied—

(i) that the judgment is not a judgment to which this Part of this Ordinance applies or was registered in contravention of the foregoing provisions of this Ordinance ; or

(ii) that the courts of the country of the original court had no jurisdiction in the circumstances of the case ; or

(iii) that the judgment debtor, being the defendant in the proceedings in the original court, did not (notwithstanding that process may have been duly served on him in accordance with the law of the country of the original court) receive notice of those proceedings in sufficient time to enable him to defend the proceedings and did not appear ; or

(iv) that the judgment was obtained by fraud ; or

(v) that the enforcement of the judgment would be contrary to public policy in Nigeria ; or

(vi) that the rights under the judgment are not vested in the person by whom the application for registration was made ;

(b) may be set aside if the registering court is satisfied that the matter in dispute in the proceedings in the original court had previously to the date of the judgment in the original court been the subject of a final and conclusive judgment by a court having jurisdiction in the matter.

(2) For the purposes of this section the courts of the country of the original court shall, subject to the provisions of subsection (3), be deemed to have had jurisdiction—

(a) in the case of a judgment given in an action *in personam*—

(i) if the judgment debtor, being a defendant in the original court, submitted to the jurisdiction of that court by voluntarily appearing in the proceedings otherwise than for the purpose of protecting, or obtaining the release of, property seized, or threatened with seizure, in the proceedings or of contesting the jurisdiction of that court ; or

(ii) if the judgment debtor was plaintiff in, or counter-claimed in, the proceedings in the original court ; or

(iii) if the judgment debtor, being a defendant in the original court, had before the commencement of the proceedings agreed, in respect of the subject matter of the proceedings, to submit to the jurisdiction of that court or of the courts of the country of that court ; or

(iv) if the judgment debtor, being a defendant in the original court, was at the time when the proceedings were instituted resident in, or being a body corporate had its principal place of business in, the country of that court ; or

(v) if the judgment debtor, being a defendant in the original court, had an office or place of business in the country of that court and the proceedings in that court were in respect of a transaction effected through or at that office or place ;

(b) in the case of a judgment given in an action of which the subject matter was immovable property or in an action *in rem* of which the subject matter was movable property, if the property in question was at the time of the proceedings in the original court situate in the country of that court ;

(c) in the case of a judgment given in an action other than any such action as is mentioned in paragraph (a) or paragraph (b), if the jurisdiction of the original court is recognized by the law of the registering court.

(3) Notwithstanding anything in subsection (2), the courts of the country of the original court shall not be deemed to have had jurisdiction—

(a) if the subject matter of the proceedings was immovable property outside the country of the original court ; or

(b) except in the cases mentioned in sub-paragraphs (i), (ii) and (iii) of paragraph (a) and in paragraph (c) of subsection (2), if the bringing of the proceedings in the original court was contrary to an agreement under which the dispute in question was to be settled otherwise than by proceedings in the courts of the country of that court ; or

Powers of
registering
court on
application
to set aside
registration.

(c) if the judgment debtor, being a defendant in the original proceedings, was a person who under the rules of public international law was entitled to immunity from the jurisdiction of the courts of the country of the original court and did not submit to the jurisdiction of that court.

7. (1) If, on an application to set aside the registration of a judgment, the applicant satisfies the registering court either that an appeal is pending, or that he is entitled and intends to appeal, against the judgment, the court, if it thinks fit, may, on such terms as it may think just, either set aside the registration or adjourn the application to set aside the registration until after the expiration of such period as appears to the court to be reasonably sufficient to enable the applicant to take the necessary steps to have the appeal disposed of by the competent tribunal.

(2) Where the registration of a judgment is set aside under subsection (1), or solely for the reason that the judgment was not at the date of the application for registration enforceable by execution in the country of the original court, the setting aside of the registration shall not prejudice a further application to register the judgment when the appeal has been disposed of or if and when the judgment becomes enforceable by execution in that country as the case may be.

(3) Where the registration of a judgment is set aside solely for the reason that the judgment, notwithstanding that it had at the date of the application for registration been partly satisfied, was registered for the whole sum payable thereunder, the registering court shall, on the application of the judgment creditor, order judgment to be registered for the balance remaining payable at that date.

Foreign
judgments
which can be
registered
not to be
enforceable
otherwise.

8. No proceedings for the recovery of a sum payable under a foreign judgment, being a judgment to which this part of this Ordinance applies, other than proceedings by way of registration of the judgment, shall be entertained by any court in Nigeria.

Application
of Part I of
Ordinance to
Her
Majesty's
dominions
outside
Nigeria.

9. (1) This Part of this Ordinance shall apply to Her Majesty's dominions outside Nigeria and to judgments obtained in the courts of the said dominions as it applies to foreign countries and to judgments obtained in the courts of foreign countries, and the Reciprocal Enforcement of Judgments Ordinance shall cease to have effect except in relation to those parts of the said dominions to which it extends at the date of the commencement of this Ordinance.

(2) If an order is made under section 3 of this Ordinance extending Part I of this Ordinance to any part of Her Majesty's dominions to which the Reciprocal Enforcement of Judgments Ordinance extends as aforesaid, the said Ordinance shall cease to have effect in relation to that part of Her Majesty's dominions, except as regards judgments obtained before the coming into operation of the order and registered in accordance therewith.

(3) In this section the expression "Her Majesty's dominions outside Nigeria" shall be deemed to include any British protectorate or protected State and any territory in respect of which a mandate or trusteeship under the League of Nations or United Nations has been accepted by Her Majesty.

Provisions
respecting
certain
existing
judgments.
Cap. 192.

10. Notwithstanding any other provision of this Ordinance —

(a) a judgment given before the commencement of an order under section 3 of this Ordinance applying Part I of this Ordinance to the foreign country where the judgment was given may be registered within twelve months from the date of the judgment or such longer period as may be allowed by a superior court in Nigeria, and

(b) any judgment registered under the Reciprocal Enforcement of Judgments Ordinance at the time of coming into operation of an order made under section 3 of this Ordinance in respect of the foreign country where the judgment was given shall be treated as if registered under this Ordinance and compliance with the rules applicable to the former Ordinance shall satisfy the requirements of rules made under this Ordinance.

Cap. 192.

PART II.—MISCELLANEOUS

11. (1) Subject to the provisions of this section, a judgment to which Part I of this Ordinance applies or would have applied if a sum of money had been payable thereunder, whether it can be registered or not, and whether, if it can be registered, it is registered or not, shall be recognized in any court in Nigeria as conclusive between the parties thereto in all proceedings founded on the same cause of action and may be relied on by way of defence or counter-claim in any such proceedings.

General effect of certain foreign judgments.

(2) This section shall not apply in the case of any judgment—

(a) where the judgment has been registered and the registration thereof has been set aside on some ground other than—

(i) that a sum of money was not payable under the judgment; or

(ii) that the judgment had been wholly or partly satisfied; or

(iii) that at the date of the application the judgment could not be enforced by execution in the country of the original court; or

(b) where the judgment has not been registered and it is shown (whether it could have been registered or not) that if it had been registered the registration thereof would have been set aside on an application for that purpose on some ground other than one of the grounds specified in paragraph (a).

(3) Nothing in this section shall be taken to prevent any court in Nigeria recognizing any judgment as conclusive of any matter of law or fact decided therein if that judgment would have been so recognized before the passing of this Ordinance.

12. (1) If it appears to the Governor-General that the treatment in respect of recognition and enforcement accorded by the courts of any foreign country to judgments given in the superior courts of Nigeria is substantially less favourable than that accorded by the courts of Nigeria to judgments of the superior courts of that country, the Governor-General may by order apply this section to that country.

Power to make foreign judgments unenforceable in Nigeria if no reciprocity.

(2) Except in so far as the Governor-General may by order under this section otherwise direct, no proceedings shall be entertained in any court in Nigeria for the recovery of any sum alleged to be payable under a judgment given in a court of a country to which this section applies.

(3) The Governor-General may by a subsequent order vary or revoke any order previously made under this section.

13. Where a judgment under which a sum of money is payable, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty, has been entered in a superior court in Nigeria against any person and the judgment creditor is desirous of enforcing the judgment in a country or territory to which Part I of this Ordinance applies, the court shall, on an application made by the judgment creditor and

Issue of certificates of judgments obtained in Nigeria.

on payment of such fee as may be fixed for the purposes of this section by rules of court of the High Court in question, issue to the judgment creditor a certified copy of the judgment, together with a certificate containing such particulars with respect to the action, including the causes of action, and the rate of interest, if any, payable on the sum payable under the judgment, as may be prescribed: Provided that, where execution of a judgment is stayed for any period pending an appeal or for any other reason, an application shall not be made under this section with respect to the judgment until the expiration of that period.

Repeal
Cap. 73.

14. The Foreign Judgments (Reciprocal Enforcement) Ordinance is repealed.

Objects and Reasons

The Foreign Judgments (Reciprocal Enforcement) Ordinance (which is Chapter 73 of the present Revised Edition of the Laws) was intended to provide for the reciprocal registration and enforcement of the judgments of foreign countries and those of Nigeria. It was enacted in 1935, but never brought into force as variations in its provisions were sought by other countries. Agreement has now been reached on the form of such variations (which follow similar variations incorporated in section 51 of the Administration of Justice Act, 1956, of the United Kingdom). As the Ordinance had not been brought into force however the Commissioner for Law Revision had not provided for its inclusion in the new revised edition. This Bill therefore re-enacts the Ordinance and incorporates (in the definition of judgment in *clause 2*, and in *clause 10*) the variations which have been necessary to achieve reciprocal agreement.
(Bills 652.)

A BILL FOR

AN ORDINANCE TO MAKE NEW PROVISION FOR THE JURISDICTION, POWERS, PRACTICE AND PROCEDURE OF THE COURTS OF THE NORTHERN REGION IN RESPECT OF FEDERAL OFFENCES, TO CONTINUE CERTAIN INTER-REGIONAL ARRANGEMENTS PROVIDED FOR IN THE CRIMINAL PROCEDURE ORDINANCE, AND FOR PURPOSES ANCILLARY TO THE MATTERS AFORESAID.

Title.

[By Notice see section 1]

Commence-
ment.

WHEREAS the Legislature of the Northern Region has repealed or proposes to repeal the provisions of the Criminal Procedure Ordinance to the extent that they take effect as the Law of that Region, and to replace the same with a new Code of Criminal Procedure :

Preamble.

AND WHEREAS in respect of Federal offences it is expedient to assimilate the practice and procedure of the courts of the Northern Region with the practice and procedure of those courts in respect of Regional offences :

AND WHEREAS it is expedient to make new provision in relation to the jurisdiction and powers of the courts of the Northern Region in respect of Federal offences, and to provide for the continuance of certain provisions for the compulsory removal of persons into and out of the Region and the reciprocal service of process and other matters :

Enactment.

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

Short title,
commence-
ment and
application.

1. (1) This Ordinance may be cited as the Criminal Procedure (Northern Region) Ordinance, 1960, and shall come into operation on a date to be appointed by the Governor-General by notification in the Gazette.

(2) This Ordinance shall be of Federal application.

Interpreta-
tion.

2. In this Ordinance—

“Federal offence” means an offence contrary to the provisions of a Federal Ordinance, and a reference to a Federal offence committed in the Northern Region shall include an offence committed in such circumstances that the provisions of the Schedule to the Penal Code (Northern Region) Federal Provisions Ordinance, 1960, apply by reason of section 4 of that Ordinance ;

“Federal Ordinance” means an Ordinance enacted by the Federal Legislature or taking effect as if it had been so enacted.

Provision for
courts in
respect of
Federal
offences.

3. (1) Subject to the provisions of this Ordinance and of the Penal Code (Northern Region) Federal Provisions Ordinance, 1960, the courts of the Northern Region shall in respect of Federal offences committed in the Northern Region have the like jurisdiction and powers, and shall follow the like practice and procedure, as they respectively have and follow in respect of offences other than Federal offences.

(2) Section 36A of the Interpretation Ordinance is repealed in its application to the Northern Region.

Jurisdiction
of specified
courts.

4. (1) An offence contrary to the provisions of the Penal Code (Northern Region) Federal Provisions Ordinance, 1960, may be tried by the court specified in the sixth column of the Appendix hereto or the native court specified in the seventh column of the Appendix hereto in respect of that offence or by any court or native court as the case may be with greater powers.

Appendix.

(2) An abetment, attempt or conspiracy to commit a Federal offence may be tried by a court having jurisdiction to try such Federal offence or by any court with greater powers.

(3) An offence which is contrary to the provisions of a Federal Ordinance other than the Penal Code (Northern Region) Federal Provisions Ordinance, 1960, may be tried by any court specified as having jurisdiction in the Ordinance creating the offence or by any court with greater powers, and where no court is specified as having jurisdiction the offence may be tried by the High Court or any court constituted under the Criminal Procedure Code Law, 1960, of the Northern Region, subject to the same limitations that are prescribed by the proviso to subsection (2) of section 13 of that Law and by sections 15 to 25 of that Law.

5. (1) The powers of arrest provided for in Part III of the Schedule to the Criminal Procedure Code Law, 1960, of the Northern Region, shall be applicable in respect of Federal offences as they apply in respect of offences other than Federal offences, and references in section 26 of the Schedule to that Law to the third column of Appendix A to the Law shall be construed as references to the third column of the Appendix hereto.

Powers of arrest in respect of Federal offences, and method of process.

Appendix.

(2) Process to compel the attendance of the accused person shall ordinarily be a summons or a warrant according as in the opinion of the court a summons or a warrant should according to the fourth column of the Appendix hereto issue in the first instance.

Appendix.

6. In its application to the jurisdiction, powers, practice and procedure of the courts of the Northern Region in relation to Federal offences the Criminal Procedure Code Law, 1960, of the Northern Region shall be read and construed as though references to the Director of Public Prosecutions of the Northern Region were references to the Attorney-General of the Federation, but shall include the Director of Public Prosecutions of the Northern Region to the extent that powers vested in the Attorney-General of the Federation have been delegated to such Director.

Modifications to N.R. Criminal Procedure Code law.

7. Notwithstanding the repeal of the Criminal Procedure Ordinance by the Criminal Procedure Law, 1960, of the Northern Region in respect of matters not preserved by this section—

Preservation of certain matters in Criminal Procedure Ordinance.

(a) sections 402 to 412 of that Ordinance (relating to deportation) shall continue to apply in respect of deportation into the Northern Region from a place outside the Northern Region and from the Northern Region to a place outside the Northern Region, and

(b) section 477 to 486 of that Ordinance (relating to service and execution of process throughout Nigeria) shall continue to apply in and in relation to the Northern Region.

Appendix

TABULAR STATEMENT OF OFFENCES

Sections 4 and 5

Explanatory Notes.—1. The entries in the second and fifth columns of this Appendix, headed respectively "Offence" and "Punishment under the Penal Code", are not intended as definitions of the offences and punishment described in the several corresponding sections of the Penal Code or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

2. By virtue of section 4 of the Criminal Procedure (Northern Region) Ordinance, 1960, any offence may be tried by any court or native court mentioned in column 6 or 7 as the case may be.

1	2	3	4	5	6	7
Section	Offence	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Punishment under the Penal Code	Court with least powers by which triable (But see Explanatory Note (2) at head of Appendix)	Native Court with least powers by which triable (But see Explanatory Note (2) at head of Appendix)
CHAPTER XXVI—OFFENCES AGAINST THE STATE						
411	Treason	Shall not arrest without warrant	Warrant	Death	High Court	No jurisdiction
	Attempting or abetting the same	ditto	ditto	Imprisonment for life or fine or both	ditto	ditto
412	Treasonable crimes	ditto	ditto	Imprisonment for life and fine	ditto	ditto
413	Incitement to mutiny	ditto	ditto	ditto	ditto	ditto
414	Causing disaffection in forces, police or amongst prison officers	ditto	ditto	Imprisonment for three years or fine of £300 or both	ditto	ditto
415	Assisting or allowing escape of prisoners of war—					
	(a) if offender intentionally aids escape	ditto	ditto	Imprisonment for life and fine	ditto	ditto
	(b) if offender negligently or unlawfully permits escape	ditto	ditto	Imprisonment for two years or fine or both	ditto	ditto
CHAPTER XXVII—SEDITION						
416	Inciting disaffection to the Government	Shall not arrest without warrant	Warrant	Imprisonment for seven years or fine or both	High Court	No jurisdiction
417	Exciting hatred between classes	ditto	ditto	Imprisonment for three years or fine or both	Magistrate of the First Grade	ditto
418	Publication of false news with intent to cause offence against the public peace	Shall not arrest without warrant	Warrant	Imprisonment for three years or fine or both	Magistrate of the First Grade	No jurisdiction
419	Possession of seditious article	ditto	ditto	Imprisonment for two years or fine or both	ditto	ditto

1	2	3	4	5	6	7
Section	Offence	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Punishment under the Penal Code	Court with least powers by which triable (But see Explanatory Note (2) at head of Appendix)	Native Court with least powers by which triable (But see Explanatory Note (2) at head of Appendix)
421	Importation of prohibited publications	Shall not arrest without warrant	Warrant	Imprisonment for three years or fine or both	Magistrate of the First Grade	No jurisdiction
422	Unlawful drilling	ditto	ditto	Imprisonment for seven years or fine or both	ditto	ditto
CHAPTER XXVIII.—CUSTOMS OFFENCES						
423	Smuggling or rescuing goods under arms	May arrest without warrant	Summons	Imprisonment for seven years or fine or both	Magistrate of the First Grade	No jurisdiction
424	Smuggling under arms or in disguise	ditto	ditto	ditto	ditto	ditto
425	Assembling for the purpose of smuggling	ditto	ditto	Imprisonment for six months or fine of £100	ditto	ditto
CHAPTER XXIX.—OFFENCES RELATING TO COPYRIGHT						
426	Making or dealing in copies of copyright work	Shall not arrest without warrant	Warrant	Imprisonment for two months or fine of £50 or both	Magistrate of the First Grade	No jurisdiction
427	Being in possession of plate for making copies : giving unauthorized performances of copyright work	Shall not arrest without warrant	Warrant	Imprisonment for two months or fine of £50 or both	Magistrate of First Grade	No jurisdiction
CHAPTER XXX.—OFFENCES RELATING TO SHIPS AND WHARVES						
429	Offences relating to ships	Shall not arrest without warrant	Warrant	Fine of £5	Magistrate of Third Grade	D
	If offender after committing such offence refuses to give name and address	ditto	ditto	Fine of £20	ditto	ditto
430	Entering ship or wharf without ticket	ditto	ditto	Imprisonment for one month or fine or both	ditto	ditto

1 Section	2 Offence	3 Whether the police may arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Punishment under the Penal Code	6 Court with least powers by which triable (But see Explanatory Note (2) at head of Appendix)	7 Native Court with least powers by which triable (But see Explanatory Note (2) at head of Appendix)
431	Interfering with navigation works	Shall not arrest without warrant	Warrant	Imprisonment for seven years or fine or both	Magistrate of First Grade	C
CHAPTER XXXI—OFFENCES RELATING TO COIN AND NOTES						
433	Counterfeiting coin or notes	Shall not arrest without warrant	Warrant	Imprisonment for life and fine	Chief Magistrate	A limited
434	Making or selling instrument for counterfeiting coin or notes	ditto	ditto	ditto	ditto	ditto
435	Possession of instrument or material for counterfeiting	ditto	ditto	Imprisonment for fourteen years or fine or both	ditto	ditto
436	Import or export of counterfeit coin or notes	Shall not arrest without warrant	Warrant	Imprisonment for fourteen years and fine	Chief Magistrate	A limited
437	Fraudulently diminishing weight or altering composition of coin	ditto	ditto	Imprisonment for ten years and fine	ditto	ditto
438	Delivery of coin or note possessed with knowledge that it is counterfeit	ditto	ditto	Imprisonment for seven years and fine	ditto	ditto
439	Possession of coin or note by person who knew it to be counterfeit when he became possessed thereof	ditto	ditto	ditto	ditto	ditto
CHAPTER XXXII—OFFENCES RELATING TO REVENUE STAMPS						
441	Counterfeiting revenue stamp	Shall not arrest without warrant	Warrant	Imprisonment for seven years and fine	Chief Magistrate	A limited, but no native court to have jurisdiction in offences involving Government Revenue Stamp
442	Having possession of instrument or material for counterfeiting revenue stamp	ditto	ditto	Imprisonment for fourteen years and fine	ditto	ditto

1 Section	2 Offence	3 Whether the police may arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Punishment under the Penal Code	6 Court with least powers by which triable (But see Explanatory Note (2) at head of Appendix)	7 Native Court with least powers by which triable (But see Explanatory Note (2) at head of Appendix)
443	Making or selling instrument for counterfeiting revenue stamp	Shall not arrest without warrant	Warrant	Imprisonment for four teen years and fine	Chief Magistrate	A limited, but no native court to have jurisdiction in offences involving Government Revenue Stamps ditto
444	Import, export, use or sale of counterfeit revenue stamps	ditto	ditto	Imprisonment for seven years and fine	ditto	ditto
445	Having possession of counterfeit revenue stamp	ditto	ditto	ditto	ditto	ditto
446	Effacing writing from substance bearing revenue stamp, or removing from document a stamp used for it, with intent to cause loss	ditto	ditto	Imprisonment for three years or fine or both	Magistrate of First Grade	C, but no native court to have jurisdiction in offences involving Government Revenue Stamps ditto
447	Using revenue stamp known to have been used before	ditto	ditto	Imprisonment for two years or fine or both	ditto	ditto
448	Erasure of mark denoting that revenue stamp has been used	ditto	ditto	Imprisonment for three years or fine or both	ditto	ditto

CHAPTER XXXIII—OFFENCES RELATING TO WEIGHTS AND MEASURES

449	Fraudulent use of false instrument for weighing	Shall not arrest without warrant	Warrant	Imprisonment for one year or fine or both	Magistrate of the Second Grade	D
450	Fraudulent use of false weight or measure	ditto	ditto	ditto	ditto	ditto
451	Being in possession of false weight or measure	Shall not arrest without warrant	Warrant	Imprisonment for one year or fine or both	Magistrate of the Second Grade	D
452	Making or selling false weight or measure	ditto	ditto	ditto	ditto	ditto

1	2	3	4	5	6	7
Section	Offence	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Punishment under the Penal Code	Court with least powers by which triable (But see Explanatory Note (2) at head of Appendix)	Native Court with least powers by which triable (But see Explanatory Note (2) at head of Appendix)
CHAPTER XXXIV—OFFENCES RELATING TO POSTS AND TELEGRAPHS						
454	Paper and dies for postage stamps	Shall not arrest without warrant	Warrant	Imprisonment for one year or fine of £50 or both	Magistrate of the Third Grade	No jurisdiction
455	Paper for postal purposes	ditto	ditto	Imprisonment for two years or fine or both	ditto	ditto
456	Stopping mails	ditto	ditto	Imprisonment for life or fine or both	Chief Magistrate	ditto
457	Intercepting telegrams or postal matter	ditto	ditto	Imprisonment for seven years or fine or both	Magistrate of First Grade	ditto
	If postal matter contains money, etc.	ditto	ditto	Imprisonment for life or fine	Chief Magistrate	ditto
458	Misdelivery of postal matter	ditto	ditto	Imprisonment for three years or fine or both	Magistrate of Third Grade	ditto
459	Retarding delivery of postal matter	ditto	ditto	Imprisonment for one year or fine or both	ditto	ditto
460	Fraudulently removing stamps	ditto	ditto	ditto	ditto	ditto
461	Fraudulent evasion of postal law	ditto	ditto	Fine of £50	ditto	ditto
462	Unlawful franking of letters	ditto	ditto	Imprisonment for one year or fine or both	ditto	ditto
463	Sending dangerous or obscene things by post	ditto	ditto	ditto	ditto	ditto
464	Illegally setting up of post office	ditto	ditto	Fine of £5	ditto	ditto
465	Damaging post office, etc.	ditto	ditto	Fine of £50	ditto	ditto
466	Placing injurious substances in or against letter box	ditto	ditto	Fine of £20	ditto	ditto

1	2	3	4	5	6	7
Section	Offence	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Punishment under the Penal Code	Court with least powers by which triable (But see Explanatory Note (2) at head of Appendix)	Native Court with least powers by which triable (But see Explanatory Note (2) at head of Appendix)
467	Interference with telegraphs	Shall not arrest without warrant	Warrant	Imprisonment for three years or fine or both	Magistrate of Third Grade	No jurisdiction
468	Negligently injuring telegraphs	ditto	ditto	Fine of £2	ditto	ditto
CHAPTER XXXV—OFFENCES RELATING TO RAILWAYS AND AIRCRAFT						
469	Intentionally endangering safety of persons travelling by railway	May arrest without warrant	Summons	Imprisonment for life and fine	Magistrate of First Grade	No jurisdiction
470	Obstructing and injuring railways	ditto	ditto	ditto	ditto	ditto
471	Damage to railways works	May arrest without warrant	Summons	Imprisonment for three months or fine of £20 or both	Magistrate of Third Grade	No jurisdiction
472	Obstructing aircraft	ditto	ditto	Imprisonment for two years or fine or both	ditto	ditto
473	Trespass on aerodrome	ditto	ditto	Imprisonment for three months or fine or both	ditto	ditto
CHAPTER XXXVI—OFFENCES RELATING TO MINES AND MINERALS						
474	Fraudulently dealing with minerals in mines	Shall not arrest without warrant	Warrant	Imprisonment for three years or fine or both	Magistrate of First Grade	No jurisdiction
475	Attempts to injure mines	ditto	ditto	Imprisonment for seven years or fine or both	ditto	ditto
CHAPTER XXXVII—DEPORTATION AND PASSPORTS						
477	False statements in application for passports	Shall not arrest without warrant	Warrant	Imprisonment for one year or fine or both	Magistrate of Third Grade	No jurisdiction

Objects and Reasons

As a part of the recommendations made in the Northern Region in 1958 for revision of penal provisions in that Region, the Penal Code Law, 1959 of the Northern Region has been enacted and it is proposed to introduce a Bill entitled the Criminal Procedure Code Law, 1960. The effect of these two provisions is to replace the present Criminal Code and the present Criminal Procedure Ordinance in the Northern Region. There are, however, many provisions in the present Ordinances which are matters with which the Legislature of the Federation alone can deal.

2. The purpose of this Bill is to make new provision for the practice and procedure of the courts of the Northern Region in respect of Federal offences and to assimilate that practice and procedure of the courts in respect of Regional offences.

3. *Clause 3* of the Bill applies Regional practice and procedure. *Clause 4* makes reference to the Appendix to the Bill which, in analogy with the appendix to the Criminal Procedure Code Law of the Northern Region, specifies the courts (including native courts where appropriate) which may deal with the various Federal offences, and *clause 5* contains similar provision in respect of powers of arrest. *Clause 6* vests in the Attorney-General of the Federation the usual powers of the Director of Public Prosecutions of the Northern Region, although it will be usual to delegate such powers to the Director. *Clause 7* preserves the provisions of the Criminal Procedure Ordinance in respect of deportation and in respect of reciprocal service and execution of process throughout Nigeria.

(Bills 598 (1))

A BILL FOR

**AN ORDINANCE TO MAKE SUPPLEMENTARY PROVISION FOR THE SERVICE OF THE
FEDERATION OF NIGERIA FOR THE YEAR ENDED ON THE THIRTY-FIRST
DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND FIFTY-EIGHT.**

WHEREAS by the Appropriation (1957-58) Ordinance, 1957 (hereinafter referred to as the Appropriation Ordinance) a sum not exceeding Thirty-Two Million and Eighty-One Thousand, Four Hundred and Ten Pounds was provided for the service of the Federation of Nigeria for the year which ended on the 31st day of March, 1958, to be applied and expended in the manner therein described for the services set forth in the Schedule to that Ordinance :

Preamble
No. 6 of 1957.

No. 33 of
1957.

AND WHEREAS by the Supplementary Appropriation (1957-58) Ordinance, 1957 (hereinafter referred to as the Supplementary Appropriation Ordinance) a further sum of One Million, Three Hundred and Eighty-Eight Thousand, Nine Hundred and Eighty Pounds was provided in addition to the sum provided by the Appropriation Ordinance for the services set forth in the Schedule to the Supplementary Appropriation Ordinance :

AND WHEREAS certain sums have been applied and expended in the said year for the services set forth in the Schedule hereto beyond the sums provided for those services in the Appropriation and the Supplementary Appropriation Ordinances :

Enactment.

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

Short title.

1. This Ordinance may be cited as the Supplementary Appropriation (1957-58) (No. 2) Ordinance, 1960.

Additional
expenditure
for 1957-58
legalised.
Schedule.

2. The sums set forth in the Schedule hereto are hereby declared to have been duly and necessarily applied and expended for the services therein set forth and are hereby approved, allowed and granted in addition to the sums provided for such services by the Appropriation (1957-58) Ordinance, 1957, and the Supplementary Appropriation (1957-58) Ordinance, 1957.

SCHEDULE

HEADS

	£
21 The Governor-General	3,416
22 Chief Secretaries' Office	4,616
29 Ministry of Communications and Aviation ..	1,637
31 Aviation	7,700
36 Statistics	6,616
41 Co-operatives	4,553
44 Land	56,446
51 Education	13,169
53 Chemistry	498
72 Council of Ministers	14,298
79 Nigerianisation Office	2,251
80 Miscellaneous	476,520
81 Pensions and Gratuities	3,258
84 Contributions to the Development Fund ..	722,302
86 The Prime Minister	15,782
88 Ministry of Health	13,297

1,346,359

Objects and Reasons

This Bill makes provision for the services of the Federation of Nigeria for the year 1957-58 in respect of certain Heads of expenditure which exceeded the amounts authorised by the Appropriation (1957-58) Ordinance, 1957 and the Supplementary Appropriation (1957-58) Ordinance, 1957.

The Bill is of a customary nature ; the following notes however aim to give greater detail in respect of the contents of the Schedule.

Although it is necessary to provide a further appropriation of £1,346,359 to cover the amounts shown under the various Heads set out in the Schedule to this Bill, there were savings under the other Heads of Expenditure amounting to £2,532,571. Thus the out-turn of expenditure under all Heads as compared with the Schedules to the Appropriation and Supplementary Appropriation Ordinance shows a saving of £1,186,212. If, however, the excess under Head 83—Contributions to the Development Fund be discounted, the difference is £1,903,402. From this amount should be deducted excesses totalling £222,601 in respect of items which are not subject to annual appropriation by the Legislature leaving a net saving of £1,685,913 for the 1957-58 financial year.

The following are details of the major items of expenditure which contributed to the excess, for which legal authority is required, over the amounts provided under the various Heads by the Appropriation Ordinance and the Supplementary Appropriation Ordinance. It will be seen that in nearly all cases the total of the additional amounts detailed for each Head exceed the total additional sum appropriated for the same Head in the Schedule to the Bill. This is because the additional sums appropriated under each Head represent the net overall increase in expenditure and the extra expenditure detailed below was in most cases partially offset by savings under other subheads of the same Head,

HEAD 21—THE GOVERNOR-GENERAL

2. Local Transport and Travelling	£1,191
9. Replacement of Motor Vehicle	2,571
	<u>£3,762</u>

HEAD 22—CHIEF SECRETARY'S OFFICE

1. Personal Emoluments	2,382
7. Courses of Instruction, General : visits to works, detention allowance, etc.	2,436
	<u>£4,818</u>

HEAD 29—MINISTRY OF COMMUNICATIONS AND AVIATION

2. Local Transport and Travelling	698
6. Motor Vehicles : maintenance and running costs	859
11. Posts and Telegraphs Advisory Council Honoraria	3,250
	<u>£4,807</u>

HEAD 31—AVIATION

12. Utility Service	7,025
17. Departmental Aircraft : maintenance and running costs	4,838
	<u>£11,863</u>

HEAD 36—STATISTICS

2. Local Transport and Travelling	3,030
13. Office Equipment	6,370
	<u>£9,400</u>

HEAD 41—CO-OPERATIVES

5B. Cost of Supervision of Co-operative Activities in Lagos reimbursable to Western Region	<u>£5,640</u>
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HEAD 44—LAND

10. Purchase and Lease of Land	<u>£130,075</u>
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HEAD 51—EDUCATION

44. Grants-in-Aid : Primary Education	46,965
45. Grants-in-Aid : Post Primary and Secondary Education	27,264
	<u>£74,229</u>

HEAD 53—CHEMISTRY

1. Personal Emoluments	369
2. Local Transport and Travelling	476
5. Upkeep of Laboratories	652
	<u>£1,497</u>

HEAD 72—COUNCIL OF MINISTERS

13. Minister's Quarters : furnishing and fitments	<u>£30,000</u>
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HEAD 79—NIGERIANISATION OFFICE

1. Personal Emoluments	<u>£2,232</u>
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HEAD 80—MISCELLANEOUS

25. Internal Postal, Telegraph and Telephone Services : payment for	145,389
35. Loss of Government Funds	61,146
39. Passages	192,004
40. Refunds—General	133,575
	<u>£532,114</u>

HEAD 81—PENSIONS AND GRATUITIES

3. Other Pensions, Annual Allowances, Gratuities
and Ex-gratia Awards £10,571

HEAD 84—CONTRIBUTIONS TO THE DEVELOPMENT FUND

3. Export Taxes, Federal Government Share in excess
of £4,000,000 £1,040,706

The transfers from revenue to the Development Fund are chargeable to this Head and are based on actual receipts under certain Revenue Heads. The excess expenditure is due to the collection of more revenue than was estimated.

HEAD 86—THE PRIME MINISTER

£15,782

A new Head created during the course of the financial year 1957-58 consequent upon Constitutional reorganisation.

HEAD 88—MINISTRY OF HEALTH

£13,297

This Ministry was created during the course of the financial year 1957-58.

F. S. OKOTIE-BOH,
Federal Minister of Finance