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THE CONSTITUTION ORDERS
STATUTORY INSTRUMENTS

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1954 No. 1146

NIGERIA

The Nigeria (Constitution) Order in Council, 1954 (a)

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At the Court at Balmoral, the 30th day of August, 1954

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

CHAPTER I

INTRODUCTORY

Citation,
commence-
ment,
revocation
and reser-
vation of
power.

1.—(1) This Order may be cited as the Nigeria (Constitution) Order in Council, 1954.

(2) (a) This Order shall come into operation on the first day of October, 1954 :

Provided that—

(i) where by or under this Order any power is conferred upon the Governor-General to make any appointment, to make any Proclamation, Order or regulation or to do any other thing for the purposes of this Order, that power may, unless the contrary intention appears, be exercised, notwithstanding that this Order has not come into operation, at any time after the third day of September, 1954, by the Governor of Nigeria to such extent as may, in his opinion, be necessary or expedient for the purpose of enabling the constitutions established by this Order to function as from the first day of October, 1954 ;

(ii) where by or under this Order any power is conferred upon the Governor of the Northern Region, the Western Region or the Eastern Region to make any appointment, to make any Proclamation, Order or regulation or to do any other thing for the purposes of this Order, that power may, unless the contrary intention appears, be exercised, notwithstanding that this Order has not come into operation, at any time after the third day of September, 1954, by the Lieutenant-Governor of the former Northern Region, the former Western Region or the former Eastern Region, as the case may be, to such extent as may, in his opinion, be necessary or expedient for the purpose of enabling the constitutions established by this Order to function as from the first day of October, 1954.

(b) Any Proclamation, Order or regulation made under any provision of this Order other than section 35 by the Governor of Nigeria or the Lieutenant-Governor of a former Region in pursuance of this subsection shall not come into operation before the first day of October, 1954.

(c) Any appointment, Proclamation, Order or regulation made, or other thing done, by the Governor of Nigeria in pursuance of this subsection, shall have effect as if it had been made or done by the Governor-General, and any appointment, Proclamation, Order or regulation made, or other thing done by the Lieutenant-Governor of the former Northern Region, the former Western Region or the former Eastern Region in pursuance of this subsection, shall have effect as if it had been made or done by the Governor of the Northern Region, the Western Region or the Eastern Region, as the case may be.

(3) The Nigeria (Constitution) Order in Council, 1951(a), the Nigeria (Constitution) (Amendment) Order in Council, 1953(b), the Nigeria (Constitution) (Amendment) (No. 2) Order in Council, 1953(c), and the Nigeria (Revenue Allocation) Order in Council, 1951(d), shall be revoked without prejudice to anything lawfully done thereunder.

(4) Her Majesty hereby reserves power, with the advice of Her Privy Council, to amend or revoke this Order.

(5) Nothing in this Order shall affect the power of Her Majesty in Council to make laws for the peace, order and good government of Nigeria or any part thereof.

(b) 2.—(1) In this Order, unless it is otherwise expressly provided or required by the context—

Interpretation.

“the Cameroons” means the Cameroons under United Kingdom Trusteeship, which consist of that part of the territories known as the Cameroons to which the Trusteeship Agreement approved by the General Assembly of the United Nations on the thirteenth day of December, 1946, relates, namely that part thereof that lies to the west of the boundary defined by the Franco-British Declaration of the tenth day of July, 1919, and more exactly defined in the declaration made by the Governor of the Colony and Protectorate of Nigeria and the Governor of the French Cameroons that was confirmed by an exchange of notes between His Majesty's Government in the United Kingdom and the French Government dated the ninth day of January, 1931 ;

“the Colony” means the Colony of Nigeria as defined in the Colony of Nigeria Boundaries Order in Council, 1913(e) ;

“Concurrent Legislative List” means the list of matters included in Part II of the First Schedule to this Order ;

“Division” means an area declared to be a Division by Proclamation made under subsection (1) of section 4 of this Order ;

“the Eastern Region” means the Eastern Region of Nigeria established by section 3 of this Order ;

“Exclusive Legislative List” means the list of matters included in Part I of the First Schedule to this Order ;

“Federal Legislative House” means the Senate or the House of Representatives ;

“the Federal Legislature” means the Legislature of the Federation ;

“the Federation” means the Federation of Nigeria established by section 3 of this Order ;

“the former Eastern Region” means the Eastern Region established by the Nigeria (Constitution) Order in Council, 1951 ;

“the former Northern Region” means the Northern Region established by the Nigeria (Constitution) Order in Council, 1951 ;

“the former public service of Nigeria” means the service of the Crown in respect of the government of Nigeria or any part thereof at any time before the commencement of this Order ;

“former Region” means the former Northern Region, the former Western Region or the former Eastern Region ;

“the former Western Region” means the Western Region established by the Nigeria (Constitution) Order in Council, 1951 ;

(a) S.I. 1951/1172 (1951 II, p. 14). (b) S.I. 1953/740 (1953 II, p. 1508).

(c) S.I. 1953/1566 (1953 II, p. 1511). (d) S.I. 1951/2127 (1951 II, p. 81).

(e) Rev. XVI, p. 885 ; S.R.O. 1913, p. 2393.

(b) S.2 (1) as am. S.I. 1959/368, 1772, 1981.

"the Governor" means, in relation to any Region or any office or authority established for any Region, or any person who holds or is acting in any such office or who is a member of any such authority, the Governor of that Region;

"the Governor-General" means the Governor-General and Commander-in-Chief of the Federation;

"the Governor of Nigeria" means the Governor and Commander-in-Chief of Nigeria;

"Lagos" means the Federal Territory of Lagos established by section 3 of this Order;

"Legislative House" means a Federal Legislative House, a Regional Legislative House or the House of Assembly of the Southern Cameroons

"the Legislature of the Federation" means the Legislature established by subsection (1) and subsection (2) of section 51 of this Order;

"the Legislature of a Region" means the Legislature established for any Region by subsection (3) of section 51 of this Order;

"the Legislature of the Southern Cameroons" means the Legislature established by subsection (4) of section 51 of this Order;

"meeting" means any sitting or sittings of a Legislative House commencing when the House first meets after being summoned at any time and terminating when the House is adjourned *sine die* or at the conclusion of a session;

"Nigeria" means the Colony and the Protectorate together with the Cameroons;

"the Northern Region" means the Northern Region of Nigeria established by section 3 of this Order;

"oath" includes an affirmation;

"oath of allegiance" means an oath or affirmation of allegiance in the form set out in the Schedule to the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954(a);

"produce" means such animal or vegetable products, whether processed or in a natural state (other than tobacco, hides or skins), as the Governor-General may, after consultation with the Governors of the Regions and the Commissioner of the Cameroons, prescribe by Order published in the Gazette;

"the Protectorate" means the Protectorate of Nigeria, which consists of the territories in West Africa, excluding the Colony, that are bounded on the south by the Atlantic Ocean, on the west, north and north-east by the line of the frontier between the British and French territories, and on the east by the Cameroons;

"public office" means any office of emolument in the public service of the Federation or the public service of a Region or the public service of the Southern Cameroons and includes, where the context so admits, an office of emolument in the former public service of Nigeria;

"public officer" means the holder of any public office, including any person appointed to act in any such office;

"the Public Seal" means, in relation to any Instrument made by the Governor-General, the Public Seal of the Federation, and in relation to any Instrument made by the Governor of a Region, the Public Seal of that Region;

"the public service of the Federation" means the service of the Crown in a civil capacity in respect of the government of the Federation ;

"the public service of a Region" means, in relation to any Region, the service of the Crown in a civil capacity in respect of the government of that Region ;

"the public service of the Southern Cameroons" means the service of the Crown in a civil capacity in respect of the government of the Southern Cameroons ;

"Region" means the Northern Region, the Western Region or the Eastern Region ;

"Regional Legislative House" means the Northern House of Chiefs, the Northern House of Assembly, the Western House of Chiefs, the Western House of Assembly, the Eastern House of Chiefs or the Eastern House of Assembly ;

"session" means the sittings of a Legislative House commencing when the House first sits after being established under this Order, or after its prorogation or dissolution at any time, and terminating when the House is prorogued or is dissolved without having been prorogued ;

"sitting" means a period during which a Legislative House is sitting continuously without adjournment and includes any period during which the House is in committee ;

"the Southern Cameroons" means the Southern Cameroons established by section 3 of this Order ; and

"the Western Region" means the Western Region of Nigeria established by section 3 of this Order.

(a) (2) In this Order, unless it is otherwise provided or required by the context—

(a) any reference to Her Majesty's dominions shall be construed as including a reference to all territories under Her Majesty's protection or in which Her Majesty has for the time being jurisdiction ;

(b) references to the territorial waters of Nigeria or the territorial waters of a Region, the Southern Cameroons or Lagos, as the case may be, are references to such parts of the sea adjacent to Nigeria as are declared by the Governor-General, acting in his discretion, to constitute such territorial waters ;

(c) references to Nigeria or to a Region or the Southern Cameroons or Lagos include references to the internal and territorial waters thereof ;

(a)(d) any reference to defence shall, without prejudice to its generality, be construed as including the organization, discipline, control and use of the armed forces of the Crown and the control and use of any establishments, installations and equipment pertaining thereto ;

(e) references to the continental shelf of Nigeria are references to such parts of the continental shelf of Africa as appertain to Nigeria under international law ; and

(f) references to the continental shelf of a Region or the Southern Cameroons or Lagos are references to such parts of the continental shelf of Nigeria as would appertain thereto under international law if each Region, the Southern Cameroons and Lagos were separate states.

(3) For the purposes of this Order, the resignation of a member of any authority established by this Order shall be deemed to have effect—

(a) in the case of a notice that is required to be addressed to any person, from the time at which the notice is received by that person ;

(b) in the case of a notice that is required to be addressed to a Legislative House, from the time that the notice is brought to the attention of that House.

(a)(4) (a) In this Order, unless it is otherwise expressly provided or required by the context—

(i) references to officers in the public service of the Federation or in the public service of a Region or the public service of the Southern Cameroons are references to persons holding offices of emolument in that public service and include references to persons appointed to act in such offices ;

(ii) any reference to an officer by the term designating his office shall be construed as a reference to the officer for the time being lawfully discharging the functions of that office and shall include, in the case of the Governor-General and the High Commissioner for the Southern Cameroons, any officer in the public service of the Federation to the extent to which he is authorised to discharge the functions of the office of Governor-General or the office of High Commissioner, as the case may be, in the case of the Governor of a Region, the Deputy Governor of the Region, to the extent to which he is authorised to discharge the functions of the office of Governor, and in the case of the Commissioner of the Cameroons, the Deputy Commissioner of the Cameroons, to the extent to which he is authorised to discharge the functions of the office of Commissioner ;

(iii) references to the public service of the Federation include references to the service of the Crown in a civil capacity in respect of the government of Lagos ; and

(iv) references to offices in the public service of the Federation include references to the offices of the judges of the Federal Supreme Court, the High Court of Lagos and the High Court of the Southern Cameroons, and references to the offices of members of all other courts of the Federation or Lagos, being offices the emoluments attaching to which are payable out of the Consolidated Revenue Fund or the other public funds of the Federation and references to the offices of members of the Nigeria Police Force ; references to offices in the public service of a Region include references to the offices of the judges of the High Court of the Region and references to the offices of the members of all other courts of the Region, being offices the emoluments attaching to which are paid out of the Consolidated Revenue Fund or other public funds of the Region ; and references to offices in the public service of the Southern Cameroons include references to the offices of members of all courts of the Southern Cameroons, other than the High Court, being offices the emoluments attaching to which are paid out of the Consolidated Revenue Fund or other public funds of the Southern Cameroons.

(b) For the purposes of this Order—

(i) a person shall not be considered to hold an office of emolument under the Crown by reason only that he is in receipt of a pension or other like allowance in respect of services in the office of emolument under the Crown ;

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(ii) the offices referred to in subsection (2) of section 8 of the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954, as amended, shall be offices in the public service of the Federation; the offices referred to in subsection (2) of section 8A of that Order shall be offices in the public service of the Southern Cameroons; and the offices referred to in subsection (2) of section 17 of that Order shall be offices in the public service of a Region;

(iii) the offices of Minister, Temporary Minister, Parliamentary Secretary to a Minister, members of a Federal Legislative House, Minister of the Southern Cameroons, member of the House of Assembly of the Southern Cameroons and member of the House of Chiefs of the Southern Cameroons shall not be considered to be offices in the public service of the Federation or the public service of the Southern Cameroons, as the case may be; and

(iv) the offices of Regional Minister, Parliamentary Secretary to a Regional Minister, Attorney-General of the Western Region, Attorney-General of the Eastern Region, member of a Regional Legislative House and member of the Council of Chiefs of the Northern Region and any offices to which section 180K of this Order applies shall not be considered to be offices in the public service of a Region.

(c) Where by or under this Order a power is conferred upon the Governor-General or the Governor of a Region or the Commissioner of the Cameroons to make any appointment to any public office, a person may be appointed to that office notwithstanding that some other person may be holding that office, when that other person is on leave of absence pending relinquishment of the office; and where two or more persons are holding the same office by reason of an appointment made pursuant to this paragraph, then for the purposes of any function conferred upon the holder of that office the person last appointed shall be deemed to be the sole holder of the office.

(d) Where by this Order power is conferred upon the Governor-General or the Governor of a Region or the Commissioner of the Cameroons to appoint a person to act in any office when the holder of the office is unable to perform the functions of the office, the validity of any appointment made in exercise of that power shall not be called in question in any court on the ground that the holder of the office is not unable to perform the functions of the office.

(4A) Where by this Order the Governor-General or the Governor of a Region or the Commissioner of the Cameroons is required to act in accordance with the advice or recommendation of, or after consultation with, any person or authority the question whether he has in any matter so acted shall not be called in question in any court.

(5) For the avoidance of doubts it is hereby declared that any person whose office or whose seat in any Legislative House, Council or other body established by this Order has become vacant, may, if qualified, again be appointed or elected to that office or as a member of that House, Council or other body, as the case may be, from time to time.

(6) This Order shall be construed—

(a) as if subsection (1) of section 1 of the India (Consequential Provision) Act, 1949(a), applied to it in the same way as that subsection applies to laws in force on the date mentioned in that subsection; and

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(b) as if subsection (2) of section 3 of the British Nationality Act, 1948(b) (as interpreted by subsection (1) of section 3 of the Ireland Act, 1949(c), and subsection (2) of section 3 of the Ireland Act, 1949, applied to it as those subsections apply to laws in force at the dates of the commencement of those Acts respectively.

(7) Where any power is conferred by this Order to make any Proclamations, Orders, rules or regulations or to give any directions, the power shall be construed as including a power exercisable in like manner to amend or revoke any such Proclamation, Order, rule, regulation or direction.

(8) Save as is in this Order otherwise provided, or required by the context, the Interpretation Act, 1889(d), shall apply for the purpose of interpreting this Order as it applies for the purpose of interpreting an Act of Parliament.

Establishment of Federation of Nigeria.

3.—(1) The Northern Region of Nigeria, the Western Region of Nigeria, the Eastern Region of Nigeria, the Southern Cameroons and the Federal Territory of Lagos shall form a Federation, which shall be styled the Federation of Nigeria.

(2) (a) The Northern Region of Nigeria shall comprise the territory specified in paragraph 1 of the Second Schedule to this Order.

(b) The Western Region of Nigeria shall comprise the territory specified in paragraph 2 of the Second Schedule to this Order.

(c) The Eastern Region of Nigeria shall comprise the territory specified in paragraph 3 of the Second Schedule to this Order.

(d) The Southern Cameroons shall comprise the territory specified in paragraph 4 of the Second Schedule to this Order.

(e) The Federal Territory of Lagos shall comprise the territory specified in paragraph 5 of the Second Schedule to this Order.

Territorial divisions.

4.—(1) (a) [*rev.*, S.I. 1959/1772].

(b) The Governor of a Region, acting in his discretion, may by Proclamation published in the Official Gazette of the Region direct that that Region shall be divided into areas and that any such area shall be a Division for the purposes of this Order or any regulations made thereunder.

(a)(2) (a) The Governor-General, acting in his discretion, may by directions in writing declare that Nigeria shall be divided into areas for the purpose of any matter to which the executive authority of the Federation extends.

(b) The Governor of a Region, may by directions in writing declare that that Region shall be divided into areas for the purpose of any matter to which the executive authority of the Region extends.

(c) The Commissioner of the Cameroons may by directions in writing declare that the Southern Cameroons shall be divided into areas for the purpose of any matter to which the executive authority of the Southern Cameroons extends.

(d) [*rev.*, S.I. 1959/368].

(b) 11 & 12 Geo. 6. c. 56.

(c) 12, 13 & 14 Geo. 6. c. 41.

(d) 52 & 53 Vict. c. 63.

(a) S.4 (2) as am. S.I. 1957/1530, 1959/368, 1049, 1772.

THE CONSTITUTION ORDERS

CHAPTER II

THE LEGISLATIVE HOUSES

Establishment of Legislative Houses.

(b)5.—(1) There shall be, for the Federation, two Legislative Houses, which shall be styled respectively the Senate and the House of Representatives.

(2) There shall be, for the Northern Region, two Legislative Houses, which shall be styled, respectively, the Northern House of Chiefs and the Northern House of Assembly.

(3) There shall be, for the Western Region, two Legislative Houses, which shall be styled, respectively, the Western House of Chiefs and the Western House of Assembly.

(4) There shall be, for the Eastern Region, two Legislative Houses, which shall be styled, respectively, the Eastern House of Chiefs and the Eastern House of Assembly.

(5) There shall be, for the Southern Cameroons, a Legislative House, which shall be styled the House of Assembly of the Southern Cameroons.

The Legislative Houses for the Federation

(c)5A.—(1) The members of the Senate shall be—

Composition of Senate.

(a) forty-eight Senators, of whom twelve shall be appointed in accordance with subsection (1) of section 5c of this Order to represent each Region and twelve shall be appointed in accordance with subsection (2) of that section to represent the Southern Cameroons;

(b) two Senators who are Chiefs from Lagos, namely—

(i) the Oba of Lagos; and

(ii) a Chief elected from among their own number by the White Cap Chiefs and War Chiefs of Lagos in accordance with regulations made by the Governor-General;

(c) two Senators appointed in accordance with subsection (3) of section 5c of this Order to represent Lagos;

(d) four Senators appointed by the Governor-General, acting in his discretion, by Instrument under the Public Seal; and

(e) those members of the Council of Ministers who have been appointed as such from among the members of the House of Representatives.

(2) A person appointed President of the Senate in pursuance of paragraph (b) of subsection (1) of section 5B of this Order shall be deemed to be a member of the Senate.

(c)5B.—(1) When the Senate first sits after any dissolution thereof, and before it proceeds to the despatch of any other business, the members thereof shall elect to be President of the Senate—

President and Deputy President of Senate.

(a) one of the members of the Senate mentioned in paragraphs (a), (b),

(c) and (d) of subsection (1) of section 5A of this Order; or

(b) a person who is not a member of the Senate.

(b) S.5 as am. 1959/1772.

(c) Ss. 5A-B inserted S.I. 1959/1772.

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(2) When the Senate first sits after any dissolution thereof, and before it proceeds to the despatch of any other business except the election of a President, the members thereof shall elect to be Deputy President of the Senate one of the members of the Senate mentioned in paragraphs (a), (b), (c) and (d) of subsection (1) of section 5A of this Order.

(3) As often as the office of President or Deputy President falls vacant otherwise than when the Senate first sits after a dissolution thereof, the members shall as soon as practicable elect a person to that office in like manner as is provided in subsection (1) or (2) of this section, as the case may be.

(4) The office of the President or the Deputy President of the Senate shall become vacant—

(a) when the Senate first sits after any dissolution thereof; or

(b) if he resigns his office by writing under his hand addressed to the Senate; or

(c) in the case of a person elected to be President in pursuance of paragraph (a) of subsection (1) of this section or in the case of a person elected as Deputy President, if—

(i) he ceases to be a member of the Senate otherwise than by reason of a dissolution thereof; or

(ii) he becomes a Minister or a Parliamentary Secretary to a Minister.

Appointment
of Senators
to represent
Regions, the
Southern
Cameroons
and Lagos.

(c)5c.—(1) Senators representing a Region shall be appointed by the Governor by Instrument under the Public Seal from among persons who have been selected for that purpose in accordance with regulations made by the Governor and whose selection has been approved by a resolution passed by a joint sitting of the Legislative Houses of the Region in accordance with such Standing Orders as the Governor may make in that behalf.

(2) Senators representing the Southern Cameroons shall be appointed by the Commissioner of the Cameroons by writing under his hand from among persons who have been selected for that purpose in accordance with regulations made by the Commissioner and whose selection has been approved by a resolution of the House of Assembly of the Southern Cameroons.

(3) Senators representing Lagos shall be appointed by the Governor-General by Instrument under the Public Seal from among persons selected for that purpose in accordance with regulations made by the Governor-General and in the making of such appointments the Governor-General shall have regard to the composition of the Lagos Town Council.

Qualifica-
tions and
disqualifica-
tions of
Senators.

(c)5d.—(1) No person shall be qualified for selection as a Senator under section 5c of this Order unless he has attained the age of forty years; subject as aforesaid, the provisions of sections 9 and 10 of this Order shall apply in relation to the selection of persons as Senators to represent a Region, the Southern Cameroons or Lagos as they apply in relation to the election in that Region, the Southern Cameroons or Lagos, as the case may be, of persons as Representative Members of the House of Representatives.

(2) The provision of sections 9 and 10 of this Order shall apply in relation to the election of persons as Senators under sub-paragraph (ii) of paragraph (b) of subsection (1) of section 5A of this Order as they apply in relation to the election in Lagos of persons as Representative Members of the House of Representatives.

THE CONSTITUTION ORDERS

(c)5E.—(1) The seat in the Senate of a Senator other than the Oba of Lagos or a Senator appointed under paragraph (d) of subsection (1) of section 5A of this Order shall become vacant—

Tenure of
seats by
Senators.

(a) upon a dissolution of the Senate; or

(b) if he resigns his seat in the Senate by writing under his hand addressed to the President of the Senate; or

(c) if he is absent from two consecutive meetings of the Senate and the President of the Senate does not, by writing under his hand, excuse his absence within one month after the end of the second meeting; or

(d) if he becomes a member of the House of Representatives, a Regional Legislative House, the House of Assembly of the Southern Cameroons or the House of Chiefs of the Southern Cameroons; or

(e) if he ceases to be a British subject, or ceases to be a British protected person without becoming a British subject; or

(f) if any circumstances arise that, if he were not a Senator, would cause him to be disqualified for selection or election to the seat held by him under paragraphs (a), (b), (c), (d), (e) or (h) of subsection (1) of section 10 of this Order, as it applies in relation to such selection or election.

(2) A Senator appointed under paragraph (d) of subsection (1) of section 5A of this Order shall hold his seat in the Senate during Her Majesty's pleasure:

Provided that his seat shall in any case become vacant—

(a) upon a dissolution of the Senate;

(b) if he resigns his seat in the Senate by writing under his hand addressed to the Governor-General; or

(c) if he is absent from two consecutive meetings of the Senate and the President does not, by writing under his hand, excuse his absence within one month after the end of the second meeting.

(d)6. (1) The members of the House of Representatives shall be—

Composition
of House of
Representa-
tives.

(a) [rev., S.I. 1960/203.]

(b) [rev., S.I. 1957/1530.]

(c) three hundred and twenty Representative Members elected in accordance with regulations made under section 8 of this Order.

(d) [rev., 1959/1772.]

(e) [rev., 1959/1775.]

(2) A person elected Speaker of the House of Representatives in pursuance of paragraph (b) of subsection (1) of section 7 of this Order shall be deemed to be a member of this House.

7.—(1) When the House of Representatives first sits after any dissolution of the House, and before it proceeds to the despatch of any other business, the members thereof shall elect to be Speaker of the House—

Speaker and
Deputy
Speaker of
the House of
Representa-
tives.

(a) a Representative Member of the House; or

(b) a person who is not a member of the House.

(d) S.6 as am. 1959/1772, 1960/203

(a) S.7 as am. S.I. 1957/1530, 1959/1772, 1960/203.

(2) When the House of Representatives first sits after any dissolution of the House, and before it proceeds to the despatch of any other business except the election of a Speaker, the members thereof shall elect to be Deputy Speaker of the House a Representative Member of the House.

(3) As often as the office of the Speaker or the Deputy Speaker falls vacant otherwise than when the House of Representatives first sits after any dissolution thereof, the members of that House shall as soon as is practicable elect a person to that office in like manner as is provided in subsection (1) or subsection (2) of this section, as the case may be.

(4) The office of the Speaker or the Deputy Speaker of the House of Representatives shall become vacant—

(a) when the House first sits after any dissolution thereof ; or

(b) if he resigns his office by writing under his hand addressed to the House ; or

(c) in the case of a person elected as Speaker in pursuance of paragraph (a) of subsection (1) of this section or in the case of a person elected as Deputy Speaker, if—

(i) he ceases to be a Representative Member of the House otherwise than by reason of a dissolution thereof ; or

(ii) he becomes a Minister or a Parliamentary Secretary to a Minister.

(a) 7A.—(1) There shall be for the Federation an Electoral Commission.

(2) The members of the Electoral Commission of the Federation shall be—

(a) a Chief Electoral Commissioner, who shall be Chairman ; and

(b) four other members, or such greater number of members as the Governor-General, acting in his discretion, may from time to time prescribe, of whom one shall represent each Region and one shall represent the Southern Cameroons.

(3) The members of the Electoral Commission of the Federation shall be appointed by the Governor-General, acting in his discretion, by Instrument under the Public Seal.

(4) A person shall not be qualified for appointment as a member of the Electoral Commission of the Federation if he is a member of a Legislative House or if he holds or is acting in any office of emolument under the Crown other than the office of member of the Public Service Commission of the Federation, the Police Service Commission of the Federation or the Public Service Commission or the Judicial Service Commission of a Region or (unless the Governor-General, acting in his discretion, otherwise directs) if he is a party to, or is a partner in a firm that is a party to, or is a director or manager of a company that is a party to, any contract on account of public services with the Government of the Federation :

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Provided that the Governor-General may appoint a person who is not an officer in the public service of the Federation or the public service of a Region to be a member of the Commission other than the Chief Electoral Commissioner or the member representing a Region or the Southern Cameroons notwithstanding that he holds or is acting in an office of emolument under the Crown if he is satisfied that he will be required to perform only part-time duties as a member of the Commission.

(5) The office of a member of the Electoral Commission of the Federation shall become vacant—

(a) at the expiration of five years from the date of his appointment, or at such earlier date as may be specified in the Instrument by which he is appointed ; or

(b) if he resigns his office by writing under his hand addressed to the Governor-General ; or

(c) if he becomes a member of a Legislative House ; or

(d) if the Governor-General, acting in his discretion, directs that he shall be removed from office for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(6) If the office of a member of the Electoral Commission of the Federation is vacant or a member is for any reason unable to perform the functions of his office, the Governor-General, acting in his discretion, may appoint a person who is qualified for appointment as a member of the Commission to act as a member of the Commission and any person so appointed shall continue to act until his appointment is revoked by the Governor-General, acting in his discretion.

(7) The Governor-General may make regulations providing for the salaries and allowances to be paid to members of the Electoral Commission of the Federation :

Provided that the salary of a member of the Commission and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(8) The salaries and allowances of the members of the Electoral Commission of the Federation shall be a charge on the Consolidated Revenue Fund of the Federation.

(a)7B. Nigeria shall be divided into three hundred and twenty electoral districts in such manner as the Governor-General, acting on the recommendation of the Electoral Commission of the Federation, may prescribe by Proclamation published in the Official Gazette of the Federation.

Electoral
Districts.

(a)7C.—(1) The Governor-General, acting in his discretion, may by writing under his hand give directions to the members of the Electoral Commission of the Federation for the purposes of ensuring the impartial discharge of their functions as such.

Directions to
Electoral
Commission.

THE CONSTITUTION ORDERS

(2) The members of the Electoral Commission of the Federation shall comply with any directions given to them under this section or shall cause them to be complied with.

Election
of Repre-
sentative
Members.

(b)8.—(1) Subject to the provisions of this Order, the Governor-General may by regulation make provision for the election of persons as Representative Members of the House of Representatives, including (without prejudice to the generality of the foregoing power) the following matters—

- (a) the qualifications and disqualifications of electors ;
- (b) the registration of electors ;
- (c) the ascertainment of the qualifications of electors and of candidates for election ;
- (d) the division of electoral districts for any purpose connected with elections ;
- (e) the holding of elections.

(2) Regulations made under this section shall provide—

(a) that each of the electoral districts into which Nigeria is divided in pursuance of section 7B of this Order shall return one Representative Member to the House of Representatives ; and

(b) that the registration of electors and the conduct of elections shall be subject to the direction and supervision of the Electoral Commission of the Federation in such manner as may be provided for in those regulations.

(3) The Governor-General may by regulation make provision for—

(a) the disqualification of any person for membership of the House of Representatives by reason of his holding, or acting in, any office the functions of which involve—

(i) any responsibility for, or in connection with, the conduct of any election ; or

(ii) any responsibility for, or in connection with, the compilation or revision of any electoral register ;

(b) the definition and trial of offences relating to elections and the imposition of penalties for such offences, including disqualification for membership of the House of Representatives or for registration as an elector, or for voting at elections, of any person concerned in any such offence ; and

(c) the definition and trial of offences connected with the functions of the Electoral Commission of the Federation (including, without prejudice to the generality of this paragraph, offences relating to the bringing of improper influence on the Commission and misconduct by members of the Commission) and the imposition of penalties for such offences.

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(c)9. Subject to the provisions of section 10 of this Order, a person shall be qualified to be elected as a Representative Member of the House of Representatives if—

(a) he is a British subject or a British protected person of the age of twenty-one years or more and, in the case of a person who seeks election in the Northern Region, is a male person ; and

(b) (i) he was born in Nigeria, or his father was born in Nigeria ; or

(ii) he has resided in Nigeria for a continuous period immediately before the date of election of at least three years.

*(a)10.—(1) No person shall be qualified to be elected as a Representative Member of the House of Representatives who—

(a) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to any foreign Power or State ; or

(b) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions ; or

(c) has been sentenced by a court in any part of Her Majesty's dominions to death, or to imprisonment (by whatever name called) for a term exceeding six months, and has not either suffered the punishment to which he was sentenced, or such other punishment as may by competent authority have been substituted therefor, or received a free pardon : or

(d) holds, or is acting in, any office of emolument under the Crown ; or

(e) is, under any law in force in any part of Nigeria, adjudged to be a lunatic or otherwise declared to be of unsound mind ; or

(ea) is a member of the Senate ; or

(f) is a member of the Northern House of Chiefs or the Eastern House of Chiefs by virtue of being a first-class Chief ; or

(g) is a member of the Western House of Chiefs by virtue of being the only Head Chief in a Division of the Western Region ; or

(h) is, by any regulations made under section 8 of this Order, disqualified for election to that House.

(2) (a) No person shall be qualified to be elected as a Representative Member of the House of Representatives if he has, within a period of five years immediately before the date of election, been sentenced by a court in Nigeria to death, or to imprisonment (by whatever name called) for a term exceeding six months, upon conviction of any offence mentioned in the Third Schedule to this Order, and has not received a free pardon.

Qualifications for representative membership of House of Representatives.

Disqualifications for representative membership of House of Representatives.

(c) S.9 as am., S.I. 1959/1772.

(a) S.10 as am., S.I. 1957/1530, 1958/429, 1959/1049, 1772, 1981.

THE CONSTITUTION ORDERS

(b) No person shall be qualified to be elected in the Northern Region as a Representative Member of the House of Representatives if he has, within a period of five years immediately before the date of election, been sentenced by a court in Nigeria to death, or to imprisonment (by whatever name called) for a term exceeding six months, upon conviction of any offence that is declared, under paragraph (b) of subsection (2) of section 39 of this Order, to be an offence that contains all the ingredients of any offence mentioned in the Third Schedule to this Order, and has not received a free pardon.

(3) (a) For the purposes of subsection (1) of this section a person shall not be deemed to hold an office of emolument under the Crown by reason only that he is in receipt of a salary or other emoluments or any allowance in respect of his tenure of any office mentioned in sub-paragraphs (iii) and (iv) of paragraph (b) of subsection (4) of section 2 of this Order.

(b) If it is declared by any law enacted by the Federal Legislature that any office shall be deemed not to be an office of emolument under the Crown for the purposes of subsection (1) of this section, or that the person holding or acting in any office shall be deemed not to be a person holding or acting in an office of emolument under the Crown for those purposes, the provisions of that subsection shall have effect accordingly.

(c) For the purposes of subsection (1) of this section the office of any member of any body corporate incorporated directly by a law enacted by any legislature in Nigeria shall, save as otherwise provided in any law made under this subsection, be deemed to be an office under the Crown :

Provided that the office of a member of any body corporate incorporated directly by the Native Authority Ordinance(a), as it applies in relation to the Southern Cameroons, the Native Authority Law, 1954, of the Northern Region(b), the Western Region Local Government Law, 1952, or the Local Government Law, 1957, of the Western Region(c), or the Eastern Region Local Government Law, 1955, of the Eastern Region(d), as from time to time amended, or any law replacing any of those enactments shall not be regarded as an office under the Crown.

[S. 11 rev., S.I. 1959/1772]

[S. 12 rev., S. I. 1959/1772]

[S. 13 rev., S. I. 1959/1772].

Tenure of
seats by
Representative
Members.

(a)14. The seat in the House of Representatives of any Representative Member shall become vacant—

(a) upon a dissolution of the House ; or

(b) if he resigns his seat in the House by writing under his hand addressed to the Speaker of the House ; or

(c) if he is absent from two consecutive meetings of the House and the Speaker of the House does not, by writing under his hand, excuse his absence within one month after the end of the second meeting ; or

(d) if he becomes a member of the Senate (other than one of the members mentioned in paragraph (e) of subsection (1) of section 5A of this Order) or a member of a Regional Legislative House, the House of Assembly of the Southern Cameroons or the House of Chiefs of the Southern Cameroons ;

(e) if he ceases to be a British subject, or ceases to be a British protected person without becoming a British subject ; or

THE CONSTITUTION ORDERS

(f) if any circumstances arise that, if he were not a Representative Member of the House, would cause him to be disqualified for election as such under paragraph (a), (b), (c), (d), (e), or (h) of subsection (1) of section 10 of this Order.

[S. 15 rev., S.I. 1959/1772.]

(d)16.—(1) The Governor-General may by regulation make provision for determining whether—

(a) any person has become a member of a Federal Legislative House ; or

(b) the seat of any member of a Federal Legislative House has become vacant.

(2) Subject to the provisions of this Order, regulations made under subsection (1) of this section may (without prejudice to the generality of that subsection) include provision with respect to the jurisdiction, powers, practice and procedure of the courts.

THE LEGISLATIVE HOUSES OF THE NORTHERN REGION

(a)17.—(1) The members of the Northern House of Chiefs shall be—

(a) all first-class Chiefs ;

(b) ninety-five Chiefs, other than first-class Chiefs, selected for membership of the House in accordance with regulations made under section 18 of this Order ;

(c) those members of the Executive Council of the Northern Region who are members of the Northern House of Assembly ; and

(d) an adviser on Moslem law appointed in accordance with section 19 of this Order.

(2) For the purposes of this section—

“Chief” means any person who is for the time being recognised as a Chief by the Governor ;

“first-class Chief” means any Chief who is for the time being graded as a first-class Chief under the Appointment and Deposition of Chiefs Ordinance(b), as from time to time amended, as it applies in relation to the Northern Region or any enactment replacing that Ordinance in its application to the Northern Region.

(c)18. Subject to the provisions of this Order, the Governor may by regulation—

(a) make provision for the selection of Chiefs, other than first-class Chiefs, to be members of the Northern House of Chiefs in accordance with section 17 of this Order ;

(b) prescribe qualifications for selection as aforesaid ;

(c) prescribe conditions on which any person selected as aforesaid shall hold his seat in the Northern House of Chiefs.

19.—(1) The adviser on Moslem law shall be appointed by the Governor, acting in his discretion, by Instrument under the Public Seal.

(2) The adviser on Moslem law shall hold his seat in the Northern House of Chiefs during the Governor's pleasure :

Determining of questions relating to membership of Federal Legislative Houses.

Composition of Northern House of Chiefs.

Selection of Chiefs as members of Northern House of Chiefs.

Adviser on Moslem law.

(d) S.16 as subst., S.I. 1959/1772.

(a) S.17 as subst., S.I. 1958/429, and am., 1959/368.

(b) Laws of Nigeria, Rev. 1948, Chapter 12.

(c) S.18 as am., S.I. 1958/429.

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Provided that his seat shall in any case become vacant—

(a) upon a dissolution of the House ; or

(b) if he resigns his seat by writing under his hand addressed to the Governor.

(3) The Governor, acting in his discretion, may, by Instrument under the Public Seal, declare that the adviser on Moslem law is, by reason of absence or illness or any other cause, temporarily unable to discharge his functions as a member of the Northern House of Chiefs, and thereupon the adviser on Moslem law shall not take part in the proceedings of the House until he is declared, in manner aforesaid, to be able again to discharge his said functions.

(4) (a) If the adviser on Moslem law is incapable of taking part in the proceedings of the Northern House of Chiefs by reason of a declaration made under subsection (3) of this section, the Governor, acting in his discretion, may appoint another person temporarily to discharge his functions.

(b) A person appointed under this subsection, shall, while discharging the functions of the adviser on Moslem law, be deemed to have been appointed to be the adviser on Moslem law under subsection (1) of this section and, subject to the provisions of this section, the provisions of this Order shall have effect accordingly.

(c) A person appointed under this subsection shall discharge the functions of the adviser on Moslem law during the Governor's pleasure :

Provided that he shall in any case cease to discharge those functions—

(i) when the adviser on Moslem law is, under subsection (3) of this section, declared to be able again to discharge his functions ; or

(ii) if the seat of the adviser on Moslem law becomes vacant ; or

(iii) if he resigns his appointment by writing under his hand addressed to the Governor.

(5) Any question whether—

(a) any person has become, or is entitled to discharge the functions of, the adviser on Moslem law ; or

(b) the adviser on Moslem law is incapable of taking part in the proceedings of the Northern House of Chiefs by reason of a declaration made under subsection (3) of this section ; or

(c) the seat in that House of the adviser on Moslem law has become vacant,

shall be referred to, and determined by, the Governor, acting in his discretion.

(6) Unless it is otherwise expressly provided, none of the following provisions of this Order shall be construed as applying or referring to, or having any effect with respect to, the adviser on Moslem law.

President
and Deputy
President
of Northern
House of
Chiefs.

(a) 20.—(1) The Governor shall, by Instrument under the Public Seal, appoint to be President and Deputy President of the Northern House of Chiefs respectively two of the members of the House mentioned in paragraphs (a) and (b) of subsection (1) of section 17 of this Order.

(2) The President and the Deputy President of the Northern House of Chiefs shall hold their offices during the Governor's pleasure :

THE CONSTITUTION ORDERS

Provided that the office of the President or the Deputy President, as the case may be, shall in any case become vacant—

(a) in the case of the President, when, after any dissolution of the Northern House of Chiefs, he is informed by the Governor that the Governor is about to reappoint him as President or to appoint another person as President; or

(b) in the case of the Deputy President, when, after any dissolution of the Northern House of Chiefs, he is informed by the Governor that the Governor is about to re-appoint him as Deputy President or to appoint another person as Deputy President; or

(c) if he ceases to be a member of the Northern House of Chiefs for any reason other than a dissolution of that House; or

(d) if he resigns his office by writing under his hand addressed to the Governor; or

(e) if he becomes a Regional Minister or a Parliamentary Secretary to a Regional Minister.

*21.—(1) The members of the Northern House of Assembly shall be—

(b)(a) the Attorney-General of the Northern Region;

(b) one hundred and seventy-four Elected Members elected in accordance with regulations made under section 37 of this Order;

(c) such Special Members as may be appointed in accordance with section 22 of this Order; and

(d) such Temporary Members as may be appointed in accordance with section 40 of this Order.

(2) A person elected Speaker of the Northern House of Assembly in pursuance of paragraph (b) of subsection (1) of section 23 of this Order shall be deemed to be a member of the House.

22. The Governor, acting in his discretion, may, by Instrument under the Public Seal, appoint persons to be Special Members of the Northern House of Assembly to represent interests or communities that, in his opinion, are not otherwise adequately represented in the House:

Provided that the number of such members shall not at any time exceed five.

(c)23.—(1) When the Northern House of Assembly first sits after any dissolution of the House, and before it proceeds to the despatch of any other business, the members thereof shall elect to be Speaker of the House—

(a) one of the members of the House mentioned in paragraph (b) or paragraph (c) of subsection (1) of section 21 of this Order; or

(b) a person who is not a member of the House.

(2) When the Northern House of Assembly first sits after any dissolution of the House, and before it proceeds to the despatch of any other business except the election of a Speaker, the members thereof shall elect to be Deputy Speaker of the House one of the members of the House mentioned in paragraph (b) or paragraph (c) of subsection (1) of section 21 of this Order.

Composition
of Northern
House of
Assembly.

Special
Numbers of
Northern
House of
Assembly.

Speaker
and Deputy
Speaker of
Northern
House of
Assembly.

* S.21 as am. (prosp.), S.I. 1957/1530, 1958/429, 1959/368.

(c) S.23 as subst., 1959/368.

THE CONSTITUTION ORDERS

(3) As often as the office of the Speaker or the Deputy Speaker falls vacant otherwise than when the Northern House of Assembly first sits after any dissolution thereof, the members of the House shall as soon as is practicable elect a person to that office in like manner as is provided in subsection (1) or subsection (2) of this section, as the case may be.

(4) The office of the Speaker or the Deputy Speaker of the Northern House of Assembly shall become vacant—

- (a) when the House first sits after any dissolution thereof ; or
- (b) if he resigns his office by writing under his hand addressed to the House ; or
- (c) in the case of a person elected as Speaker in pursuance of paragraph (a) of subsection (1) of this section or in the case of a person elected as Deputy Speaker, if—
 - (i) he ceases to be a member of the House otherwise than by reason of a dissolution thereof ; or
 - (ii) he becomes a Regional Minister or a Parliamentary Secretary to a Regional Minister.

THE LEGISLATIVE HOUSES OF THE WESTERN REGION

Composition
of Western
House of
Chiefs.

(a) 24.—(1) The members of the Western House of Chiefs shall be—

- (a) such Head Chiefs and other Chiefs as are referred to in subsection (3) of section 26 of this Order ;
- (b) those members of the Executive Council of the Western Region who have been appointed as such from among the members of the House of Assembly ;
- (c) such Special Members as may be appointed in accordance with section 27 of this Order ; and
- (d) such Temporary Members as may be appointed in accordance with section 40 of this Order.

Recognition
of Chiefs and
designation
of Head
Chiefs.

(2) A person elected as President of the Western House of Chiefs in pursuance of paragraph (b) of subsection (1) of section 28 of this Order shall be deemed to be a Member of the House.

25.—(1) The Governor of the Western Region may—

- (a) recognise persons as Chiefs for the purposes of this Order ;
- (b) designate as a Head Chief for the purposes of this Order any person whom he so recognises as a Chief ; and
- (c) withdraw any such recognition and revoke any such designation as aforesaid.

(2) In deciding whether to recognise any person as a Chief in pursuance of this section, the Governor shall have regard to whether such person holds a title that is associated with any part of the territory comprised in the Western Region or with any community, or class or group of persons, therein.

(3) In recognising any person as a Chief in pursuance of this section, the Governor shall specify a Division of the Western Region in respect of which such person is so recognised ; and such person shall for the purposes of this Order be deemed to be a Chief, and, if so designated, a Head Chief, in that Division.

THE CONSTITUTION ORDERS

(4) (a) The powers conferred by this section on the Governor shall be exercised by him in his discretion.

(b) The decision of the Governor, in the exercise of the powers aforesaid—

(i) to recognise a person as a Chief or designate a Chief as a Head Chief, or

(ii) to withhold, withdraw or revoke any such recognition or designation, or

(iii) to recognise a person as a Chief in respect of a particular Division, shall be final, and shall not be called in question in any court.

26.—(1) In this section—

“Chief” means any person who is for the time being recognised as a Chief in pursuance of section 25 of this Order, and includes a Head Chief;

“Head Chief” means any person who is for the time being designated as a Head Chief in pursuance of that section;

“prescribed” means prescribed by regulations made under subsection (4) of this section.

(2) The Chiefs who are members of the House of Chiefs by virtue of this section shall not at any time exceed fifty in number.

(3) Subject to the provisions of this section, the following Chiefs in a Division shall be members of the House of Chiefs, that is to say—

(a) in a Division in which there is only one Head Chief—

(i) the Head Chief; and

(ii) one other Chief, or such greater number as may be prescribed, who shall be selected for such membership in accordance with regulations made under subsection (4) of this section;

(b) in a Division in which there is more than one Head Chief—two Chiefs, or such greater number as may be prescribed, who shall be selected for such membership in accordance with regulations made under subsection (4) of this section:

Provided that the said Chiefs shall include at least one Head Chief;

(c) in a Division in which there is no Head Chief—two Chiefs, or such greater number as may be prescribed, who shall be selected for such membership in accordance with regulations made under subsection (4) of this section.

(4) Subject to the provisions of this Order, the Governor, acting in his discretion, may by regulation—

(a) make provision for the selection of Chiefs to be members of the House of Chiefs in accordance with paragraph (a) of subsection (1) of section 24 of this Order;

(b) prescribe the qualifications for selection as aforesaid;

(c) prescribe conditions on which any person selected as aforesaid shall hold his seat in the House of Chiefs; and

(d) prescribe anything that is by subsection (3) of this section to be prescribed.

27. The Governor may, by Instrument under the Public Seal, appoint persons who are for the time being recognised as Chiefs in pursuance of section 25 of this Order to be Special Members of the Western House of Chiefs:

Provided that the number of such members shall not at any time exceed four.

Head Chiefs
and
Chiefs to be
members of
Western
House of
Chiefs.

Special
Members of
Western
House of
Chiefs.

President
and Deputy
President of
Western
House of
Chiefs.

28.—(1) When the Western House of Chiefs first sits after any dissolution of the House, and before it proceeds to the despatch of any other business, the members thereof shall elect to be President of the House—

(a) one of the members of the House mentioned in paragraphs (a) and (c) of subsection (1) of section 24 of this Order ; or

(b) a person who is not a member of the House.

(2) When the Western House of Chiefs first sits after any dissolution of the House, and before it proceeds to the despatch of any other business except the election of a President, the members thereof shall elect to be Deputy President of the House one of the members of the House mentioned in paragraphs (a) and (c) of subsection (1) of section 24 of this Order.

(a)(3) As often as the office of the President or the Deputy President falls vacant otherwise than when the Western House of Chiefs first sits after any dissolution thereof, the members of that House shall as soon as is practicable elect a person to that office in like manner as is provided in subsection (1) or subsection (2) of this section, as the case may be.

(b)(4) The office of the President or the Deputy President of the Western House of Chiefs shall become vacant—

(a) when the House first sits after any dissolution thereof ; or

(b) if he resigns his office by writing under his hand addressed to the House ; or

(c) in the case of a person elected to be President in pursuance of paragraph (a) of subsection (1) of this section or in the case of a person elected as Deputy President, if—

(i) he ceases to be a member of the House otherwise than by reason of a dissolution thereof ; or

(ii) he becomes a Regional Minister, Attorney-General of the Western Region or a Parliamentary Secretary to a Regional Minister.

Composition
of Western
House of
Assembly.

(c)29.—(1) The members of the Western House of Assembly shall be—

(a) one hundred and twenty-four Elected Members elected in accordance with regulations made under section 37 of this Order ; and

(b) those members of the Executive Council of the Region who are not Elected Members of the House.

(2) A person elected as Speaker of the Western House of Assembly in pursuance of paragraph (b) of subsection (1) of section 31 of this Order shall be deemed to be a member of the House.

(3) A person appointed as Attorney-General of the Western Region who is not a member of either of the Legislative Houses of the Region shall (save for the purposes of section 75 of this Order) be deemed to be a member of the Western House of Assembly.

[S. 30 rev., S.I. 1958/429.]

(a) S.28 (3) as am., S.I. 1958/1257.

(b) S.28 (4) as am., S.I. 1958/429, 1257.

(c) S.29 as am., S.I. 1958/429, 1959/1049, and prosp., 1959/1772.

Speaker
and Deputy
Speaker of
Western
House of
Assembly.

(d)31.—(1) When the Western House of Assembly first sits after any dissolution of the House, and before it proceeds to the despatch of any other business, the members thereof shall elect to be Speaker of the House—

(a) one of the members of the House mentioned in paragraph (a) of subsection (1) of section 29 of this Order ; or

(b) a person who is not a member of the House.

(2) When the Western House of Assembly first sits after any dissolution of the House, and before it proceeds to the despatch of any other business except the election of a Speaker, the members thereof shall elect to be Deputy Speaker of the House one of the members of the House mentioned in paragraph (a) of subsection (1) of section 29 of this Order.

(3) As often as the office of the Speaker or the Deputy Speaker falls vacant otherwise than when the Western House of Assembly first sits after any dissolution thereof, the members of that House shall as soon as is practicable elect a person to that office in like manner as is provided in subsection (1) or subsection (2) of this section, as the case may be.

(4) The office of the Speaker or the Deputy Speaker of the Western House of Assembly shall become vacant—

(a) when the House first sits after any dissolution thereof ; or

(b) if he resigns his office by writing under his hand addressed to the House ; or

(c) in the case of a person elected as Speaker in pursuance of paragraph (a) of subsection (1) of this section or in the case of a person elected as Deputy Speaker, if—

(i) he ceases to be a member of the House otherwise than by reason of a dissolution thereof ; or

(ii) he becomes a Regional Minister, Attorney-General of the Western Region or a Parliamentary Secretary to a Regional Minister.

The Legislative Houses of the Eastern Region

Composition
of Eastern
House of
Chiefs.

(e)31A.—(1) The members of the Eastern House of Chiefs shall be—

(a) all first-class Chiefs ;

(b) fifty-five Chiefs, other than first-class Chiefs, selected for membership of the House in accordance with regulations made under section 31B of this Order ;

(c) those members of the Executive Council who are Elected Members of the Eastern House of Assembly ;

(d) such Special Members as may be appointed in accordance with section 31C of this Order ; and

(e) such Temporary Members as may be appointed in accordance with section 40 of this Order.

(2) For the purposes of this section—

“Chief” means any person who is for the time being recognised as a Chief under the Recognition of Chiefs Law, 1956(a), as from time to time amended, or any Law replacing that Law.

(d) S. 31 as am., S.I. 1958/429, 1257.

(e) Ss. 31A to 31D inserted S.I. 1959/1049, and am., 1959/1772.

"first-class Chief" means any traditional Ruler mentioned in section 4 of the Classification of Chiefs Law, 1959(a), and any Chief who is the representative of any Province of the Eastern Region by virtue of the provisions of that Law, as from time to time amended, or any Law replacing that Law.

(3) A person elected as President of the Eastern House of Chiefs in pursuance of paragraph (b) of subsection (1) of section 31D of this Order shall be deemed to be a member of the House.

Selection of
Chiefs as
members of
Eastern
House of
Chiefs.

(e)31B. Subject to the provisions of this Order, the Governor may by regulation—

(a) make provision for the selection of Chiefs, other than first-class Chiefs, to be members of the Eastern House of Chiefs in accordance with section 31A of this Order ;

(b) prescribe qualifications for selection as aforesaid ;

(c) prescribe conditions on which any person as aforesaid shall hold his seat in the Eastern House of Chiefs.

Special
Members
of Eastern
House of
Chiefs.

31C. The Governor, acting on the recommendation of the Premier of the Eastern Region, may, by Instrument under the Public Seal, appoint persons (whether or not those persons are for the time being recognised as Chiefs under the Recognition of Chiefs Law, 1956, as from time to time amended) to be Special Members of the Eastern House of Chiefs if he considers that they possess qualifications enabling them to make a particular contribution to the work of the House :

Provided that the number of such members shall not at any time exceed five.

President
and Deputy
President
of Eastern
House of
Chiefs.

(e)31D.—(1) When the Eastern House of Chiefs first sits after any dissolution of the House, and before it proceeds to the despatch of any other business, the members thereof shall elect to be President of the House—

(a) one of the members of the House mentioned in paragraphs (a), (b) and (d) of subsection (1) of section 31A of this Order ; or

(b) a person who is not a member of the House.

(2) When the Eastern House of Chiefs first sits after any dissolution of the House, and before it proceeds to the despatch of any other business except the election of a President, the members thereof shall elect to be Deputy President of the House one of the members of the House mentioned in paragraphs (a), (b) and (d) of subsection (1) of section 31A of this Order.

(3) As often as the office of the President or the Deputy President falls vacant otherwise than when the Eastern House of Chiefs first sits after any dissolution thereof, the members of the House shall as soon as is practicable elect a person to that office in like manner as is provided in subsection (1) or subsection (2) of this section.

(4) The offices of the President or the Deputy President of the Eastern House of Chiefs shall become vacant—

(a) when the House first sits after any dissolution thereof ; or

(b) if he resigns his office by writing under his hand addressed to the House ; or

(c) in the case of a person elected to be President in pursuance of paragraph (a) of subsection (1) of this section or in the case of a person elected as Deputy President, if—

(i) he ceases to be a member of the House otherwise than by reason of a dissolution thereof; or

(ii) he becomes a Regional Minister, Attorney-General of the Eastern Region, Provincial Commissioner of the Eastern Region or a Parliamentary Secretary to a Regional Minister.

32.—(1) The members of the Eastern House of Assembly shall be—

(a) one hundred and forty-six Elected Members elected in accordance with regulations made under section 37 of this Order; and

(b) those members of the Executive Council of the Eastern Region who are not Elected Members of the House.

Composition
of House of
Assembly of
Eastern
Region.

(2) A person elected Speaker of the Eastern House of Assembly in pursuance of paragraph (b) of subsection (1) of section 33 of this Order shall be deemed to be a member of the House.

(3) A person appointed as Attorney-General of the Eastern Region who is not a member of either of the Legislative Houses of the Region shall (save for the purposes of section 75 of this Order) be deemed to be a member of the Eastern House of Assembly.

(c)33.—(1) When the Eastern House of Assembly first sits after any dissolution of the House, and before it proceeds to the despatch of any other business, the members thereof shall elect to be Speaker of the House—

Speaker
and Deputy
Speaker of
Eastern
House of
Assembly.

(a) a member of the House; or

(b) a person who is not a member of the House.

(2) When the Eastern House of Assembly first sits after any dissolution of the House, and before it proceeds to the despatch of any other business except the election of a Speaker, the members thereof shall elect to be Deputy Speaker of the House one of the members of the House.

(3) As often as the office of the Speaker or the Deputy Speaker falls vacant otherwise than when the Eastern House of Assembly first sits after any dissolution thereof, the members of that House shall as soon as practicable elect a person to that office in like manner as is provided in subsection (1) or subsection (2) of this section, as the case may be.

(4) The office of the Speaker or the Deputy Speaker of the Eastern House of Assembly shall become vacant—

(a) when the House first sits after any dissolution thereof; or

(b) if he resigns his office by writing under his hand addressed to the House; or

(c) in the case of a person elected as Speaker in pursuance of paragraph (a) of subsection (1) of this section or in the case of a person elected as Deputy Speaker, if—

(i) he ceases to be a member of the House otherwise than by reason of a dissolution thereof; or

(a) S. 32 as am., S.I. 1958/429, 1257, and 1959/1049.

(c) S. 33 as subst., S.I. 1958/1257, and am., 1959/1772.

(ii) if he becomes a Regional Minister, Attorney-General of the Eastern Region, Provincial Commissioner of the Eastern Region or a Parliamentary Secretary to a Regional Minister.

THE HOUSE OF ASSEMBLY OF THE SOUTHERN CAMEROONS

Composition
House of
Assembly of
Southern
Cameroons.

*(a)34.—(1) The members of the House of Assembly of the Southern Cameroons shall be—

(a) [rev., S.I. 1958/429.]

(b) the Deputy Commissioner of the Cameroons, the Attorney-General of the Southern Cameroons and the Financial Secretary of the Southern Cameroons;

(c) twenty-six Elected Members elected in accordance with regulations made under section 37 of this Order;

(d) [rev., S.I. 1958/429.]

(e) such Special Members as may be appointed in accordance with section 36 of this Order; and

(f) such Temporary Members as may be appointed in accordance with section 40 of this Order.

(2) A person appointed Speaker of the House of Assembly of the Southern Cameroons in pursuance of paragraph (b) of subsection (1) of section 35 of this Order shall be deemed to be a member of the House.

Speaker of
House of
Assembly of
Southern
Cameroons.

†(b)35.—(1) The Commissioner of the Cameroons, after consultation with the Premier of the Southern Cameroons, may, by instrument under the public seal of the Southern Cameroons, appoint to be Speaker of the House of Assembly of the Southern Cameroons—

(a) one of the members of the House mentioned in paragraphs (b), (c) and (e) of subsection (1) of section 34 of this Order; or

(b) a person who is not a member of the House.

(2) The Speaker of the House of Assembly shall hold office during the pleasure of the Commissioner of the Cameroons:

Provided that his office shall in any case become vacant—

(a) at such time as may be provided by the Instrument by which he is appointed; or

(aa) in the case of a person appointed Speaker in pursuance of paragraph (a) of subsection (1) of this section, when, after any dissolution of the House of Assembly of the Southern Cameroons, he is informed by the Commissioner that the Commissioner is about to re-appoint him as Speaker or to appoint another person as Speaker; or

(b) if he resigns his office by writing under his hand addressed to the Commissioner; or

(c) in the case of a person appointed Speaker in pursuance of paragraph (a) of subsection (1) of this section of this Order, if—

(i) he ceases to be a member of the House of Assembly of the Southern Cameroons for any reason other than a dissolution of that House; or

(ii) he becomes a Minister of the Southern Cameroons.

*(a) S. 34 as am. (prosp.), S.I. 1958/429, 1257, 1959/1981.

†(b) S. 35 as am. (prosp.), S.I. 1958/429, 1257, 1959/1981.

(a)36. The Commissioner of the Cameroons, acting in his discretion, may, by Instrument under the Public Seal of the Southern Cameroons, appoint persons to be Special Members of the House of Assembly of the Southern Cameroons to represent interests or communities that, in his opinion, are not otherwise adequately represented in the House :

Special
Members
of House of
Assembly of
Southern
Cameroons.

Provided that the number of such members shall not at any time exceed two.

ELECTED MEMBERS OF THE HOUSES OF ASSEMBLY

(c)36A.—(1) There shall be for each Region an Electoral Commission.

(2) The members of the Electoral Commission of a Region shall be—

(a) the Chairman of the Electoral Commission of the Federation who shall be Chairman ;

(b) the member of the Electoral Commission of the Federation representing the Region ; and

(c) two other members, or such greater number of members as the Governor, after consultation with the Premier, may prescribe.

(3) The members of the Electoral Commission of a Region mentioned in paragraph (c) of subsection (2) of this section shall be appointed by the Governor after consultation with the Premier.

(4) A person shall not be qualified for appointment as a member of the Electoral Commission of a Region if he is a member of a Legislative House or if he holds or is acting in any office of emolument under the Crown other than the office of member of the Public Service Commission of the Federation, the Police Service Commission of the Federation or the Public Service Commission or the Judicial Service Commission of a Region or (unless the Governor, acting in his discretion, otherwise directs) if he is a party to, or is a partner in a firm that is a party to, or is a director or manager of a company that is a party to, any contract on account of public services with the Government of the Region :

Provided that the Governor may appoint a person who is not an officer in the public service of the Federation or the public service of a Region to be a member of the Commission notwithstanding that he holds or is acting in an office of emolument under the Crown if he is satisfied that he will be required to perform only part-time duties as a member of the Commission.

(5) The office of a member of the Electoral Commission of a Region shall become vacant—

(a) at the expiration of five years from the date of his appointment, or at such earlier date as may be specified in the Instrument by which he is appointed ; or

(b) if he resigns his office by writing under his hand addressed to the Governor ; or

(c) if he becomes a member of a Legislative House ; or

(d) if the Governor, acting in his discretion, directs that he shall be removed from office for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

Electoral
Commissions
in Regions.

(a) S. 36 as am., S.I. 1958/429, 1959/1772, 1981.

(c) Ss. 36A-c inserted (prosp.), S.I. 1959/1772.

(6) If the office of a member of the Electoral Commission of a Region is vacant or a member is for any reason unable to perform the functions of his office, the Governor, acting in his discretion, may appoint a person who is qualified for appointment as a member of the Commission to act as a member of the Commission and any person so appointed shall continue to act until his appointment is revoked by the Governor, acting in his discretion.

(7) The Governor may make regulations providing for the salaries and allowances to be paid to members of the Electoral Commission of a Region :

Provided that the salary of a member of the Commission and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(8) The salaries and allowances of the members of the Electoral Commission of a Region shall be a charge on the Consolidated Revenue Fund of the Region.

(9) The foregoing provisions of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region, and for that purpose references to a Region and the Governor shall be construed as if they were references to the Southern Cameroons and the High Commissioner for the Southern Cameroons.

Electoral
districts.

(c)36B.—(1) The Northern Region shall be divided into one hundred and seventy-four electoral districts in such manner as the Governor, acting on the recommendation of the Electoral Commission of the Region, may prescribe by Proclamation published in the *Official Gazette* of the Region.

(2) The Western Region shall be divided into one hundred and twenty-four electoral districts in such manner as the Governor acting on the recommendation of the Electoral Commission of the Region, may prescribe by Proclamation published in the *Official Gazette* of the Region.

(3) The Eastern Region shall be divided into one hundred and forty-six electoral districts in such manner as the Governor, acting on the recommendation of the Electoral Commission of the Region, may prescribe by Proclamation published in the *Official Gazette* of the Region.

(4) The Southern Cameroons shall be divided into twenty-six electoral districts in such manner as the High Commissioner for the Southern Cameroons, acting on the recommendation of the Electoral Commission of the Southern Cameroons, may prescribe by Proclamation published in the *Official Gazette* of the Southern Cameroons.

Directions
to Regional
Electoral
Commis-
sions.

(c)36C.—(1) The Governor, after consultation with the Premier, may by writing under his hand give directions to the members of the Electoral Commission of a Region for the purpose of ensuring the impartial discharge of their functions as such.

(2) The members of the Electoral Commission of a Region shall comply with any directions given to them under this section or shall cause them to be complied with.

(3) The foregoing provisions of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region, and for that purpose references to a Region and the Governor shall be construed as if they were references to the Southern Cameroons and the High Commissioner for the Southern Cameroons.

(a)37.—(1) Subject to the provisions of this Order, the Governor may by regulation make provision for the election of persons as Elected Members of the House of Assembly of a Region, including (without prejudice to the generality of the foregoing power) the following matters—

- (a) the registration of electors ;
- (b) the ascertainment of the qualifications of electors and of candidates for elections ;
- (c) the division of electoral districts for any purpose connected with elections ;
- (d) the holding of elections,

and any regulations made under this subsection may provide for different methods of election in respect of different parts of the Region.

(2) The Governor may by regulation make provision for—

(a) the disqualification of any person for membership of the House of Assembly by reason of his holding, or acting in, any office the functions of which involve—

(i) any responsibility for, or in connection with, the conduct of any election ; or

(ii) any responsibility for, or in connection with, the compilation or revision of any electoral register ; and

(b) the definition and trial of offences relating to elections and the imposition of penalties therefor, including disqualification for membership of the House of Assembly or for registration as an elector, or for voting at elections, of any person concerned in any such offence ;

(c) the definition and trial of offences connected with the functions of the Electoral Commission of the Region (including, without prejudice to the generality of this paragraph, offences relating to the bringing of improper influence on the Commission and misconduct by members of the Commission) and the imposition of penalties for such offences.

(3) Regulations made under this section in respect of a Region shall provide—

(a) that each of the electoral districts into which the Region is divided in pursuance of section 36B of this Order shall return one Elected Member to the House of Assembly of the Region ;

(b) that the registration of electors and the conduct of elections to the House of Assembly of the Region shall be subject to the direction and supervision of the Electoral Commission of the Region in such manner as may be provided in such regulations ; and

(c) that a person shall be qualified to vote at an election to the House of Assembly of the Region if he would be qualified to vote in the Region at an election to the House of Representatives were such an election held on the same date as the election to that House of Assembly :

Provided that any such regulations may provide that registers prepared for the purposes of elections in the Region to the House of Representatives shall be used for the purposes of elections to the House of Assembly of the Region.

(4) [rev. S.I. 1959/1772]

(5) [rev. S.I. 1959/1772]

(6) The foregoing provisions of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region, and for that purpose references therein to a Region, to the Governor and to the House of Assembly of that Region shall be construed as if they were references to the Southern Cameroons, to the High Commissioner for the Southern Cameroons, and to the House of Assembly of the Southern Cameroons.

Qualifications for elected membership of House of Assembly.

(a)38.—(1) Subject to the provisions of section 39 of this Order a person shall be qualified to be elected as an Elected Member of the House of Assembly of a Region if—

(a) he is a British subject or a British protected person of the age of twenty-one years or more and, in the case of the Northern House of Assembly, is a male person; and

(b) (i) he was born in that Region or his father was born in that Region or

(ii) he has resided in that Region for a continuous period immediately before the date of election of at least three years in the case of the Northern Region, or of at least one year in the case of any other Region,

and no other person shall be qualified to be so elected.

(2) The foregoing provisions of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region other than the Northern Region, and for that purpose references therein to such Region, and to the House of Assembly thereof, shall be construed as if they were references to the Southern Cameroons, and to the House of Assembly of the Southern Cameroons.

Disqualifications for elected membership of House of Assembly.

(b)39.—(1) No person shall be qualified to be elected as an Elected Member of the House of Assembly of a Region or of the Southern Cameroons who—

(a) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to any foreign Power or State; or

(b) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions; or

(a) S. 38 as am., S.I. 1955/432.

(b) S. 39 as am., S.I. 1957/1530, 1958/429, 1959/1772 (with saving), 1981.

(c) has been sentenced by a court in any part of Her Majesty's dominions to death, or to imprisonment (by whatever name called) for a term exceeding six months, and has not either suffered the punishment to which he was sentenced, or such other punishment as may by competent authority have been substituted therefor, or received a free pardon; or

(d) holds, or is acting in, any office of emolument under the Crown; or

(e) is, under any law in force in any part of Nigeria, adjudged to be a lunatic or otherwise declared to be of unsound mind; or

(f) is a member of the Senate, any other House of Assembly or of a House of Chiefs; or

(g) is, by any regulations made under section 37 of this Order, disqualified for election to that House.

(2) (a) No person shall be qualified to be elected as an Elected Member of the House of Assembly of a Region or of the Southern Cameroons if he has, within a period of five years immediately before the date of election, been sentenced by a court in Nigeria to death, or to imprisonment (by whatever name called) for a term exceeding six months, upon conviction of any office mentioned in the Third Schedule to this Order, and has not received a free pardon.

(b) No person shall be qualified to be elected as an Elected Member of the Northern House of Assembly if he has, within a period of five years immediately before the date of election, been sentenced by a court in Nigeria to death, or to imprisonment (by whatever name called) for a term exceeding six months, upon conviction of any offence that is declared by the Governor of the Northern Region to be an offence that contains all the ingredients of any offence mentioned in the Third Schedule to this Order, and has not received a free pardon.

(3) (a) For the purposes of subsection (1) of this section a person shall not be deemed to hold an office of emolument under the Crown by reason only that he is in receipt of a salary or other emoluments or any allowance in respect of his tenure of any office mentioned in sub-paragraphs (iii) and (iv) of paragraph (b) of subsection (4) of section 2 of this Order.

(b) If it is declared by any law enacted by the Legislature of a Region or the Southern Cameroons that any office shall be deemed not to be an office of emolument under the Crown for the purposes of subsection (1) of this section, or that the person holding or acting in any office shall be deemed not to be a person holding or acting in an office of emolument under the Crown for those purposes, the provisions of that subsection shall have effect accordingly in their application to the House of Assembly of the Region or the House of Assembly of the Southern Cameroons, as the case may be.

(c) For the purposes of subsection (1) of this section the office of any member of any body corporate incorporated directly by a law enacted by any legislature in Nigeria shall, save as otherwise provided in any law made under this subsection, be deemed to be an office under the Crown:

Provided that the office of a member of any body corporate incorporated directly by the Native Authority Ordinance, as it applies in relation to the Southern Cameroons, the Native Authority Law, 1954, of the Northern Region, the Western Region Local Government Law, 1952, or the Local Government Law, 1957, of the Western Region, or the Eastern Region Local Government Law, 1955, of the Eastern Region, as from time to time amended, or any law replacing any of those enactments shall not be regarded as an office under the Crown.

TEMPORARY MEMBERSHIP OF THE NORTHERN HOUSE OF ASSEMBLY
AND THE LEGISLATIVE HOUSES OF THE WESTERN REGION AND THE
EASTERN HOUSE OF CHIEFS AND SOUTHERN CAMEROONS

Temporary
Members of
Northern
House of
Assembly
and Legisla-
tive Houses
of Western
or Eastern
Regions and
Southern
Cameroons.

(a) 40.—(1) If a Special Member of the Northern House of Assembly, the Western House of Chiefs or the Eastern House of Chiefs is incapable of taking part in the proceedings of such House by reason of a declaration made under section 41 of this Order, the Governor may, by Instrument under the Public Seal, appoint a person to be a Temporary Member of such House:

Provided that—

(i) [S. 40 (1) *proviso* (i) *rev.*, S.I. 1957/1530.]

(ii) if the member in respect of whom such person is appointed is a Special Member of the Western House of Chiefs, such person shall be a person who is for the time being recognised as a Chief in pursuance of section 25 of this Order.

(2) The powers conferred by this section on the Governor of the Northern Region shall be exercised by him in his discretion.

(3) The provisions of subsection (1) of this section shall apply in relation to the Special Members of the House of Assembly of the Southern Cameroons as they apply in relation to the Special Members of the Northern House of Assembly, and for that purpose references to the Governor shall be construed as if they were references to the Commissioner of the Cameroons, acting in his discretion, and the reference to the Public Seal shall be construed as if it were a reference to the Public Seal of the Southern Cameroons.

(4) (a) The seat of a Temporary Member appointed under this section shall become vacant when the Special Member on account of whose incapacity he has been appointed is, under section 41 of this Order, declared to be able again to discharge his functions or when the seat of that Special Member becomes vacant.

(b) Subject to the provisions of paragraph (a) of this subsection, the provisions of sections 42, 43 and 44 of this Order shall apply in relation to a Temporary Member appointed under this section as they apply in relation to the Special Member on account of whose incapacity that Temporary Member has been appointed.

(a)41.—(1) (a) The Governor may, by Instrument under the Public Seal, declare that a Special Member of the Northern House of Assembly, the Western House of Chiefs or the Eastern House of Chiefs is, by reason of absence or illness, temporarily unable to discharge his functions as a member of such House, and thereupon that member shall not take part in the proceedings of such House until he is declared, in manner aforesaid, to be able again to discharge his said functions.

(b) The powers conferred by this section on the Governor of the Northern Region shall be exercised by him in his discretion.

(2) The Commissioner of the Cameroons, acting in his discretion, may, by Instrument under the Public Seal of the Southern Cameroons, declare that a Special Member of the House of Assembly of the Southern Cameroons is, by reason of absence or illness, temporarily unable to discharge his functions as a member of that House, and thereupon that member shall not take part in the proceedings of that House until he is declared, in manner aforesaid, to be able again to discharge his said functions.

TENURE OF OFFICE BY MEMBERS OF REGIONAL LEGISLATIVE HOUSES
AND HOUSE OF ASSEMBLY OF SOUTHERN CAMEROONS

[S. 42 rev., S.I. 1957/1530.]

(a)43.—(1) A Special Member of the Northern House of Assembly shall hold his seat in the House during the Governor's pleasure:

Provided that his seat shall in any case become vacant—

(a) upon a dissolution of the House; or

(b) if he resigns his seat in the House by writing under his hand addressed to the Governor; or

(c) if he is absent from two consecutive meetings of the House and the Speaker of the House does not, by writing under his hand, excuse his absence within one month after the end of the second meeting.

(2) The provisions of subsection (1) of this section shall apply in relation to the Special Members of the House of Assembly of the Southern Cameroons as they apply in relation to the Special Members of the Northern House of Assembly, and for that purpose references to the Governor shall be construed as if they were references to the Commissioner of the Cameroons.

(b)44. The seat of a Special Member of the Western House of Chiefs or the Eastern House of Chiefs shall become vacant—

(a) upon a dissolution of the House; or

(b) if he resigns his seat in the House by writing under his hand addressed to the Governor; or

(c) if he is absent from two consecutive meetings of the House and the President of the House does not, by writing under his hand, excuse his absence within one month after the end of the second meeting; or

(d) if the Governor so directs.

45. The seat in the Northern House of Chiefs of any Chief who is a member of that House by virtue of having been selected in accordance with regulations made under section 18 of this Order shall become vacant—

(a) upon a dissolution of the House; or

(a) S. 41 as am., S.I. 1957/1530, 1958/429, 1959/1049, 1981.

(a) S. 43 as am., S.I. 1958/429, 1959/1981.

(b) S. 44 as am., S.I. 1959/1049.

Certain members of Northern House of Assembly and Legislative Houses of Western Regions and Southern Cameroons unable to act.

Tenure of seats by Special Members of House of Assembly.

Tenure of seats by Special Members of Western House of Chiefs.

Tenure of seats by Chiefs in Northern House of Chiefs.

- (b) if he becomes a first-class Chief for the purposes of section 17 of this Order; or
- (c) if he becomes a member of the House of Representatives; or
- (d) in such circumstances (if any) as may be prescribed by such regulations as aforesaid.

Tenure of
seats by
Chiefs in
Western
House of
Chiefs

46.—(1) In this section "Chief" includes Head Chief.

(2) The seat in the Western House of Chiefs of any person who is a member of that House by virtue of his being the Head Chief in a Division in which there is only one Head Chief shall become vacant upon his ceasing to be the only Head Chief in that Division.

(3) The seat in the Western House of Chiefs of any Chief who is a member of that House by virtue of having been selected in accordance with regulations made under section 26 of this Order shall become vacant—

- (a) upon a dissolution of the House; or
- (b) if he ceases to be a Chief in the Division from which he was selected; or
- (c) if he becomes a member of the House by virtue of being the only Head Chief in that Division; or
- (d) if he becomes a member of the House of Representatives; or
- (e) in such other circumstances (if any) as may be prescribed by such regulations as aforesaid.

Tenure of
seats by
Chiefs in
Eastern
House of
Chiefs.

(b) 46A. The seat in the Eastern House of Chiefs of any Chief who is a member of that House by virtue of having been selected in accordance with regulations made under section 31B of this Order shall become vacant—

- (a) upon a dissolution of the House; or
- (b) if he becomes a first-class Chief for the purposes of section 31A of this Order; or
- (c) if he becomes a member of the House of Representatives; or
- (d) in such circumstances (if any) as may be prescribed by such regulations.

Tenure of
seats by
Elected
Members of
House of
Assembly.

(c) 47. The seat in the House of Assembly of a Region or of the Southern Cameroons of any Elected Member of that House shall become vacant—

- (a) upon a dissolution of the House; or
- (b) if he resigns his seat in the House of Assembly by writing under his hand addressed to the Speaker of the House; or
- (c) if he is absent from two consecutive meetings of the House and the Speaker of the House does not, by writing under his hand, excuse his absence within one month after the end of the second meeting; or
- (d) if he becomes a member of a Federal Legislative House; or
- (e) if he ceases to be a British subject, or ceases to be a British protected person without becoming a British subject; or
- (f) if any circumstances arise that, if he were not an Elected Member of the House, would cause him to be disqualified for election as such under paragraph (a), (b), (c), (d), (e) or (g) of subsection (1) of section 39 of this Order.

[S. 48 rev., (prosp.) S.I. 1958/429.]

(b) S. 46A inserted S.I. 1959/1049.

(c) S. 47 as am., S.I. 1957/1530, 1958/429, 1959/1772.

MISCELLANEOUS

(b)49.—(1) Any question whether—

(a) any person has become a member (other than an Elected Member) of a Regional Legislative House ; or

(b) the seat of any member (other than an Elected Member) of a Regional Legislative House has become vacant ; or

(c) any member of a Regional Legislative House is incapable of taking part in the proceedings of that House by reason of a declaration made under subsection (1) of section 41 of this Order,

shall be referred to, and determined by, the Governor, acting in his discretion.

(2) Any question whether—

(a) any person has become a member (other than an Elected Member) of the House of Assembly of the Southern Cameroons ; or

(b) the seat of any member (other than an Elected Member) of the House of Assembly of the Southern Cameroons has become vacant ; or

(c) any member of the House of Assembly of the Southern Cameroons is incapable of taking part in the proceedings of that House by reason of a declaration made under subsection (2) of section 41 of this Order, shall be referred to, and determined by, the Commissioner of the Cameroons, acting in his discretion.

(3) The Governor may by regulation make provision for determining whether—

(a) any person has become an Elected Member of the House of Assembly of a Region ; or

(b) the seat of an Elected Member of the House of Assembly of a Region has become vacant.

(4) Subject to the provisions of this Order, regulations made under subsection (3) of this section may (without prejudice to the generality of that subsection) include provision with respect to the jurisdiction, powers, practice and procedure of the courts.

(5) The provisions of subsections (3) and (4) of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region, and for that purpose the references in subsection (3) to the Governor and the House of Assembly of a Region shall have effect as if they were references to the Commissioner of the Cameroons and the House of Assembly of the Southern Cameroons.

(a)50.—(1) If the office of Speaker or President of a Legislative House (other than the House of Assembly of the Southern Cameroons) is vacant, or if the Speaker or President is for any reason unable to perform any functions conferred upon him by this Order or any other law, those functions may be performed by the Deputy Speaker or Deputy President of the House.

Discharge of functions of Speaker or President of Legislative House.

(2) If the office of Speaker of the House of Assembly of the Southern Cameroons is vacant, or the Speaker is for any reason unable to perform any functions conferred upon him by this Order or any other law, those functions may be performed by such person, if any, as the Commissioner of the Cameroons, acting in his discretion, may appoint in that behalf.

(b) S.49 as am., S.I. 1958/429, 1959/1772 (prosp.), 1959/1981, 1960/203.

(a) S. 50 as subst., S.I. 1958/1257.

(3) The references in this section to the functions conferred upon the Speaker or President of a Legislative House by this Order do not include the functions conferred upon him by sections 61, 62, 72 and 75 of this Order.

CHAPTER III

LEGISLATIVE POWERS AND PROCEDURE

Establish-
ment of
Legislatures.

(b)51.—(1) Subject to the provisions of this Order, the Governor-General may, with the advice and consent of the Federal Legislative Houses, make laws for the peace, order and good government of Nigeria (other than Lagos) or any part thereof with respect to any matter that is included in the Exclusive Legislative List or the Concurrent Legislative List.

(2) Subject to the provisions of this Order, the Governor-General may, with the advice and consent of the Federal Legislative Houses, make laws for the peace, order and good government of Lagos or any part thereof with respect to any matter whether or not it is included in the Exclusive Legislative List or the Concurrent Legislative List.

(3) Subject to the provisions of this Order, the Governor of a Region may, with the advice and consent of the Legislative Houses of that Region, make laws for the peace, order and good government of that Region or any part thereof with respect to any matter other than a matter that is included in the Exclusive Legislative List.

(4) Subject to the provisions of this Order, the Commissioner of the Cameroons may, with the advice and consent of the House of Assembly of the Southern Cameroons, make laws for the peace, order and good government of the Southern Cameroons or any part thereof with respect to any matter other than a matter that is included in the Exclusive Legislative List.

Federal
Legislature
may be
authorised to
make laws by
Legislatures
of Regions
and Southern
Cameroons.

(a)52.—(1) A law enacted by the Legislature of a Region may, confer upon the Federal Legislature authority to make laws for that Region with respect to any matter that is not included in the Exclusive Legislative List or the Concurrent Legislative List.

(2) Any such authority may be general or may be conferred for such period or subject to such conditions or restrictions as may be specified in the law by which it is conferred, and it may be revoked at any time by law by the Legislature by which it was conferred, whereupon any law enacted by the Federal Legislature in pursuance of that authority shall have effect as if it were a law enacted by the Legislature of the Region by which that authority was conferred.

(3) The foregoing provisions of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region, and for that purpose references therein to a Region shall be construed as if they were references to the Southern Cameroons.

(b) S. 51 as am., S.I. 1958/429, 1959/1772, 1981.

(a) S.52 as am., S.I. 1955/432.

(a)53.—(1) A law enacted by the Federal Legislature may make provision in relation to any Region or the Southern Cameroons for the implementation in Nigeria of treaties, conventions and agreements with and other obligations towards or arrangements relating to, countries or international or similar organisations outside Nigeria with respect to any matter, whether or not that matter is included in the Exclusive Legislative List or the Concurrent Legislative List :

Implement-
ation of
treaties, etc.

Provided that where any such provision is made after the commencement of this Order with respect to any matter that is not included in the Exclusive Legislative List or the Concurrent Legislative List, that provision shall not have effect—

(a) in relation to a Region unless and until the Governor has declared by notice published in the Official Gazette of the Region that it shall so have effect ;

(b) in relation to the Southern Cameroons unless and until the Commissioner of the Cameroons has declared by notice published in the Official Gazette of the Southern Cameroons that it shall so have effect.

(2) A law enacted by the Legislature of a Region may make provision for the implementation in that Region of treaties, conventions and agreements with and other obligations towards or arrangements relating to, countries or international or similar organisations outside Nigeria with respect to any matter other than a matter that is included in the Exclusive Legislative List.

(3) A law enacted by the Legislature of the Southern Cameroons may make provision for the implementation in the Southern Cameroons of treaties, conventions and agreements with and other obligations towards or arrangements relating to, countries or international or similar organisations outside Nigeria with respect to any matter other than a matter that is included in the Exclusive Legislative List.

(a)54.—(1) Subject to the provisions of this section, a law enacted by the Federal Legislature may make provision in relation to any Region or the Southern Cameroons with respect to trade and commerce between Nigeria and other countries, including (without prejudice to the generality of the foregoing power) the export of commodities from Nigeria and the import of commodities into Nigeria and the establishment and enforcement of grades and standards of quality for commodities to be exported from Nigeria.

External
trade.

(2) A law enacted by the Federal Legislature in pursuance of subsection (1) of this section may make provision for conferring on any authority (including a body corporate incorporated by or under a law enacted by the Federal Legislature) exclusive power—

(a) to acquire any commodity for export from Nigeria ;

(b) to export any commodity from Nigeria ;

(c) to sell any commodity outside Nigeria.

(3) The powers conferred by the foregoing provisions of this section shall not extend to any matter with respect to which provision may be made by law enacted by the Legislature of a Region or by law enacted by the Legislature of the Southern Cameroons in pursuance of subsection (4), (5), (6) or (7) of this section :

(a) S. 53 as am., S.I. 1955/432.

(a) S. 54 as subst., S.I. 1958/429.

Provided that a law enacted by the Federal Legislature may make provision, in respect of commodities to be exported from Nigeria, for the inspection of such commodities at the port of their shipment from Nigeria and provision for the enforcement of grades and standards of quality in respect of commodities so inspected.

(4) Subject to the provisions of this section, a law enacted by the Legislature of a Region may establish an authority (to be styled the Marketing Board of that Region) for the purchase in that Region of commodities for export from Nigeria in accordance with the provisions of any law enacted by the Federal Legislature and may confer on that authority exclusive power to purchase any commodity in that Region for export from Nigeria as aforesaid.

(5) Subject to the provisions of this section, a law enacted by the Legislature of the Southern Cameroons may establish an authority (to be styled the Southern Cameroons Marketing Board) for the purchase in the Southern Cameroons of commodities for export from Nigeria in accordance with the provisions of any law enacted by the Federal Legislature and may confer on that authority exclusive power to purchase any commodity in the Southern Cameroons for export from Nigeria as aforesaid.

(6) A law enacted by the Legislature of a Region may—

(a) make provision for the powers and functions of the Marketing Board of that Region and in particular (without prejudice to the generality of the foregoing power) may empower the Board—

(i) to acquire any commodity in that Region for export from Nigeria in accordance with the provision of any law enacted by the Federal Legislature ;

(ii) to regulate the prices to be paid for commodities so acquired ;

(b) make provision for the regulation and prohibition in that Region of dealings with or processing of any commodity that is to be exported from Nigeria ;

(c) make provision for the enforcement in that Region of any grades and standards of quality for commodities to be exported from Nigeria that may have been established by any law enacted by the Federal Legislature.

(7) The provisions of subsection (6) of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region, and for that purpose references therein to a Region shall be construed as if they were references to the Southern Cameroons.

(a)55. A law enacted by the Federal Legislature or the Legislature of a Region or the Southern Cameroons may authorise the making of any grant or loan of money for any purpose whether or not that purpose is one with respect to which that Legislature may otherwise make laws.

(a)56. A law enacted by the Legislature of the Southern Cameroons may make provision for paying the emoluments of the Commissioner of the Cameroons and of any other officer employed in connection with the government of the Southern Cameroons, notwithstanding that he is an officer in the public service of the Federation.

(a) Ss. 55, 56, as am., S.I. 1955/432.

Legislatures may authorise grants or loans for any purpose.

Emoluments of officers employed in connection with government of Southern Cameroons.

(b)56A.—(1) Subject to the provisions of this section, a law enacted by the Federal Legislature may make provision with respect to electricity or gas in relation to any Region or the Southern Cameroons.

Electricity
and gas.

(2) Save to the extent that it may be authorised in that behalf by a law enacted in pursuance of section 52 of this Order, the Federal Legislature shall not make a law in pursuance of subsection (1) of this section that—

(a) prohibits or restricts the establishment by or on behalf of the Government of a Region or the Southern Cameroons of an agency for the manufacture, distribution or supply of electricity or gas in that Region or the Southern Cameroons, as the case may be; or

(b) regulates the production, distribution or supply of electricity or gas by the Government of a Region or the Southern Cameroons or any such agency.

(3) In this section "gas" does not include natural gas.

(b)56B. A law enacted by the Legislature of a Region or the Southern Cameroons may establish an authority for the purpose of carrying on (subject to and in compliance with the laws enacted by the Federal Legislature for the time being in force, and in particular such of those laws as relate to banks and banking) the business of banking in Nigeria or elsewhere, notwithstanding that banks and banking are not matters with respect to which the Legislature of a Region or the Southern Cameroons, as the case may be is otherwise competent to make laws, and may make such provision for the constitution of that authority, and for regulating the performance by that authority of its functions, as is not inconsistent with the laws enacted by the Federal Legislature for the time being in force.

Establish-
ment of
Banks by
Legislatures
of Regions
and Southern
Cameroons.

(c)56C.—(1) A law enacted by the Federal Legislature may make provision in relation to a Region or the Southern Cameroons with respect to evidence in regard to any matter, whether or not that matter is included in the Exclusive Legislative List or the Concurrent Legislative List.

Evidence.

(2) A law enacted by the Legislature of a Region or the Southern Cameroons relating to any matter within the competence of that legislature may make provision with respect to evidence in regard to that matter.

(3) If any law enacted by the Federal Legislature contains any provision with respect to evidence in regard to any matter that is not included in the Exclusive Legislative List or the Concurrent Legislative List that is inconsistent with any provision with respect to evidence in regard to that matter contained in any law enacted by the Legislature of a Region or the Southern Cameroons, the provision contained in the law enacted by the Legislature of the Region or the Southern Cameroons, as the case may be, shall prevail over the provision contained in the law enacted by the Federal Legislature.

(d)56D. A law enacted by the Federal Legislature may, for the purpose of implementing any agreement between the Federal Government and any person relating to mining or matters connected therewith, provide for exempting such person in whole or in part from liability for any tax, duty, rate or other due imposed by or under a law enacted by any legislature in Nigeria.

Tax exemp-
tions in res-
pect of
mining.

(b) Ss. 56A, 56B, inserted, S.I. 1957/1530.

(c) S.56c inserted S.I. 1958/429.

(d) S.56d inserted S.I. 1959/368.

THE CONSTITUTION ORDERS

Legislatures may provide for certain matters for which provision may be made by regulation.

(d)56E.—(1) Subject to the provisions of this Order, a law enacted by the Federal Legislature may make provision for any of the matters for which provision may be made by regulation under sub-paragraph (ii) of paragraph (b) of subsection (1) of section 5A, subsection (3) of section 5C, subsection (7) of section 7A, section 8, section 16, subsection (3) of section 158, subsection (4) of section 161, section 170, section 171 or subsection (5) of section 243 of this Order or head (b) of the proviso to sub-paragraph (3) of paragraph 5 of the Sixth Schedule to this Order.

(2) Subject to the provisions of this Order, a law enacted by the Legislature of a Region may make provision for any of the matters for which provision may be made in relation to that Region by regulation made under subsection (1) of section 5C, section 18, section 31B, subsection (7) of section 36A, section 37 or section 49 of this Order, as the case may be.

(3) Subject to the provisions of this Order, a law enacted by the Legislature of the Southern Cameroons may make provision for any of the matters for which provision may be made in relation to the Southern Cameroons by regulation made under subsection (2) of section 5C, subsection (9) of section 36, section 37 or section 49 of this Order.

(4) If there is any inconsistency between the provisions of any law enacted under this section and any regulations made under the provisions of this Order referred to in this section, the provisions of the law shall prevail.

(5) References in this Order to regulations made under the provisions of this Order referred to in this section shall include references to laws enacted under this section.

Existing laws.

57.—(1) For the purposes of this section "an existing law" means a law in force or having any effect immediately before the commencement of this Order that was enacted by any legislature in Nigeria.

(2) Subject to the provisions of this Order, an existing law shall have effect in relation to Lagos as if it were a law enacted by the Federal Legislature.

(a)(3) Subject to the provisions of this Order—

(a) an existing law shall, in relation to any part of Nigeria other than Lagos, have effect, in so far as it relates to any matter included in the Exclusive Legislative List, as if it were a law enacted by the Federal Legislature;

(b) an existing law shall, so far as it relates to any matter other than a matter included in the Exclusive Legislative List, have effect—

(i) in relation to a Region, as if it were a law enacted by the Legislature of that Region;

(ii) in relation to the Southern Cameroons, as if it were a law enacted by the Legislature of the Southern Cameroons;

Provided that the Police Ordinance(b) and any Ordinance amending that Ordinance shall have effect as if it were a law enacted by the Federal Legislature.

(d) S.56E inserted S.I. 1959/1772.

(a) S.57 (3) as substituted, S.I. 1957/1530.

(b) Laws of Nigeria Rev. 1948, Chapter 172.

THE CONSTITUTION ORDERS

(4) Subject to the provisions of this Order, any existing law, in so far as it has effect by virtue of this section as if it were a law enacted by any legislature in Nigeria, shall, for the purposes of this Order, be deemed to have been enacted by that legislature, and may be amended and repealed as if it were a law enacted by that legislature.

(5) (a) The Governor-General may, by Order published in the Official Gazette of the Federation, at any time within twelve months after the commencement of this Order, provide that any existing law shall be read and construed with such adaptations and modifications as may appear to the Governor-General to be necessary or expedient for bringing the provisions of that law into accord with the provisions of this Order, or otherwise for giving effect or enabling effect to be given to those provisions; and any existing law shall, subject to the provisions of subsection (4) of this section, have effect accordingly from such date as may be specified in the Order, not being a date earlier than the commencement of this Order.

(b) In this subsection "existing law" includes any instrument made in pursuance of an existing law.

(6) [rev., S.I. 1959/1981]

(d)58.—(1) Subject to the provisions of section 56c of this Order, if any law enacted by the Legislature of a Region or of the Southern Cameroons is inconsistent with any law enacted by the Federal Legislature, then, to the extent of the inconsistency, the law enacted by the Legislature of the Region, or of the Southern Cameroons, as the case may be, if enacted before the law enacted by the Federal Legislature, shall cease to have effect and, if enacted after the law enacted by the Federal Legislature, shall be void.

Inconsistency between laws enacted by different Legislatures.

(2) For the purposes of this section a law enacted by the Federal Legislature that has effect under section 52 of this Order as if it were a law enacted by the Legislature of a Region or of the Southern Cameroons shall be deemed to have been enacted by that Legislature.

(e)58A.—(1) No restriction shall be imposed upon trade or commerce among the Regions or between a Region and the Southern Cameroons or Lagos or between the Southern Cameroons and Lagos by or in pursuance of any law enacted by any legislature in Nigeria.

Freedom of trade and commerce.

(2) The provisions of this section shall be without prejudice to the powers conferred upon any legislature in Nigeria by section 54 of this Order or to the like powers possessed by the Federal Legislature in relation to Lagos; and nothing in this section shall prevent the imposition of restrictions necessary in the interest of defence, public safety, public order, public morality, public health (including the health of animals or plants) or for the purpose of providing, maintaining or securing supplies and services necessary to the life of the community.

LEGISLATIVE PROCEDURE

(d)59.—(1) Subject to the provisions of this Order, the Federal Legislature shall, in the transaction of business and the making of laws conform as nearly as may be to the directions contained in any Instructions under Her Majesty's Sign Manual and Signet that may from time to time be addressed to the Governor-General in that behalf.

Legislatures to observe Royal Instructions.

(d) S.58 as am., S.I. 1958/429.

(e) S.58A inserted S.I. 1959/368.

(d) S.59 as am., S.I. 1958/429, 1959/1981.

(2) Subject to the provisions of this Order, the Legislature of a Region shall, in the transaction of business and the making of laws, conform as nearly as may be to the directions contained in any Instructions under Her Majesty's Sign Manual and Signet that may from time to time be addressed to the Governor of that Region in that behalf.

(3) Subject to the provisions of this Order, the Legislature of the Southern Cameroons shall, in the transaction of business and the making of laws, conform as nearly as may be to the directions given to the Commissioner of the Cameroons in pursuance of any Instructions under Her Majesty's Sign Manual and Signet as may from time to time be addressed to the High Commissioner for the Southern Cameroons in that behalf.

Introduction
of Bills in
Legislative
Houses.

(a)60.—(1) Subject to the provisions of this Order and of the Standing Orders of the House, any member of a Legislative House may introduce any Bill in that House or propose any motion for debate in, or may present any petition to, that House, and the same shall be debated and disposed of according to the Standing Orders of the House.

(2) (a) A Bill other than a money Bill may be introduced in any Legislative House, but a money Bill shall not be introduced in the Senate or in the House of Chiefs of a Region.

(b) [rev., S.I. 1959/1772]

(c) In this subsection "a money Bill" means a Bill that in the opinion of the Speaker of the House of Representatives or the House of Assembly of the Region (as the case may be) contains only provisions dealing with all or any of the following matters, namely, the imposition, repeal, remission, alteration or regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on public money or the variation or repeal of any such charges; the grant of money to the Crown or to any authority or person, or the variation or revocation of any such grant; the appropriation, receipt, custody, investment, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof; or subordinate matters incidental to those matters or any of them.

(d) In paragraph (c) of this subsection the expressions "taxation", "public money" and "loan", respectively, do not include any taxation, money or loan raised by local authorities or bodies for public purposes.

(e) [rev., 1959/368]

(b)61.—(1) Except upon the recommendation of the Governor-General, a Federal Legislative House shall not—

(a) proceed upon any Bill (including any amendment to a Bill) that, in the opinion of the President or Speaker or other person presiding in the House, makes provision for imposing or increasing any tax, for imposing or increasing any charge on the Consolidated Revenue Fund of the Federation or the other public Funds of the Federation or for altering any such charge otherwise than by reducing it, or for compounding or remitting any debt due to the Federation; or

(a) S.60 as am., S.I. 1957/1530, 1958/429, 1959/368, 1049, 1772.

(b) S.61 as subst., S.I. 1958/1257, and am., 1959/1772.

Restrictions
with regard
to Bills, etc.,
that charge
the revenue.

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(b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the President or Speaker or other person presiding in the House, is that provision should be made as aforesaid; or

(c) receive any petition that, in the opinion of the President or Speaker or other person presiding in the House, requests that provision should be made as aforesaid.

(2) The provisions of subsection (1) of this section shall apply in relation to a Regional Legislative House as they apply in relation to a Federal Legislative House, and for that purpose references to the Federation and the Governor-General shall be construed as if they were references to the Region and the Governor of the Region.

(3) The provisions of subsection (1) of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to a Federal Legislative House, and for that purpose references to the Federation and the Governor-General shall be construed as if they were references to the Southern Cameroons and the Commissioner of the Cameroons.

(a)62.—(1) In this section "reserved Bill or motion" means any Bill or motion that would effect any alteration in the salary, allowances or conditions of service (including leave, passages and promotion) of any public officer, or in the law, regulations or practice governing the payment of pensions, gratuities or other like benefits to any public officer or former public officer or his widow, children, dependants or personal representatives.

Bills and motions in a Federal Legislative House affecting public officers, etc.

(2) It shall be the duty of the President or Speaker or other person presiding in a Federal Legislative House, or in any committee thereof, to consider whether any Bill or motion before the House or the committee, as the case may be, is a reserved Bill or motion, and if he is of opinion that it is a reserved Bill or motion he shall forthwith so inform the House and the Governor-General, and no further proceedings shall, save with the consent of the Governor-General, be taken upon the Bill or motion during the period commencing on the day on which the House is informed or the day on which the Governor-General is informed, whichever is the earlier, and ending two days after the day on which the Governor-General is informed.

(3) The Governor-General may, with respect to any Bill or motion that is before a Federal Legislative House, or any committee thereof, at any time give notice to the President or Speaker or other person presiding in the House or the committee, as the case may be, that the Bill or motion is, in the opinion of the Governor-General, a reserved Bill or motion, and when such notice has been given, no further proceedings shall, save with the consent of the Governor-General, be taken upon the Bill or motion.

(4) Where a Bill or motion, other than a motion for the amendment of a Bill, appears to the Governor-General to be a Bill or motion that would affect any public officer or former public officer or his widow, children, dependants or personal representatives prejudicially, then—

(a) in the case of a Bill, he shall, when the Bill is presented for his assent, reserve the Bill for the signification of Her Majesty's pleasure;

(b) in the case of a motion, he may, within a period of seven days from the date on which it was carried, certify by writing under his hand that he considers that any alteration that has been or would be effected by such motion is one that affects, or would so affect, any public officer or former public officer or his widow, children, dependants or personal representatives prejudicially, and in such case the motion shall not have effect unless and until it is approved by a Secretary of State.

(5) Any such notice as is referred to in subsection (3) of this section may be given by the Governor-General in such manner as he may think fit.

(6) The powers conferred by the foregoing provisions of this section on the Governor-General shall be exercised by him in his discretion.

(7) The Governor-General shall not withhold consent to the taking of further proceedings upon any Bill or motion in respect of which notice has been given in accordance with subsection (3) of this section if, in his opinion, any alteration that would be effected by such Bill or motion would not affect any public officer or former public officer or his widow, children, dependants or personal representatives prejudicially.

(8) The provisions of a Bill or motion that would effect only the abolition of any office that is vacant shall be deemed not to affect any person prejudicially for the purposes of this section.

(9) Nothing in this section shall be construed so as to derogate from the powers of a Federal Legislative House conferred by this Order to debate or dispose of any Bill or motion relating to the creation of any new office.

Application
of s. 62 to
House of
Assembly of
Southern
Cameroons.

(a) 62A. The provisions of section 62 of this Order shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to a Federal Legislative House, and for that purpose references to a Secretary of State, the Governor-General, and a Federal Legislative House shall be construed as if they were references to the High Commissioner for the Southern Cameroons, the Commissioner of the Cameroons, and the House of Assembly of the Southern Cameroons

[S. 63 *rev.*, S.I. 1958/429]

Reserved
powers.

(a) 64.—(1) If the Governor-General considers that it is expedient in the interest of public order, public faith or good government (which expressions shall, without prejudice to their generality, include the responsibility of Nigeria as a territory within the British Commonwealth of Nations, and all matters pertaining to the creation or abolition of any public office or to the salary or other conditions of service of any public officer) that any Bill introduced, or any motion proposed, in a Federal Legislative House should have effect, then, if the House fail to pass such Bill or to carry such motion within such time and in such form as the Governor-General thinks reasonable and expedient, the Governor-General may, at any time that he thinks fit, and notwithstanding any provisions of this Order or of any Standing Orders of the House, declare that such Bill or motion shall have effect as if it had been passed or carried by that House either in the form in which it was so introduced or proposed or with such amendments as the Governor-General

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thinks fit that have been moved or proposed in that House including any committee thereof; and the Bill or the motion shall be deemed thereupon to have been so passed or carried, and the provisions of this Order, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly.

(2) The Governor-General shall forthwith report to a Secretary of State every case in which he makes any such declaration and the reasons therefor.

(3) If any member of a Federal Legislative House in respect of which a declaration has been made under this section objects to such declaration he may, within seven days of the making thereof, submit to the Governor-General a statement in writing of his reasons for so objecting, and a copy of such statement shall, if furnished by such member, be forwarded by the Governor-General as soon as practicable to a Secretary of State.

(4) Any declaration made under this section other than a declaration relating to a Bill may be revoked by a Secretary of State and the Governor-General shall cause notice of such revocation to be published in the Official Gazette of the Federation; and from the date of such publication any motion that is deemed to have been carried by virtue of the declaration shall cease to have effect and the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such revocation as they apply to the repeal of an Act of Parliament.

(5) The powers conferred on the Governor-General by this section shall be exercised by him in his discretion.

(6) The provisions of this section shall apply in relation to the Legislative Houses of the Northern Region as they apply in relation to a Federal Legislative House, and for that purpose shall have effect as if—

(a) references to the Governor-General and the Official Gazette of the Federation were references to the Governor and the Official Gazette of that Region;

(b) the words "or in any joint sitting of delegates convened under section 69 of this Order" were inserted in subsection (1) of this section immediately after the words "including any committee thereof"; and

(c) the following proviso were added to subsection (1):—

"Provided that the Governor shall not make any such declaration unless he is satisfied that it is necessary or expedient so to do in the interest of the peace, order and good government of such part of the Cameroons as is comprised in the Northern Region".

(7) The provisions of subsections (1), (2), (3), (4) and (5) of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to a Federal Legislative House, and for that purpose references to the Secretary of State, the Governor-General and the Official Gazette of the Federation shall be construed as if they were references to the High Commissioner for the Southern Cameroons, the Commissioner of the Cameroons and the Official Gazette of the Southern Cameroons.

Assent to
Bills.

(a)65.—(1) A Bill passed by the Federal Legislative Houses shall not become a law unless either the Governor-General has assented thereto in Her Majesty's name and on Her Majesty's behalf and has signed the same in token of such assent, or Her Majesty has given Her assent thereto through a Secretary of State.

(2) When a Bill has been passed by the Federal Legislative Houses it shall be presented to the Governor-General for assent; and thereupon the Governor-General shall, acting in his discretion, declare that he assents, or refuses to assent, thereto, or that he reserves the Bill for the signification of Her Majesty's pleasure:

Provided that the Governor-General shall reserve for the signification of Her Majesty's pleasure any Bill that determines or regulates the privileges, immunities or powers of the Federal Legislative Houses or the members thereof, unless he has been authorised by a Secretary of State to assent thereto.

(3) A law assented to by the Governor-General in pursuance of subsection (2) of this section shall come into operation on the date of its publication in the Official Gazette of the Federation or, if it is provided either in such law or in some other law (including any law in force at the commencement of this Order) that it shall come into operation on some other date, on that date.

(4) (a) A Bill reserved for the signification of Her Majesty's pleasure in pursuance of subsection (2) of this section shall become a law as soon as Her Majesty has given Her assent thereto through a Secretary of State and the Governor-General has signified such assent by Proclamation published in the Official Gazette of the Federation.

(b) Every such law shall come into operation on the date of such Proclamation or, if it is provided either in such law or in some other law (including any law in force at the commencement of this Order) that it shall come into operation on some other date, on that date.

(5) The provisions of this section shall apply in relation to a Bill passed by the Legislative Houses of the Northern Region as they apply in relation to a Bill passed by the Federal Legislative Houses and for that purpose—

(a) references to the Governor-General, the Federal Legislative Houses and the Official Gazette of the Federation shall be construed as if they were references to the Governor of the Northern Region, the Legislative Houses of the Northern Region and the Official Gazette of the Northern Region; and

(b) subsection (2) shall have effect as if the words "acting in his discretion" were deleted and as if for the proviso there were substituted the following proviso:—

"Provided that, unless he has been authorised by a Secretary of State to assent thereto, the Governor shall reserve for the signification of Her Majesty's pleasure any Bill which appears to the Governor, acting in his discretion—

(a) to be inconsistent with any obligation imposed on Her Majesty by any treaty, convention or agreement with or arrangement relating to any country or international or similar organisation outside Nigeria;

(b) to be likely to prejudice the Royal prerogative, or the rights of property of British subjects not residing in Nigeria, or the trade or transport or communications of any part of Her Majesty's dominions;

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(c) to be likely to impede or prejudice the performance by the Government of the Federation of any of its functions or to endanger the continuance of federal government in Nigeria ; or

(d) to be undesirable in the interest of the peace, order and good government of such part of the Cameroons as is comprised in the Northern Region.

(5A) The provisions of this section shall apply in relation to a Bill passed by the Legislative Houses of the Western Region or the Eastern Region as they apply in relation to a Bill passed by the Federal Legislative Houses for that purpose—

(a) references to the Governor-General, the Federal Legislative Houses and the Official Gazette of the Federation shall be construed as if they were references to the Governor of a Region, the Legislative Houses of that Region and the Official Gazette of that Region ; and

(b) subsection (2) shall have effect as if the words 'acting in his discretion', were deleted and as if for the proviso there were substituted the following proviso :—

"Provided that, unless he has been authorised by a Secretary of State to assent thereto, the Governor shall reserve for the signification of Her Majesty's pleasure any Bill which appears to the Governor, acting in his discretion—

(a) to be inconsistent with any obligation imposed on Her Majesty by any treaty, convention or agreement or arrangement relating to any country or international or similar organisation outside Nigeria ;

(b) to be likely to prejudice the Royal prerogative, or the rights of property of British subjects not residing in Nigeria, or the trade or transport or communications of any part of Her Majesty's dominions ; or

(c) to be likely to impede or prejudice the performance by the Government of the Federation of any of its functions or to endanger the continuance of federal government in Nigeria."

(6) For the purposes of this section—

(a) a Bill shall be held to have been passed by the Federal Legislative Houses or the Legislative Houses of the Northern Region or the Western Region only if it has been agreed to by both Houses either—

(i) without amendment ; or

(ii) with such amendments only as are agreed to by both Houses ;

(b) a Bill or amendment shall be deemed to have been, or to be, agreed to by any Legislative House if it is deemed to have been passed by that House by virtue of a declaration made under section 64 of this Order.

(7) The provisions of subsections (1), (2), (3) and (4) of this section shall apply in relation to a Bill passed by the House of Assembly of the Southern Cameroons as they apply in relation to a Bill passed by the Federal Legislative Houses, and for that purpose—

(a) references to the Governor-General, the Federal Legislative Houses and the Official Gazette of the Federation shall be construed as if they were references to the Commissioner of the Cameroons, the House of Assembly of the Southern Cameroons, and the Official Gazette of the Southern Cameroons ; and

(b) [rev., S.1 1959/1981]

Dis-
allowance of
laws.

(a)66.—(1) Any law enacted by the Federal Legislature to which the Governor-General has given his assent, or any law enacted by the Legislature of the Southern Cameroons to which the Commissioner of the Cameroons has given his assent may be disallowed by Her Majesty through a Secretary of State.

(1A) Any law enacted by the Legislature of a Region to which the Governor has given his assent may be disallowed by Her Majesty through a Secretary of State if the law contains any provision that appears to Her Majesty—

(a) to be inconsistent with any obligation imposed on Her Majesty by any treaty, convention or agreement or arrangement relating to any country or international or similar organisation outside Nigeria ;

(b) to be likely to prejudice the Royal prerogative, or the rights of property of British subjects not residing in Nigeria, or the trade or transport or communications of any part of Her Majesty's dominions ;

(c) to be likely to impede or prejudice the performance by the Government of the Federation of any of its functions or to endanger the continuance of federal government in Nigeria ; or

(d) to alter, to the injury of the stock-holders, any provisions relating to stock forming part of the public debt of the Federation that is registered in the United Kingdom in accordance with the provisions of the Colonial Stock Acts, 1877 to 1948(c), as from time to time amended, or to involve a departure from the original contract in respect of any such stock.

(1B) Any law to which the Governor of the Northern Region has given his assent may be disallowed by Her Majesty through a Secretary of State if the law contains any provision that appears to Her Majesty to be undesirable in the interest of the peace, order and good government of such part of the Cameroons as is comprised in the Northern Region.

(2) (a) Whenever any law enacted by the Federal Legislature has been disallowed by Her Majesty, the Governor-General shall cause notice of such disallowance to be published in the Official Gazette of the Federation.

(b) Whenever any law enacted by the Legislature of a Region has been disallowed by Her Majesty, the Governor of that Region shall cause notice of such disallowance to be published in the Official Gazette of the Region.

(c) Whenever any law enacted by the Legislature of the Southern Cameroons has been disallowed by Her Majesty, the High Commissioner for the Southern Cameroons shall cause notice of such disallowance to be published in the Official Gazette of the Southern Cameroons.

(3) (a) Every law so disallowed shall cease to have effect as soon as notice of such disallowance is published as aforesaid and thereupon any enactment repealed or amended by, or in pursuance of, the law disallowed shall have effect as if that law had not been made.

(b) Subject as aforesaid, the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such disallowance as they apply to the repeal of an Act of Parliament.

(a)66A.—(1) The Governor-General, acting in his discretion, may—

(a) send by message to the President or Speaker of a Federal Legislative House a draft of any Bill or motion that it appears to the Governor-General should be introduced or moved in that House ;

(b) in the same or a later message require that the Bill or motion shall be introduced or moved not later than a date specified in such message.

Introduction
of Bills by
message of
Governor-
General.

(a) S.66 as am. S.I. 1958/429, 1959/368 (with saving), 1981.

(c) 40 and 41 Vict. c.59, 55 & 56 Vict. c.35, 63 & 64 Vict. c.62, 24 & 25 Geo. 5 c.47 and 12, 13 & 14 Geo. 6. c.1.

(a) S.66A inserted S.I. 1957/1530.

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(2) If a request of the Governor-General made to the President or Speaker of a Federal Legislative House in accordance with paragraph (b) of subsection (1) of this section is not complied with, the Bill or motion to which the message relates shall be deemed for all purposes to have been introduced or moved in that House on the date specified in the message.

(b)66B.—(1) If a money Bill, having been passed by the House of Representatives and sent to the Senate at least one month before the end of the session, is not passed by the Senate within one month after it is so sent, the Bill, with any amendments that are certified by the Speaker to have been made by the Senate and agreed to by the House of Representatives, shall, unless the House of Representatives otherwise resolves, be deemed thereupon to have been passed by both Houses of the Federal Legislature and the provisions of this Order, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly.

Restriction
of powers
of Senate as
to money
Bills.

(2) There shall be endorsed on every money Bill when it is sent to the Senate from the House of Representatives the certificate of the Speaker signed by him that it is a money Bill; and there shall be endorsed on any money Bill that is presented to the Governor-General for his assent in pursuance of subsection (1) of this section the certificate of the Speaker signed by him that it is a money Bill and the provisions of that subsection have been complied with.

(3) In this section the expression "money Bill" has the meaning assigned to it by section 60 of this Order.

(b)66C.—(1) If any Bill other than a money Bill is passed by the House of Representatives in two successive sessions (whether or not the Federal Legislative Houses are dissolved between those sessions) and, having been sent to the Senate at least one month before the end of the session, is rejected by the Senate in each of those sessions, the Bill shall, on its rejection for the second time by the Senate, unless the House of Representatives otherwise resolves, be deemed to have been passed by both the Federal Legislative Houses, and the provisions of this Order, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly:

Restriction
of powers of
Senate as to
Bills other
than money
Bills.

Provided that the foregoing provisions of this paragraph shall not have effect unless six months has elapsed between the date on which the Bill is passed by the House of Representatives in the first session and the date on which it is passed by that House in the second session.

(2) For the purposes of this section a Bill that is sent to the Senate from the House of Representatives in any session shall be deemed to be the same Bill as a former Bill sent to the Senate in the preceding session if, when it is sent to the Senate, it is identical with the former Bill or contains only such alterations as are certified by the Speaker to be necessary owing to the time that has elapsed since the date of the former Bill, or to represent any amendments that have been made by the Senate in the former Bill in the preceding session.

(3) The House of Representatives may, if it thinks fit, on the passage through the House of a Bill that is deemed to be a former Bill sent to the Senate in the preceding session, suggest any amendments without inserting the amendments in the Bill, and any such suggested amendments shall be

considered by the Senate, and, if agreed to by the Senate, shall be treated as amendments made by the Senate and agreed to by the House of Representatives; but the exercise of this power by the House of Representatives shall not affect the operation of this section in the event of the rejection of the Bill by the Senate.

(4) There shall be inserted in any Bill that is presented to the Governor-General for assent in pursuance of subsection (1) of this section any amendments that are certified by the Speaker and have been made by the Senate in the second session and agreed to by the House of Representatives.

(5) There shall be endorsed on any Bill that is presented to the Governor-General for assent in pursuance of subsection (1) of this section the certificate of the Speaker signed by him, that the provisions of this section have been complied with.

(6) In this section the expression "money Bill" has the meaning assigned to it by section 60 of this Order.

Provisions
relating to
ss. 66B and
66C.

(b)66D.—(1) For the purposes of section 66C of this Order, a Bill shall be deemed to be rejected by the Senate if—

(a) it is not passed by the Senate without amendment; or

(b) it is passed by the Senate with any amendment that is not agreed to by the House of Representatives.

(2) A certificate of the Speaker of the House of Representatives under section 66B or 66C of this Order shall be conclusive for all purposes and shall not be questioned in any Court.

(3) Before giving any certificate under section 66B or 66C of this Order, the Speaker shall consult the Attorney-General of the Federation, or if the Attorney-General is absent from the seat of government of the Federation, such member of the Attorney-General's staff as the Attorney-General may designate for that purpose.

[S. 67 rev., S.I. 1958/429]

Bills liable to
special
procedure.

(b)68.—(1) If, after a Bill has been passed by one House of the Legislature of the Northern Region and sent to the other House of that Region (in this section referred to as "the second House")—

(a) the Bill is rejected by the second House; or

(b) the Governor is otherwise satisfied that there is no reasonable prospect of the Bill's being passed by both Houses without amendment or with such amendments only as are agreed to by both Houses; or

(c) more than six months elapse from the date on which the Bill is sent to the second House (or, if the second House is not sitting, on that date, from the date when it next sits thereafter) without the Bill's being passed as aforesaid by both Houses;

the Governor, may, unless the Bill has lapsed by reason of a dissolution of the Houses, declare the Bill to be liable to the special procedure prescribed by section 70 of this Order, and as from the date of such declaration the Bill shall be liable to such procedure.

(2) (a) The foregoing provisions of this section shall have effect with respect to a money Bill as if the reference therein to a period of six months were a reference to a period of one month.

(b) S.68 as am., S.I. 1958/429, 1959/1049.

(b) In this subsection the expression "money Bill" has the meaning assigned to it by section 60 of this Order.

(b)69.—(1) When a Bill has become liable to the special procedure prescribed by section 70 of this Order, the Governor, may, at any time before the next dissolution of the Houses, by message or Proclamation—

Notice of joint sitting and summoning of joint sitting.

(a) give notice to both Houses of the Legislature of his intention to summon a joint sitting of representatives of both Houses for the purpose of deliberating and voting on the Bill; and

(b) require each House of the Legislature to elect representatives for the purpose aforesaid within such period (in this section referred to as "the prescribed period") as may be specified in such message or Proclamation.

(2) When the Governor has sent or made with respect to a Bill any such message or Proclamation as is referred to in subsection (1) of this section, the following provisions of this section shall have effect, that is to say:—

(a) Neither House of the Legislature shall proceed further with the Bill.

(b) Each House of the Legislature may, within the prescribed period but before the next dissolution of the Houses, elect not more than twenty of its members (in this section referred to as "delegates") for the purpose specified in such message or Proclamation:

Provided that the Northern House of Chiefs shall not so elect the President or the Deputy President of that House.

(c) The Governor may summon such delegates as have been selected in pursuance of this subsection to meet together in a joint sitting to deliberate and vote on the Bill at any time after the prescribed period but before such dissolution as aforesaid and, if he does so, the delegates shall meet accordingly and the provisions of section 70 of this Order shall have effect.

(a)70.—(1) In this section "the joint sitting" means any joint sitting of delegates convened by the Governor under section 69 of this Order and "the Bill" means the Bill in respect of which such joint sitting is so summoned.

Procedure in joint sitting and powers of joint sitting.

(2) (a) When the Governor of the Northern Region has convened the joint sitting, the President of the Northern House of Chiefs, or in his absence the deputy President of that House, shall preside thereat.

(b) No delegate shall sit or vote in the joint sitting if he has, since the date of his election as a delegate, vacated his seat in the House by which he was elected. All questions that may arise as to the right of any person to sit or vote in the joint sitting shall be determined by the Governor, acting in his discretion.

(c) The joint sitting shall not be disqualified for the transaction of business by reason of the absence of any delegate or by reason of the fact that either House has failed to elect delegates in accordance with section 69 of this Order.

(d) When any question is dependent on the decision of the joint sitting, a decision shall be regarded as the decision of the joint sitting if a majority of the votes of the delegates present and voting are cast in favour thereof:

(b) S.69 as am., S.I. 1958/429, 1959/1049.

(a) S.70 as am., S.I. 1958/429, 1959/1049.

THE CONSTITUTION ORDERS

Provided that if, on any question, the votes of the delegates are equally divided the person presiding shall have, and shall exercise, a casting vote.

(e) Subject to the provisions of this Order, the proceedings in the joint sitting shall be regulated by such Standing Orders as the Governor may make in that behalf.

(3) (a) The delegates present at the joint sitting may deliberate and shall vote together on the Bill as last proposed by the House in which it originated and upon such admissible amendments thereto as may be proposed in the joint sitting; and if the Bill, with such admissible amendments (if any) as are agreed to by the joint sitting, is affirmed by the joint sitting, the Bill as so affirmed shall be deemed thereupon to have been passed by both Houses of the Legislature and the provisions of this Order, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly.

(b) For the purposes of this subsection—

(i) if the Bill, having been passed by one House of the Legislature has not been passed by the other House with amendments and returned to the House in which it originated, there shall be admissible only such amendments (if any) as are made necessary by the delay in the passage of the Bill;

(ii) if the Bill has been so passed and returned, there shall be admissible only such amendments (if any) as are made necessary by the delay in the passage of the Bill and such other amendments as are relevant to the matters with respect to which the Houses have not agreed;

and the decision of the person presiding as to the amendments that are so admissible shall be final.

Restrictions
of powers of
Western
and Eastern
Houses of
Chiefs as to
money Bills.

(a) 70A.—(1) If a money Bill, having been passed by the House of Assembly of the Western Region or the Eastern Region and sent to the House of Chiefs of that Region at least one month before the end of the session, is not passed by the House of Chiefs within one month after it is so sent to that House, the Bill, with any amendments that are certified by the Speaker to have been made by the House of Chiefs and agreed to by the House of Assembly, shall, unless the House of Assembly otherwise resolves, be deemed thereupon to have been passed by both Houses of the Legislature and the provisions of this Order, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly.

(2) There shall be endorsed on every money Bill when it is sent to the House of Chiefs of the Western Region or the Eastern Region from the House of Assembly of the Region the certificate of the Speaker of the House of Assembly signed by him that it is a money Bill; and there shall be endorsed on any money Bill that is presented to the Governor for his assent in pursuance of subsection (1) of this section the certificate of the Speaker signed by him that it is a money Bill and the provisions of that subsection have been complied with.

(3) In this section the expression "money Bill" has the meaning assigned to it by section 60 of this Order.

THE CONSTITUTION ORDERS

(a) 70B.—(1) If any Bill other than a money Bill is passed by the House of Assembly of the Western Region or the Eastern Region in two successive sessions (whether or not the Legislature of that Region is dissolved between those sessions) and, having been sent to the House of Chiefs of the Region at least one month before the end of the session, is rejected by the House of Chiefs in each of those sessions, that Bill shall on its rejection for the second time by the House of Chiefs, unless the House of Assembly otherwise resolves, be deemed to have been passed by both Houses of the Legislature and the provisions of this Order, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly :

Restrictions of powers of Western and Eastern Houses of Chiefs as to Bills other than money Bills.

Provided that the foregoing provisions of this subsection shall not have effect unless—

(a) in the case of the Western Region, one year has elapsed between the date on which the Bill is passed by the House of Assembly in the first session and the date on which it is passed by that House in the second session ; or

(b) in the case of the Eastern Region, six months have so elapsed.

(2) For the purposes of this section a Bill that is sent to the House of Chiefs of the Western Region or the Eastern Region from the House of Assembly of the Region in any session shall be deemed to be the same Bill as a former Bill sent to the House of Chiefs in the preceding session if, when it is sent to the House of Chiefs, it is identical with the former Bill or contains only such alterations as are certified by the Speaker of the House of Assembly to be necessary owing to the time that has elapsed since the date of the former Bill, or to represent any amendments that have been made by the House of Chiefs in the former Bill in the preceding session.

(3) The House of Assembly of the Western Region or the Eastern Region may, if it thinks fit, on the passage through the House of a Bill that is deemed to be the same Bill as a former Bill sent to the House of Chiefs of the Region in the preceding session, suggest any amendments without inserting the amendments in the Bill, and any such suggested amendments shall be considered by the House of Chiefs, and, if agreed to by the House of Chiefs, shall be treated as amendments made by the House of Chiefs and agreed to by the House of Assembly ; but the exercise of this power by the House of Assembly shall not affect the operation of this section in the event of the rejection of the Bill by the House of Chiefs.

(4) There shall be inserted in any Bill that is presented to the Governor for assent in pursuance of subsection (1) of this section any amendments that are certified by the Speaker of the House of Assembly of the Western Region or the Eastern Region, as the case may be, and have been made by the House of Chiefs of the Region in the second session and agreed to by the House of Assembly.

(5) There shall be endorsed on any Bill that is presented to the Governor for assent in pursuance of subsection (1) of this section the certificate of the Speaker of the House of Assembly of the Western Region or the Eastern Region, as the case may be, signed by him that the provisions of this section have been complied with.

(6) In this section the expression "money Bill" has the meaning assigned to it by section 60 of this Order.

THE CONSTITUTION ORDERS

Provisions
relating to
ss. 70A and
709.

(a)70c.—(1) For the purposes of section 70B of this Order, a Bill shall be deemed to be rejected by the House of Chiefs of a Region if—

- (a) it is not passed by the House of Chiefs without amendment; or
- (b) it is passed by the House of Chiefs with any amendment that is not agreed to by the House of Assembly of the Region.

(2) Any certificate of the Speaker of the House of Assembly of a Region under section 70A or 70B of this Order shall be conclusive for all purposes and shall not be questioned in any Court.

(3) Before giving any certificate under section 70A or 70B of this Order the Speaker of the House of Assembly of a Region shall consult the Attorney-General of the Region or, if the Attorney-General is absent from the seat of government of the Region, such member of the Attorney-General's staff as the Attorney-General may designate for that purpose.

Standing
Orders for
Legislative
Houses.

(b)71.—(1) Subject to the provisions of this Order and of any Instructions under Her Majesty's Sign Manual and Signet, a Federal Legislative House may make Standing Orders for the regulation and orderly conduct of its own proceedings, and for the passing, intituling and numbering of Bills, and for the presentation thereof to the Governor-General for assent:

Provided that no such Orders shall have effect unless they have been approved by the Governor-General, acting in his discretion.

(2) The provisions of subsection (1) of this section shall apply in relation to a Regional Legislative House as they apply in relation to a Federal Legislative House, and for that purpose—

(a) references to the Governor-General shall be construed as if they were references to the Governor; and

(b) that subsection shall have effect as if the proviso thereto were deleted.

(3) The provisions of subsection (1) of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to a Federal Legislative House and for that purpose—

(a) references to the Governor-General shall be construed as if they were references to the Commissioner of the Cameroons; and

(b) [*rev.*, S.I. 1959/1981]

Presiding in
Legislative
Houses.

(a)72.—(1) There shall preside at the sittings of a Federal Legislative House—

(a) the Speaker of that House; or

(b) in the absence of the President or Speaker, the Deputy President or Deputy Speaker of the House; or

(c) in the absence of the President or Speaker and of the Deputy President or Deputy Speaker, such member of the House as the House may elect for that purpose.

(2) There shall preside at the sittings of a Regional Legislative House—

(a) the President or Speaker of that House; or

(b) in the absence of the President or Speaker, the Deputy President or Deputy Speaker of the House ; or

(c) in the absence of the President or Speaker and of the Deputy President or Deputy Speaker, such member of the House as the House may elect for that purpose.

(3) There shall preside at the sittings of the House of Assembly of the Southern Cameroons—

(a) the Speaker ; or

(b) in the absence of the Speaker, such member of the House as the Commissioner of the Cameroons may appoint ; or

(c) in the absence of the Speaker and of any member so appointed, such member of the House as the House may elect for that purpose.

73. A Legislative House shall not be disqualified for the transaction of business by reason of any vacancy in the membership thereof including any vacancy not filled when the House is first constituted or is reconstituted at any time ; and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do sat or voted in the House.

Legislative Houses may transact business notwithstanding vacancies, etc.

(b)74. No business except that of adjournment shall be transacted in a Legislative House if objection is taken by any member present that there are present (besides the President or Speaker or other member presiding) less than—

Quorum in Legislative Houses.

(a) fifteen members, in the case of the Senate ;

(aa) seventy-five members, in the case of the House of Representatives ;

(b) fifteen members, in the case of a House of Chiefs ;

(c) thirty-five members, in the case of a House of Assembly of a Region ;

(d) eleven members, in the case of the House of Assembly of the Southern Cameroons.

(a)75. Save as is otherwise provided in this Order—

(a) all questions proposed for decision in a Legislative House shall be determined by a majority of the votes of the members present and voting :

Voting in Legislative Houses.

Provided that—

(i) the President or Speaker or other member presiding shall not have an original vote but he may give a casting vote if on any question the votes are equally divided ;

(ii) the members of the Senate mentioned in paragraph (e) of subsection (1) of section 5A of this Order, the members of the Northern House of Chiefs mentioned in paragraph (c) of subsection (1) of section 17 of this Order, the members of the Western House of Chiefs mentioned in paragraph (b) of subsection (1) of section 24 of this Order, the members of the Western House of Assembly mentioned in paragraph (b) of subsection (1) of section 29 of this Order, the members of the Eastern House of Chiefs mentioned in paragraph (c) of subsection (1) of section 31A of this Order and the members of the Eastern House of Assembly mentioned in paragraph (b) of subsection (1) of section 32 of this Order, shall not have an original vote.

(b) S.74 as am. (prosp.), S.I. 1959/1772.

(a) S.75 as am., S.I. 1958/429, 1257, 1959/1049, 1772.

(b) if on any question the votes are equally divided and the President or Speaker or other member presiding does not exercise his casting vote, the motion shall be lost.

Oath of
allegiance
to be taken
by members
of
Legislative
Houses.

76.—(1) Subject to the provisions of subsection (2) of this section, no member of a Federal Legislative House shall (except for the purpose of enabling this section to be complied with) sit or vote in the House until he has taken the oath of allegiance before the House.

(2) If, between the time when a person becomes a member of such House and the time when the House next sits thereafter, a meeting takes place of any committee of the House of which such person is a member, such person may, in order to enable him to attend the meeting and take part in the proceedings of the committee, take and subscribe the oath of allegiance before a judge of such court as the Governor-General may direct; and the taking and subscribing of the oath in such manner shall suffice for all purposes of this section.

In any such case the judge shall forthwith report to the House through the President or Speaker that the person in question has taken and subscribed the oath of allegiance before him.

(3) The provisions of this section shall apply in relation to the members of a Legislative House of a Region (including, in the case of the Northern House of Chiefs, the adviser on Moslem law) as they apply in relation to the members of a Federal Legislative House, and for that purpose references in subsections (1) and (2) of this section to the Governor-General and the President or Speaker shall be construed as if they were references to the Governor of that Region and the President or Speaker of the House.

(a)(4) The provisions of subsections (1) and (2) of this section shall apply in relation to the members of the House of Assembly of the Southern Cameroons as they apply in relation to the members of a Federal Legislative House, and for that purpose subsection (2) shall have effect—

(a) as if for the words “a judge of such court as the Governor-General may direct” there were substituted the words “such judge or magistrate as the Commissioner of the Cameroons may direct”; and

(b) as if after the words “the judge” there were inserted the words “or magistrate”.

Privileges
of
Legislative
Houses.

(b)77.—(1) A law enacted by the Federal Legislature may determine and regulate the privileges, immunities and powers of the Federal Legislative Houses and the members thereof, but no such privileges, immunities or powers shall exceed those of the Commons House of Parliament of the United Kingdom of Great Britain and Northern Ireland or of the members thereof.

(2) (a) The provisions of this section shall apply in relation to the Legislative Houses of a Region as they apply in relation to the Federal Legislative Houses, and for that purpose references to the Federal Legislature shall be construed as if they were references to the Legislature of that Region.

(b) For the purpose of the application of this section to the Northern House of Chiefs references to the members thereof shall include the adviser on Moslem law.

(a) S.76 (4) as subst., S.I. 1958/429, and am., 1959/1772, 1981.

(b) S.77 as am., S.I. 1955/432, 1959/1772.

(3) The provisions of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the Federal Legislative Houses, and for that purpose references to the Federal Legislature shall be construed as if they were references to the Legislature of the Southern Cameroons.

(b)78.—(1) The official language of the Federal Legislative Houses and of the Legislative Houses of the Western Region, the Eastern Region and the Southern Cameroons shall be English.

(2) The official language of the Legislative Houses of the Northern Region shall be English and Hausa :

Provided that all Bills introduced in either of such Houses and all laws enacted by the Legislature of the Northern Region shall be printed in the English language and, if any such Bill or law is also printed in the Hausa language, the English text shall prevail in the case of a conflict between the two texts.

(b)79.—(1) Any person who sits or votes in a Legislative House knowing or having reasonable ground for knowing that he is not entitled to do so shall be liable to a penalty not exceeding twenty pounds for each day on which he so sits or votes in that House.

(2) The said penalty shall be recoverable by action—

(a) in the case of a person sitting or voting in a Federal Legislative House, at the suit of the Attorney-General of the Federation in the High Court of Lagos ;

(b) in the case of a person sitting or voting in any Legislative House of a Region, at the suit of the Attorney-General of the Region in the High Court of that Region ;

(c) in the case of a person sitting or voting in the House of Assembly of the Southern Cameroons, at the suit of the Attorney-General of the Southern Cameroons in the High Court of the Southern Cameroons.

(a)80.—(1) (a) Subject to the provisions of this Order, the sessions of the Federal Legislative Houses shall be held in such places and shall begin at such times as the Governor-General may, from time to time, by Proclamation published in the Official Gazette of the Federation appoint.

(b) Sessions of the Federal Legislative Houses shall be held from time to time, but so that a period of twelve months shall not intervene between the last sitting of the House in any one session and the date appointed for its first sitting in the next session, whether or not a dissolution of the House occurs between such sessions.

(2) The provisions of this section shall apply in relation to a Legislative House of a Region as they apply in relation to the Federal Legislative Houses, and for that purpose references in subsection (1) of this section to the Governor-General and the Official Gazette of the Federation shall be construed as if they were references to the Governor and the Official Gazette of that Region.

(3) The provisions of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the Federal Legislative Houses, and for that purpose references in subsection (1) of this section to the Governor-General and the Official Gazette of the Federation shall be construed as if they were references to the Commissioner of the Cameroons and the Official Gazette of the Southern Cameroons.

Official
Languages
in Legislative
Houses.

Penalty for
unqualified
persons
sitting or
voting in
Legislative
Houses.

Sessions of
Legislative
Houses.

(b) Ss.78 & 79 as am., S.I. 1959/1772, 1981.

(a) S.80 as am., S.I. 1958/429, 1257, 1959/1772, 1981.

Powers of Governor-General and Governors to address Legislative House.

(b)81.—(1) The Governor-General may, in his discretion, address either Federal Legislative House or both such Houses assembled together at any time that he thinks fit, and may for that purpose require the attendance of members.

(2) The Governor of a Region may, in his discretion, address the House of Assembly or either Legislative House or both such Houses assembled together, at any time that he thinks fit, and may for that purpose require the attendance of members.

(3) The High Commissioner for the Southern Cameroons or the Commissioner of the Cameroons, acting in his discretion, may address the House of Assembly of the Southern Cameroons at any time that he thinks fit, and may for that purpose require the attendance of members.

Prorogation and dissolution of Legislative Houses.

(c)82.—(1) The Governor-General may at any time by Proclamation published in the Official Gazette of the Federation—

(a) prorogue the Federal Legislative Houses or either of them; or

(b) dissolve the Federal Legislative Houses :

Provided that, unless they have been sooner dissolved, he shall in any case dissolve the Federal Legislative Houses at the expiration of five years from the date of the sitting of either of those Houses after any dissolution.

(2) The Governor of a Region may at any time by Proclamation published in the Official Gazette of the Region—

(a) prorogue the Legislative Houses of that Region or either of them; or

(b) dissolve the Legislative Houses of that Region :

Provided that, unless they have been sooner dissolved, he shall in any case dissolve the Legislative Houses at the expiration of five years from the date of the first sitting of either of those Houses after any dissolution.

(4) The Commissioner of the Cameroons may at any time by Proclamation published in the Official Gazette of the Southern Cameroons prorogue or dissolve the House of Assembly of the Southern Cameroons :

Provided that, unless it has been sooner dissolved, he shall in any case dissolve the House at the expiration of five years from the date of the first sitting of the House after any dissolution.

CHAPTER IV

EXECUTIVE POWERS

Extent of executive authority of Federation.

83. The executive authority of the Federation shall extend to the execution and maintenance of the constitution of the Federation and to all matters with respect to which the Federal Legislature has for the time being power to make laws.

[S. 84, *rev.*, S.I. 1959/1049]

Extent of executive authority of Regions.

85. The executive authority of a Region shall extend to the execution and maintenance of the constitution of the Region and to all matters with respect to which the Legislature of the Region has for the time being power to make laws.

(b) S.81 as am., S.I. 1958/429, 1959/1049.

(c) S.82 as am., S.I. 1959/1049, 1772, 1981.

86. The executive authority of the Southern Cameroons shall extend to the execution and maintenance of the constitution of the Southern Cameroons and to all matters with respect to which the Legislature of the Southern Cameroons has for the time being power to make laws.

Extent of executive authority of Southern Cameroons.

THE COUNCIL OF MINISTERS

87. There shall be a Council of Ministers for the Federation.

Establishment of Council of Ministers.

(a)88.—(1) The members of the Council of Ministers shall be—

Composition of Council of Ministers.

(a) the Governor-General, who shall be the President of the Council; and

(b) not less than eleven other members, who shall be styled Ministers; and

(c) such Temporary Ministers as may be appointed in accordance with section 92 of this Order.

(2) The number of Ministers who shall be appointed in addition to the Prime Minister shall, subject to the provisions of this section, be such as the Governor-General may, on the recommendation of the Prime Minister from time to time prescribe.

(b)88A.—(1) Every Minister shall be appointed by Instrument under the Public Seal from among the members of the Senate or the members of the House of Representatives.

Appointment of Ministers.

(2) Of the Ministers—

(a) one, who shall be styled the Prime Minister, shall be appointed by the Governor-General in accordance with subsection (3) of this section;

(b) the others shall be appointed by the Governor-General on the recommendation of the Prime Minister:

Provided that if the Prime Minister is appointed from among the members of the House of Representatives not less than one and not more than three of the other Ministers shall be appointed from among the members of the Senate, and if the Prime Minister is not so appointed not less than one and not more than two of the other Ministers shall be appointed from among the members of the Senate.

(3) Whenever the Governor-General has occasion to appoint a person to be a Prime Minister he shall appoint as such the person who appears to him to be best able to command a majority in the House of Representatives and who is willing to be appointed.

(b)89.—(1) The Council of Ministers shall be the principal instrument of policy for Nigeria in matters to which the executive authority of the Federation extends and shall perform such functions and duties, and exercise such powers, as may from time to time be prescribed by or under this Order, any other Orders of Her Majesty in Council, any Instructions under Her Majesty's Sign Manual and Signet or, subject to the provisions of this Order and of such other Orders and Instructions as aforesaid, by or under any other law.

Functions of Council of Ministers and exercise of Governor-General's powers.

(a) S.88 as subst., S.I. 1957/1530 and am., 1959/1049. 1772.

(b) S.88A inserted S.I. 1957/1530 and am., 1959/1049, 1772.

(b) S.89 as am., S.I. 1957/1530, 1958/429.

(2) Save as is otherwise provided by this Order or by any Instructions under Her Majesty's Sign Manual and Signet, the Governor-General shall—

(a) consult with the Council of Ministers in the exercise of all powers conferred upon him by this Order other than—

(i) powers that he is by this Order directed or empowered to exercise in his discretion or on the recommendation of or after consultation with any person or authority other than the Council of Ministers; or

(ii) powers conferred upon him by subsections (1) and (2) of section 7, paragraph (a) of subsection (2) of section 88A and paragraph (a) of subsection (2) of section 97 of this Order; or

(iii) powers conferred upon him by any provision of this Order under which any person holds any office during the Governor-General's pleasure; and

(b) act in accordance with the advice of the Council in any matter on which he is by this subsection obliged to consult with the Council.

(3) Where by this Order the Governor-General is directed to exercise a power on the recommendation of any person or of any authority other than the Council of Ministers he shall exercise that power in accordance with such recommendation.

(4) Where by this Order the Governor-General is directed to exercise a power after consultation with any person or with any authority other than the Council of Ministers he shall not be obliged to act in accordance with the advice of that person or authority.

(5) Where by this Order the High Commissioner for the Southern Cameroons is directed to exercise a power on the recommendation of any person or authority he shall exercise that power in accordance with such recommendation, but, save as aforesaid, the High Commissioner shall not be obliged to consult with or act in accordance with the advice of any person or authority in the exercise of the powers conferred upon him by this Order.

(6) In this section references to the powers of the Governor-General do not include references to the powers of the High Commissioner for the Southern Cameroons.

(a)90. The Prime Minister shall hold his seat in the Council of Ministers during the Governor-General's pleasure:

Provided that his seat shall in any case become vacant—

(a) when, after any dissolution of the House of Representatives, he is informed by the Governor-General that the Governor-General is about to re-appoint him as Prime Minister or to appoint another person as Prime Minister;

(b) if he ceases to be a member of the Federal Legislative House from among the members of which he was appointed for any reason other than the dissolution of that House;

(c) if he resigns his seat by writing under his hand addressed to the Governor-General; or

(d) if he absents himself from Nigeria without written permission given by the Governor-General, acting in his discretion.

(a)91. The seat in the Council of Ministers of a Minister other than the Prime Minister shall become vacant—

Tenure of
office of
Minister.

- (a) if the seat of the Prime Minister in the Council becomes vacant ;
- (b) if he ceases to be a member of the Federal Legislative House from among the members of which he was appointed for any reason other than the dissolution of that House ; or
- (c) if he resigns his seat by writing under his hand addressed to the Governor-General ;
- (d) if he absents himself from Nigeria without written permission given by the Governor-General on the recommendation of the Prime Minister ; or
- (e) if the Governor-General, on the recommendation of the Prime Minister, so directs.

(b)92.—(1) Whenever a Minister is ill or absent from Nigeria, the Governor-General, acting on the recommendation of the Prime Minister, may, by Instrument under the Public Seal, appoint a person from among the members of the Senate other than the President or the Deputy President or the members of the House of Representatives other than the Speaker or the Deputy Speaker to be temporarily a member of the Council of Ministers.

Temporary
Ministers.

(2) Members of the Council of Ministers appointed under this section shall be styled Temporary Ministers.

(3) The seat in the Council of Ministers of a Temporary Minister shall become vacant when he is notified by the Governor-General, acting on the recommendation of the Prime Minister, that the Minister on account of whose illness or absence he was appointed is no longer ill or absent from Nigeria or when the seat in the Council of that Minister becomes vacant.

(4) The provisions of section 91 of this Order shall, subject to the provisions of subsection (3) of this section, apply in relation to a Temporary Minister as they apply in relation to a Minister other than the Prime Minister and the references in sections 7, 97, 98, 100, 102 and 154B of this Order to a Minister shall be construed as if they included references to a Temporary Minister.

(a)93. Any question whether any person is a member of the Council of Ministers shall be referred to, and determined by, the Governor-General acting in his discretion.

Determina-
tion of
questions
as to
membership
of Council of
Ministers.

Presiding in
Council of
Ministers

(a)94. There shall preside at meetings of the Council of Ministers—

- (a) the Governor-General ; or
- (b) in the absence of the Governor-General, the Prime Minister.

95. The Council of Ministers shall not be disqualified for the transaction of business by reason of any vacancy among the members thereof including any vacancies not filled when the Council is first constituted or is reconstituted at any time ; and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do took part in the proceedings.

Council of
Ministers
may transact
business
notwith-
standing
vacancies,
etc.

(b)96.—(1) The Council of Ministers shall not be summoned except by the authority of the Governor-General, acting in his discretion :

Summoning
Council of
Ministers
and quorum
therein.

Provided that the Governor-General shall summon the Council if the Prime Minister requests him in writing so to do.

(a) S.91 as subst., S.I. 1957/1530 and am., 1959/1772.

(b) S.92 as subst., S.I. 1958/1522 and am., 1959/1772.

(b) Ss.93 & 94 as subst., S.I. 1957/1530.

(2) No business shall be transacted in the Council of Ministers if objection is taken by any member present that, in addition to the Governor-General or other member presiding, there are present less than five members.

Voting in
Council of
Ministers.

(b)97.—(1) Where any matter is dependent upon the decision of the Council of Ministers any decision shall be regarded as the decision of the Council if a majority of the votes of the members present and voting are cast in favour thereof.

(2) (a) The Governor-General may, when presiding in the Council of Ministers, give a casting vote if on any question the votes are equally divided, but shall not have an original vote.

(b) A Minister shall have an original vote in the Council of Ministers, and the Prime Minister may, when presiding in the Council, also give a casting vote if on any question the votes are equally divided.

Assignment
of responsi-
bility to
Ministers.

98.—(1) (a) Subject to the provisions of this Order, the Governor-General may by directions in writing charge any Minister with responsibility for any matter or group of matters to which the executive authority of the Federation extends :

Provided that, except for the purpose of conducting government business relating to such matters in the Federal Legislative Houses, a Minister shall not be charged with responsibility for the matters specified in sections 98A and 98B of this Order.

(b) For the purposes of this section the Governor-General may charge any Minister with responsibility for any department of government.

(2) The powers conferred upon the Governor-General by this section shall be exercised on the recommendation of the Prime Minister.

(b)(3) Nothing in this section shall empower the Governor-General to confer on any Minister authority to exercise any power or to discharge any duty that is conferred by this Order or any other law on the Governor-General or on any person or authority other than that Minister.

Governor-
General to
be respon-
sible for
certain
matters.

(a)98A. The Governor-General, acting in his discretion, shall be responsible for the following matters :—

(a) external affairs, that is to say, such external relations as may from time to time be entrusted to the Federation by Her Majesty's Government in the United Kingdom ;

(b) [rev., S.I. 1960/203].

(c) [rev., S.I. 1960/203].

Attorney-
General
to be
responsible
for certain
matters.

(a)98B. The Attorney-General of the Federation shall be responsible for legal matters, which expression shall, without prejudice to its generality, include the initiation, conduct and discontinuance of civil and criminal proceedings.

Directions
by
Governor-
General
concerning
armed
forces.

(c)98C. The Governor-General, after consultation with the Prime Minister, may give to the officers commanding such of the armed forces of the Crown as are established by any law enacted by the Federal Legislature such directions with respect to defence or the maintaining and securing of public safety and public order as he may decide are desirable, and those officers shall comply with any such directions or cause them to be complied with.

(b) Ss.96 & 97 as subst., S.I. 1957/1530.

(a) S.98 as subst., S.I. 1957/1530 and am., S.I. 1959/1772.

(a) Ss.98A-B inserted S.I. 1957/1530.

(c) S.98C inserted S.I. 1960/203.

(c) 99.—(1) The Governor-General may appoint Parliamentary Secretaries from among the members of the Senate mentioned in paragraphs (a), (b) and (c) of section 5A of this Order and the Representative Members of the House of Representatives to assist Ministers in the discharge of responsibilities assigned to them in pursuance of section 98 of this Order.

Parliamentary Secretaries to Ministers.

(2) The office of a Parliamentary Secretary to a Minister shall become vacant—

(a) if the seat of the Prime Minister in the Council of Ministers becomes vacant ;

(b) if he ceases to be a member of the Federal Legislative House from among the members of which he was appointed for any reason other than the dissolution of that House ; or

(c) if he resigns his office by writing under his hand addressed to the Governor-General ;

(d) if he absents himself from Nigeria without written permission given by the Governor-General ; or

(e) if the Governor-General so directs.

(3) The powers conferred by this section on the Governor-General shall be exercised by him on the recommendation of the Prime Minister.

100.—(1) Where any Minister has been charged with responsibility for a department of government he shall exercise general direction and control over that department ; and, subject to such direction and control, the department shall be under the supervision of such officer in the public service of the Federation (who shall be styled a Permanent Secretary) as the Governor-General, acting in his discretion, may select.

Secretaries to supervise certain Federal departments.

(2) An officer in the public service of the Federation may be a Permanent Secretary in respect of more than one department of government.

[S. 101 rev. S.I. 1957/1530]

(a) 102.—(1) The Governor-General, acting in his discretion, may grant leave of absence from his duties to the Prime Minister.

Leave of absence for Ministers and Parliamentary Secretaries.

(2) The Governor-General, acting on the recommendation of the Prime Minister, may grant leave of absence from his duties to any Minister other than the Prime Minister or to a Parliamentary Secretary.

(a) 102A.—(1) Whenever the Prime Minister is ill or absent from Nigeria, the Governor-General may, by Instrument under the Public Seal, authorise one of the other Ministers to perform the functions conferred on the Prime Minister by this Order (other than the function conferred by subsection (3) of this section) and any Minister so authorised may perform these functions.

Performance of functions of Prime Minister.

(2) The Governor-General may, by Instrument under the Public Seal, revoke any authority given under this section.

(3) The powers conferred upon the Governor-General by this section shall be exercised by the Governor-General acting in his discretion if in the opinion of the Governor-General it is impracticable to obtain the advice of the Prime Minister owing to his illness or absence, and in any other case shall be exercised by the Governor-General on the recommendation of the Prime Minister.

103. No person shall enter upon the duties of his office as a member of the Council of Ministers or as a Parliamentary Secretary to a Minister until he has taken the oath of allegiance and, except in the case of the Governor-General, has taken an oath for the due execution of that office in the form and manner prescribed by any law enacted by the Federal Legislature.

Oaths to be taken by Ministers, etc.

(c) S.99 as am., S.I. 1957/1530, 1958/429, 1959/1772.

(a) S.102 as subst., S.I. 1957/1530.

(a) S.102A inserted S.I. 1957/1530.

THE EXECUTIVE COUNCILS OF THE REGIONS

Establishment of Executive Council for Regions.

104. There shall be an Executive Council for each Region.

Functions of Executive Councils and exercise of Governors' powers.

(b)105.—(1) The Executive Council of a Region shall be the principal instrument of policy for the Region in matters to which the executive authority of the Region extends, and shall perform such functions and duties, and exercise such powers, as may from time to time be prescribed by or under this Order, any other Orders of Her Majesty in Council, any Instructions under Her Majesty's Sign Manual and Signet, or, subject to the provisions of this Order and of such other Orders and instructions as aforesaid, by or under any other law.

(2) Save as is otherwise provided by this Order or by any Instructions under Her Majesty's Sign Manual and Signet, the Governor of a Region shall—

(a) consult with the Executive Council of the Region in the exercise of all powers conferred upon him by this Order other than—

(i) powers that he is by this Order directed or empowered to exercise in his discretion or on the recommendation of or after consultation with any person or authority other than the Executive Council ; or

(ii) powers conferred upon him by subsection (2) of section 23, subsection (1) of section 33, paragraph (a) of subsection (2) of section 107, paragraph (a) of subsection (2) of section 109, paragraph (a) of subsection (2) of section 111 or section 118 of this Order ; or

(iii) powers conferred upon him by any provision of this Order under which any person holds any office during the Governor's pleasure ; and

(b) act in accordance with the advice of the said Council in any matter on which he is by this subsection obliged to consult with the said Council.

(3) Where by this Order the Governor of a Region is directed to exercise a power on the recommendation of any person or of any authority other than the Executive Council he shall exercise that power in accordance with such recommendation.

(4) Where by this Order the Governor of a Region is directed to exercise a power after consultation with any person or with any authority other than the Executive Council he shall not be obliged to act in accordance with the advice of that person or authority.

Composition of Executive Council of Northern Region.

(a)106. The members of the Executive Council of the Northern Region shall be—S.I.

(a) [rev. S.I. 1959/368]

(b) the Attorney-General of the Region ; and

(c) not less than fourteen members appointed in accordance with the provisions of section 107 of this Order, who shall be styled Regional Ministers.

(b) S.105 as am., S.I. 1957/1530, 1958/429.

(a) S.106 as subst., S.I. 1957/1530 and as am., 1959/368.

(b)107.—(1) Every Regional Minister of the Northern Region shall be appointed by Instrument under the Public Seal either from among the members of the Northern House of Chiefs mentioned in paragraphs (b) and (c) of subsection (1) of section 17 of this Order or from among the members of the Northern House of Assembly mentioned in paragraphs (b) and (c) of subsection (1) of section 21 of this Order.

Appointment
of Regional
Ministers in
Northern
Region.

(2) Of the Regional Ministers of the Northern Region—

(a) one, who shall be styled the Premier of the Region, shall be appointed by the Governor from among the members of the Northern House of Assembly mentioned in paragraph (b) or (c) of subsection (1) of section 21 of this Order in accordance with the provisions of subsection (3) of this section ; and

(b) the others shall be appointed by the Governor on the recommendation of the Premier :

Provided that at least eleven shall be appointed from among the members of the Northern House of Assembly and at least two but not more than four shall be appointed from among the members of the Northern House of Chiefs.

(3) Whenever the Governor has occasion to appoint a person to be Premier he shall appoint as such the person who appears to him to be best able to command a majority in the Northern House of Assembly and who is willing to be appointed.

(4) The number of Regional Ministers of the Northern Region who shall be appointed in addition to the Premier shall, subject to the provisions of section 106 of this Order, be such as the Governor may on the recommendation of the Premier from time to time prescribe.

108. The members of the Executive Council of the Western Region shall be—

Composition
of Executive
Council of
Western
Region.

(a) [rev., S.I. 1957/1363.]

(b) not less than nine members appointed in accordance with the provisions of section 109 of this Order, who shall be styled Regional Ministers.

(c)109.—(1) (a) Every Regional Minister of the Western Region shall be appointed by Instrument under the Public Seal either from among the members of the Western House of Chiefs mentioned in paragraphs (a) and (c) of subsection (1) of section 24 of this Order or from among the Elected Members of the Western House of Assembly.

Appointment
of Regional
Ministers in
Western
Region.

(b) For the purposes of this subsection a person who is deemed to be a member of the Western House of Assembly by virtue of subsection (3) of section 29 of this Order shall be deemed to be an Elected Member of that House.

(2) Of the Regional Ministers of the Western Region—

(a) one, who shall be styled the Premier of the Region, shall be appointed by the Governor in accordance with the provisions of subsection (4) of this section ; and

(b) the others shall be appointed by the Governor on the recommendation of the Premier :

(b) S.107 as am., S.I. 1957/1530.

(c) S.109 as am., S.I. 1957/1530, 1958/429, 1257, 1959/1049.

Provided that if the Premier is a member of the Western House of Assembly, three (but not more than three) of the other Ministers shall be appointed from among the members of the Western House of Chiefs, and if the Premier is not a member of the Western House of Assembly, two (but not more than two) of the other Ministers shall be appointed from among the members of the Western House of Chiefs.

(3) The number of Regional Ministers of the Western Region who shall be appointed in addition to the Premier shall, subject to the provisions of section 108 of this Order, be such as the Governor may on the recommendation of the Premier from time to time prescribe.

(4) Whenever the Governor has occasion to appoint a person to be Premier he shall appoint as such the person who appears to him to be best able to command a majority in the Western House of Assembly and who is willing to be appointed.

Composition
of Executive
Council of
Eastern
Region.

110. The members of the Executive Council of the Eastern Region shall be—

(a) [*rev.*, S.I. 1957/1363.]

(b) not less than nine members appointed in accordance with the provisions of section 111 of this Order, who shall be styled Regional Ministers.

Appointment
of Regional
Ministers in
Eastern
Region.

(a) 111.—(1) (a) Every Regional Minister of the Eastern Region shall be appointed by Instrument under the Public Seal either from among the members of the Eastern House of Chiefs mentioned in paragraphs (a), (b) and (d) of subsection (1) of section 31A of this Order or from among the Elected Members of the Eastern House of Assembly.

(b) For the purposes of this subsection a person who is deemed to be a member of the Eastern House of Assembly by virtue of subsection (3) of section 32 of this Order shall be deemed to be an Elected Member of that House.

(2) Of the Regional Ministers of the Eastern Region—

(a) one, who shall be styled the Premier of the Region, shall be appointed by the Governor in accordance with the provisions of subsection (4) of this section; and

(b) the others shall be appointed by the Governor on the recommendation of the Premier :

Provided that if the Premier is a member of the Eastern House of Assembly not more than two of the other Ministers may be appointed from among the members of the Eastern House of Chiefs, and if the Premier is not a member of the Eastern House of Assembly not more than one of the other Ministers may be appointed from among the members of the Eastern House of Chiefs.

(3) The number of Regional Ministers of the Eastern Region who shall be appointed in addition to the Premier shall, subject to the provisions of section 110 of this Order, be such as the Governor may on the recommendation of the Premier from time to time prescribe.

(a) S.111 as am., S.I. 1957/1530, 1959/1049.

(4) Whenever the Governor has occasion to appoint a person to be Premier he shall appoint as such the person who appears to him to be best able to command a majority in the Eastern House of Assembly and who is willing to be appointed.

112. The Premier shall hold his seat in the Executive Council of a Region during the Governor's pleasure :

Tenure of office of Premier.

Provided that his seat shall in any case become vacant—

(a) when, after any dissolution of the Regional Legislative House from among the members of which he was appointed, he is informed by the Governor that the Governor is about to reappoint him as Premier or to appoint another person as Premier ; or

(b) if he ceases to be a member of the Regional Legislative House from among the members of which he was appointed for any reason other than a dissolution of that House ; or

(c) if he resigns his seat by writing under his hand addressed to the Governor ; or

(d) if he absents himself from Nigeria without written permission given by the Governor, acting in his discretion.

(b)113.—(1) The seat in the Executive Council of a Region of a Regional Minister other than the Premier shall become vacant—

Tenure of office of Regional Minister.

(a) if the seat of the Premier in the Council becomes vacant ; or

(b) if he ceases to be a member of the Regional Legislative House from among the members of which he was appointed for any reason other than a dissolution of that House ; or

(c) if he resigns his seat by writing under his hand addressed to the Governor ; or

(d) if he absents himself from Nigeria without written permission given by the Governor on the recommendation of the Premier ; or

(e) if the Governor, on the recommendation of the Premier, so directs.

114. Any question whether any person is a member of the Executive Council of a Region shall be referred to, and determined by, the Governor, acting in his discretion.

Determination of question as to membership of Executive Councils of Regions.

(1) [rev., S.I. 1959/368]

(a)115.—(1) [rev., S.I. 1959/36 &]

(2) There shall preside at meetings of the Executive Council of a Region—

Presiding in Executive Councils of Regions.

(a) the Premier ; or

(b) in the absence of the Premier, such other Regional Minister as the Premier may appoint.

116. The Executive Council of a Region shall not be disqualified for the transaction of business by reason of any vacancy among the members thereof, including any vacancies not filled when the Council is first constituted or is reconstituted at any time ; and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do took part in the proceedings.

(a) S.115 as subst., S.I. 1957/1363 and am., 1959/368.

Executive Councils of Regions may transact business notwithstanding vacancies, etc.

(b)117.—(1) The Executive Council of a Region shall not be summoned except by the authority of the Premier of the Region.

(2) No business shall be transacted in the Executive Council of a Region if objection is taken by any member present that, in addition to the Premier or other member presiding, there are present—

(a) in the case of the Northern Region, less than eight members ; or

(b) in the case of the Western Region or the Eastern Region, less than six members.

(c)118.—(1) Where any matter is dependent upon the decision of the Executive Council of a Region, any decision shall be regarded as the decision of the Council if the majority of the votes of the members present and voting are cast in favour thereof.

(2) (a) [rev., S.I. 1959/368]

(b) A member of the Executive Council of a Region shall have an original vote in the Council, and may, when presiding in the Council, also give a casting vote if on any question the votes are equally divided.

[S. 119 rev., S.I. 1959/36.]

Assignment of responsibility to members of Executive Councils of Regions.

(b)119A.—(1) (a) Subject to the provisions of this Order, the Governor of a Region, acting on the recommendation of the Premier of the Region, may by directions in writing charge any Regional Minister with responsibility for any matter or group of matters to which the executive authority of the Region extends :

Provided that, except for the purpose of submitting questions relating to such matters to the Executive Council and conducting government business relating to such matters in the Legislative Houses of the Region, a Regional Minister shall not be charged with responsibility for—

(i) the initiation, conduct and discontinuance of criminal proceedings ;

(ii) the audit of the accounts of the Region ;

(iii) the making of appointments to offices in the public service of the Region, the dismissal or disciplinary control of officers in that public service and the grant of any benefits in pursuance of subsection (1) of section 190B of this Order ;

(iv) the discharge by the courts of the Region of their judicial functions ; or

(v) the matters specified in section 18 of the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954.

(b) Subject to the provisions of this section, the Governor, acting on the recommendation of the Premier of the Region, may charge any Regional Minister with responsibility for any department of government.

(2) Nothing in this section shall empower the Governor to confer on any Regional Minister authority to exercise any power or to discharge any duty that is conferred by this Order or any other law on the Governor or any person or authority other than that Regional Minister.

Attorney-General of Regions.

(b)119B.—(1) There shall be an Attorney-General for each Region who shall be a person qualified for appointment as a judge of the High Court of the Region and shall be appointed by the Governor.

(b) S.117 as subst., 1959/368.

(c) S.118 as am., S.I. 1957/1363, 1959/368.

(b) S.119A-B inserted S.I. 1958/429 and am., 1959/368.

(2) The office of the Attorney-General shall become vacant—

(a) if the seat of the Premier in the Executive Council of the Region becomes vacant;

(b) if he resigns his office by writing under his hand addressed to the Governor;

(c) if he absents himself from Nigeria without written permission given by the Governor;

(d) if he ceases to be qualified for appointment as a judge of the High Court of the Region; or

(e) if the Governor so directs.

(3) The powers of the Governor under this section shall be exercised by him on the recommendation of the Premier.

(c)120.—(1) The Governor of a Region may appoint Parliamentary Secretaries from among those members of the Legislative Houses of the Region who are eligible for appointment as Regional Ministers to assist Regional Ministers in the discharge of responsibilities assigned to them in pursuance of section 119A of this Order.

Parliamentary Secretaries to Regional Ministers.

(2) The office of a Parliamentary Secretary to a Regional Minister shall become vacant—

(a) if the seat of the Premier in the Executive Council of the Region becomes vacant; or

(b) if he ceases to be a member of the Regional Legislative House from among the members of which he was appointed for any reason other than a dissolution of that House; or

(c) if he resigns his office by writing under his hand addressed to the Governor; or

(d) if he absents himself from Nigeria without written permission given by the Governor; or

(e) if the Governor so directs.

(3) The powers conferred by this section on the Governor of a Region shall be exercised by him on the recommendation of the Premier.

Permanent Secretaries to supervise certain Regional departments.

121.—(1) [Rev., S.I. 1959/368.]

(1A) Where any Regional Minister has been charged with responsibility for a department of government he shall exercise general direction and control over that department; and, subject to such direction and control, the department shall be under the supervision of a Permanent Secretary appointed in accordance with the provisions of section 180i of this Order.

(2) An officer in the public service of a Region may be a Permanent Secretary in respect of more than one department of government.

Oaths to be taken by Regional Ministers, etc.

(d)122. No person shall enter upon the duties of his office as a member of the Executive Council of a Region, as a provincial Commissioner of the Eastern Region or as a Parliamentary Secretary to a Regional Minister until he has taken the oath of allegiance and, has taken an oath for the due execution of that office in the form and manner prescribed by any law enacted by the Legislature of that Region.

(c) S.120 as am., S.I. 1958/429, 1959/368.

(d) S.122 as am., 1959/1772.

Leave of absence for Regional Ministers and Parliamentary Secretaries.

(a)123.—(1) The Governor of a Region, acting in his discretion, may grant leave of absence from his duties to the Premier of the Region.

(2) The Governor of a Region, acting on the recommendation of the Premier, may grant leave of absence from his duties to a Regional Minister other than the Premier and to a Provincial Commissioner of the Eastern Region appointed under section 180k of this Order or a Parliamentary Secretary to a Regional Minister.

(3) The Governor of a Region, acting on the recommendation of the Premier, may grant leave of absence from his duties to the Attorney-General of the Region.

Governor of Regions to be kept informed concerning administration of government.

(b)123A.—(1) The Premier of a Region shall—

(a) cause to be transmitted to the Governor copies of all papers submitted for consideration by the Executive Council of the Region at the same time as those papers are transmitted to the members of the Council ;

(b) cause the Governor to be informed of the summoning of any meeting of the Council and of the matters to be discussed at that meeting at the same time as members of the Council are so informed ; and

(c) cause the Governor to be furnished, immediately after each meeting of the Council, with a copy of the record of the proceedings at that meeting, showing the matters discussed and the conclusions reached by the Council at that meeting.

(2) The Premier of a Region shall keep the Governor fully informed concerning the general conduct of the government of the Region, and shall furnish the Governor with such information as he may request with respect to any particular matter relating to the government of the Region.

Performance of functions of Premier.

(c)123B.—(1) Whenever the Premier of a Region is ill or absent from Nigeria, the Governor may, by Instrument under the Public Seal, authorise one of the other Regional Ministers to perform the functions conferred on the Premier by this Order (other than the function conferred by subsection (3) of this section) and any Regional Minister so authorised may perform those functions.

(2) The Governor may, by Instrument under the Public Seal, revoke an authority given under this section.

(3) The powers conferred upon the Governor by this section shall be exercised by the Governor, acting in his discretion, if in the opinion of the Governor it is impracticable to obtain the advice of the Premier owing to his illness or absence, and in any other case shall be exercised by the Governor on the recommendation of the Premier.

Establishment of Executive Council for Southern Cameroons.

THE EXECUTIVE COUNCIL OF THE SOUTHERN CAMEROONS

124. There shall be an Executive Council for the Southern Cameroons.

- (a) S.123 as subst., S.I. 1957/1530 and am., 1958/429, 1959/368, 1772.
 (b) S.123A inserted S.I. 1957/1363 and am., 1959/368.
 (c) S.123B inserted S.I. 1957/1530.

Functions of
Executive
Council of
Southern
Cameroons.

(d)125.—(1) Subject to the provisions of this Order, the Executive Council of the Southern Cameroons shall be the principal instrument of policy for the Southern Cameroons and shall perform such functions and duties, and exercise such powers, as may from time to time be prescribed by or under any Order of Her Majesty in Council, any Instructions under Her Majesty's Sign Manual and Signet or, subject to the provisions of such Orders and Instructions as aforesaid, by or under any other law.

(2) Save as is otherwise provided by this Order or by any directions given to him by the High Commissioner for the Southern Cameroons, the Commissioner of the Cameroons shall—

(a) consult with the Executive Council of the Southern Cameroons in the exercise of all powers conferred upon him by this Order other than—

(i) powers that he is by this Order directed or empowered to exercise in his discretion or on the recommendation of or after consultation with any person or authority other than the Executive Council; or

(ia) powers conferred upon him by paragraph (a) of subsection (2) of section 127 of this Order; or

(ii) powers conferred upon him by any provision of this Order under which any person holds any office during the pleasure of the Commissioner of the Cameroons; and

(b) act in accordance with the advice of the said Council in any matter on which he is by this subsection obliged to consult the Council.

(3) Where by this Order the Commissioner of the Cameroons is directed to exercise a power on the recommendation of any person or of any authority other than the Executive Council he shall exercise that power in accordance with such recommendation.

(4) Where by this Order the Commissioner of the Cameroons is directed to exercise a power after consultation with any person or with any authority other than the Executive Council he shall not be obliged to act in accordance with the advice of that person or authority.

(b)126. The members of the Executive Council of the Southern Cameroons shall be—

Composition
of
Executive
Council of
Southern
Cameroons.

(a) the Commissioner of the Cameroons;

(b) the Deputy Commissioner of the Cameroons, the Attorney-General of the Southern Cameroons and the Financial Secretary of the Southern Cameroons; and

(c) not less than five nor more than eight members appointed in accordance with the provisions of section 127 of this Order, who shall be styled Ministers of the Southern Cameroons.

(a)127.—(1) Every Minister of the Southern Cameroons shall be appointed by Instrument under the Public Seal of the Southern Cameroons from among the members of the House of Assembly of the Southern Cameroons mentioned in paragraphs (c) and (e) of subsection (1) of section 34 of this Order.

Appointment
of Ministers
of Southern
Cameroons.

(2) Of the Ministers of the Southern Cameroons—

(a) one, who shall be styled the Premier of the Southern Cameroons, shall be appointed by the Commissioner of the Cameroons; and

(d) Ss. 125 & 126 as am. (prosp.), S.I. 1958/429, 1257, 1959/1981.

(a) S. 127 as subst. (prosp.), S.I. 1958/429 and am., 1959/1981.

(b) the others shall be appointed by the Commissioner of the Cameroons on the recommendation of the Premier.

(3) Wherever the Commissioner of the Cameroons has occasion to appoint a person to be Premier he shall appoint as such the person who appears to him to be best able to command a majority in the House of Assembly of the Southern Cameroons and who is willing to be appointed.

(4) [Rev., S.I. 1959/1981]

Tenure of
office of
Premier.

(b)128. The Premier shall hold his seat in the Executive Council of the Southern Cameroons during the pleasure of the Commissioner of the Cameroons :

Provided that his seat shall in any case become vacant—

(a) when, after any dissolution of the House of Assembly of the Southern Cameroons, he is informed by the Commissioner that the Commissioner is about to reappoint him as Premier or to appoint another person as Premier ; or

(b) if he ceases to be a member of the House of Assembly of the Southern Cameroons for any reason other than a dissolution of that House ; or

(c) if he resigns his seat by writing under his hand addressed to the Commissioner ; or

(d) if he absents himself from Nigeria without written permission given by the Commissioner, acting in his discretion.

Tenure of
office of
Ministers of
Southern
Cameroons.

(a)129. The seat in the Executive Council of the Southern Cameroons of a Minister of the Southern Cameroons other than the Premier shall become vacant—

(a) if the seat of the Premier in the Council becomes vacant ; or

(b) if he ceases to be a member of the House of Assembly of the Southern Cameroons for any reason other than the dissolution of that House ; or

(c) if he resigns his seat by writing under his hand addressed to the Commissioner of the Cameroons ; or

(d) if he absents himself from Nigeria without written permission given by the Commissioner of the Cameroons on the recommendation of the Premier ; or

(e) if the Commissioner of the Cameroons, on the recommendation of the Premier, so directs.

Presiding in
Executive
Council of
Southern
Cameroons.

(b)130. There shall preside at meetings of the Executive Council of the Southern Cameroons—

(a) the Premier ; or

(b) in the absence of the Premier, such other Minister of the Southern Cameroons as the Premier may appoint.

Assignment
of respon-
sibility to
members of
Executive
Council of
Southern
Cameroons.

(c)131.—(1) The Executive Council of the Southern Cameroons shall not be summoned except by the authority of the Premier of the Southern Cameroons.

(2) No business shall be transacted in the Executive Council of the Southern Cameroons if objection is taken by any member present that, in addition to the Premier or other member presiding, there are present less than three members.

(b) S. 128 as subst., S.I. 1958/429 and am., 1958/1257, 1959/1981.

(a) S. 129 as subst., S.I. 1958/429 and am., 1959/1981.

(b) S. 130 as subst., S.I. 1959/1981.

(c) S. 131 as subst., S.I. 1959/1981.

(a)131A.—(1) Where any matter is dependent on the decision of the Executive Council of the Southern Cameroons any decision shall be regarded as the decision of the Council if the majority of the votes of the members present and voting are cast in favour thereof.

Voting in
Executive
Council of
Southern
Cameroons.

(2) A member of the Executive Council of the Southern Cameroons shall have an original vote in the Council and may, when presiding in the Council, also give a casting vote if on any question the votes are equally divided.

(2) (a) The Commissioner of the Cameroons may, when presiding in the Executive Council of the Southern Cameroons, give a casting vote if on any question the votes are equally divided, but shall not have an original vote.

(b) A member of the Executive Council of the Southern Cameroons other than the Commissioner shall have an original vote in the Council, and may, when presiding in the Council, also give a casting vote if on any question the votes are equally divided.

(a)131B.—(1) (a) Subject to the provisions of this Order, the Commissioner of the Cameroons may, by directions in writing, charge any member of the Executive Council of the Southern Cameroons with responsibility for any matter or group of matters to which the executive authority of the Southern Cameroons extends.

Assignment
of respon-
sibility to
members of
Executive
Council of
Southern
Cameroons.

(b) For the purposes of this section the Commissioner of the Cameroons may charge any member of the Executive Council of the Southern Cameroons with responsibility for any department of government.

(c) The powers conferred by this section on the Commissioner of the Cameroons shall be exercised by him in his discretion.

(2) Responsibility for legal matters, which expression shall, without prejudice to its generality, include the initiation, conduct and discontinuance of civil and criminal proceedings, shall not be assigned to a Minister of the Southern Cameroons but shall vest in the Attorney-General of the Southern Cameroons:

Provided that a Minister of the Southern Cameroons may be charged with responsibility for submitting questions relating to such matters to the Executive Council and for conducting government business relating to such matters in the House of Assembly of the Southern Cameroons.

(3) Nothing in this section shall empower the Commissioner of the Cameroons to confer on any member of the Executive Council of the Southern Cameroons authority to exercise any power or to discharge any duty that is conferred or imposed by this Order or any other law on the Commissioner or on any other person or authority other than that member.

(a)131BA.—(1) The Commissioner of the Cameroons may appoint Parliamentary Secretaries from amongst the members of the House of Assembly of the Southern Cameroons who are eligible for appointment as Ministers of the Southern Cameroons to assist such Ministers in the discharge of the responsibilities assigned to them in pursuance of section 131B of this Order.

Parlia-
mentary
Secretaries
to Ministers
of Southern
Cameroons.

(a) S. 131A inserted S.I. 1958/429 and subst., 1959/1981.

(a) S. 131BA inserted S.I. 1959/1981.

(2) The number of Parliamentary Secretaries who may be appointed shall not exceed three.

(3) The office of a Parliamentary Secretary shall become vacant—

(a) if the seat of the Premier in the Executive Council becomes vacant ; or
(b) if he ceases to be a member of the House of Assembly of the Southern Cameroons ; or

(c) if he resigns his office in writing under his hand addressed to the Commissioner of the Cameroons ; or

(d) if he absents himself from Nigeria without written permission given by the Commissioner of the Cameroons ; or

(e) if the Commissioner of the Cameroons so directs.

(4) The powers conferred by this section on the Commissioner of the Cameroons shall be exercised by him on the recommendation of the Premier.

Permanent Secretaries to supervise certain Southern Cameroons departments.

(a)131c.—(1) Where any Minister of the Southern Cameroons has been charged with responsibility for a department of government he shall exercise general direction and control over that department ; and, subject to such direction and control, the department shall be under the supervision of such officer in the public service of the Southern Cameroons (who shall be styled a Permanent Secretary) as the Commissioner of the Cameroons, acting in his discretion, may select.

(2) An officer in the public service of the Southern Cameroons may be a Permanent Secretary in respect of more than one department of government.

Oaths to be taken by members of Executive Council of Southern Cameroons.

(b)132. No person shall enter upon the duties of his office as a member of the Executive Council of the Southern Cameroons until he has taken the oath of allegiance and has taken an oath for the due execution of that office in the form and manner prescribed by any law enacted by the Legislature of the Southern Cameroons.

Leave of absence for Ministers for Southern Cameroons.

(a)132A.—(1) The Commissioner of the Cameroons, acting in his discretion, may grant leave of absence from his duties to the Premier of the Southern Cameroons.

(2) The Commissioner of the Cameroons, acting on the recommendation of the Premier, may grant leave of absence from his duties to a Minister of the Southern Cameroons other than the Premier.

Executive Council of Southern Cameroons may transact business not withstanding vacancies, etc.

133. The Executive Council of the Southern Cameroons shall not be disqualified for the transaction of business by reason of any vacancy among the members thereof including any vacancies not filled when the Council is first constituted or is reconstituted at any time ; and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do took part in the proceedings.

Determination of questions as to membership of Executive Council of Southern Cameroons.

(b)134. Any question whether any person is a member of the Executive Council of the Southern Cameroons shall be referred to, and determined by, the Commissioner of the Cameroons, acting in his discretion.

(a) S. 131c inserted (prosp.), S.I. 1958/429 and am., 1959/1981.

(b) S. 132 as am., S.I. 1959/1981.

(b) S. 134 as subst., S.I. 1958/429 and am., 1959/1981.

(b)134A.—(1) Whenever the Premier of the Southern Cameroons is ill or absent from Nigeria, the Commissioner of the Cameroons may, by writing under his hand, authorise one of the other Ministers of the Southern Cameroons to perform the functions conferred upon the Premier by this Order (other than the function conferred by subsection (3) of this section) and any Minister so authorised may perform those functions.

Performance of functions of Premier of Southern Cameroons.

(2) The Commissioner of the Cameroons may, by writing under his hand, revoke any direction given under this section.

(3) The powers conferred upon the Commissioner of the Cameroons by this section shall be exercised by the Commissioner, acting in his discretion, if in the opinion of the Commissioner it is impracticable to obtain the advice of the Premier owing to his illness or absence, and in any other case shall be exercised on the recommendation of the Premier.

ADMINISTRATIVE RELATIONS BETWEEN FEDERATION AND REGIONS

(c)135.—(1) The executive authority of a Region or the Southern Cameroons shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation or to endanger the continuance of federal government in Nigeria.

Co-ordination of executive authority of Federation, Regions and Southern Cameroons.

(2) The Governor-General, acting in his discretion, may give to the Governor of a Region such directions as appear to him to be necessary for the purpose of ensuring that the executive authority of that Region is not exercised in contravention of subsection (1) of this section.

(3) The Governor-General, acting in his discretion, may by regulation make such provision as he considers to be necessary or expedient in order to ensure that any directions given under subsection (2) of this section are carried out.

(4) Regulations made under subsection (3) of this section shall have effect notwithstanding anything inconsistent therewith in any law enacted by any legislature in Nigeria, and provision may be made by any such regulation for the amendment, suspension or revocation of any such law.

(5) The Governor-General shall not exercise the powers conferred upon him by this section unless he has obtained the consent of a Secretary of State.

(6) The question whether the executive authority of a Region or the Southern Cameroons has in any case been exercised in accordance with the provisions of subsection (1) of this section or the question whether any, and if so what, directions have been given under subsection (2) of this section shall not be enquired into in any court.

(d)136.—(1) No functions relating to the exercise of the executive authority of the Federation or of the Southern Cameroons shall be conferred upon any officer or authority of a Region without the consent of the Governor of that Region:

Performance of Federal functions by Regional Officers and of Regional functions by Federal Officers.

Provided that a regulation made under section 135 of this Order may confer functions upon any officer or authority of a Region without the consent of the Governor of that Region.

(b) S. 134A inserted (prosp.), S.I. 1958/429.

(c) S. 135 as subst., S.I. 1957/1530 and am., 1959/368.

(d) S. 136 as am., S.I. 1957/1530, 1958/429, 1960/203.

(2) No functions relating to the exercise of the executive authority of a Region shall be conferred upon any officer or authority of the Federation without the consent of the Governor-General or upon any officer or authority of the Southern Cameroons without the consent of the Commissioner of the Cameroons.

Directions by
High
Commission-
er to Com-
missioner of
Cameroons.

(e)137.—(1) The High Commissioner for the Southern Cameroons may give to the Commissioner of the Cameroons such directions with respect to the exercise of the executive authority of the Southern Cameroons as he may decide are desirable.

(2) The Commissioner shall comply with any directions given to him under this section or shall cause them to be complied with.

(3) The question whether any, and if so what, directions have been given under this section shall not be enquired into in any court.

CHAPTER V

JUDICIAL POWERS

THE FEDERAL SUPREME COURT

Establishment of
Federal
Supreme
Court.

(f)138.—(1) There shall be a Federal Supreme Court for Nigeria.

(2) The judges of the Federal Supreme Court shall be—

(a) a Chief Justice of the Federation;

(b) two Federal Justices or such greater number as may be prescribed by or under any law enacted by the Federal Legislature;

(bb) the Chief Justice of each Region and the Chief Justice of Lagos; and

(c) such acting Federal Justices as may be appointed under subsection (3) of section 139 of this Order.

(3) The Federal Supreme Court shall be a superior court of record and shall sit in Lagos and in such other places in Nigeria, if any, as the Chief Justice of the Federation may, with the approval of the Governor-General, appoint.

(4) The Chief Justice of the Federation shall be President of the Federal Supreme Court, and shall take precedence of all other judges of that Court, and the seniority of the other judges of that Court shall be determined in accordance with such directions as may be given by the Governor-General acting in his discretion.

Judges of
Federal
Supreme
Court.

(a)139.—(1) The Chief Justice of the Federation and the Federal Justices shall be appointed by the Governor-General by Instrument under the Public Seal in pursuance of instructions given by Her Majesty through a Secretary of State.

(2) (a) A person shall not be qualified to be appointed as the Chief Justice of the Federation or a Federal Justice unless—

(i) he is, or has been, a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions; or

(ii) he is qualified to practise as an advocate in such a court and he has been qualified for not less than ten years to practise as an advocate or solicitor in such a court.

(e) S. 137 as am., S.I. 1957/1530, 1958/429.

(f) S. 138 as am., S.I. 1958/1958.

(a) S. 139 as am., S.I. 1958/429, 1959/368.

(b) In computing, for the purposes of paragraph (a) of this subsection, the period during which any person has been qualified to practise as an advocate or solicitor, any period during which he has held judicial office after becoming so qualified shall be included.

(3) (a) If the office of Chief Justice of the Federation is vacant, or if the Chief Justice of the Federation is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the Chief Justice has resumed those functions, as the case may be, those functions shall be performed by such one of the other judges of the Federal Supreme Court as the Governor-General, acting in his discretion, may appoint for that purpose.

(b) If the office of any Federal Justice is vacant, or if any Federal Justice is appointed to act as the Chief Justice of the Federation or is for any reason unable to perform the functions of his office, the Governor-General, acting in his discretion, may appoint a person qualified for appointment as a Federal Justice to act as a Federal Justice and any person so appointed shall continue to act until his appointment is revoked by the Governor-General.

(4) Sections 142B and 142C of this Order shall apply in relation to the Federal Supreme Court as they apply in relation to the High Court of a Region, and for that purpose those sections shall have effect as if—

(a) references to the Governor of a Region and the High Court of a Region were references to the Governor-General and the Federal Supreme Court.

(b) the words "sixty-two years" in subsection (1) of section 142B wherever they occur were deleted and the words "sixty-five years" were substituted; and

(c) the words "If the Premier of a Region, or the Chief Justice of the Region, after consultation with the Premier of the Region, represents to the Governor" in subsection (3) of section 142C were deleted and the words "If the Governor-General, acting in his discretion, considers" were substituted.

140. No person shall enter upon the duties of his office as a judge of the Federal Supreme Court until he has taken before the Governor-General, or some person authorised by the Governor-General in that behalf, the oath of allegiance and an oath for the due execution of his office in the form prescribed by any law enacted by the Federal Legislature.

Oaths to be taken by judges of Supreme Court.

(a) 141. There shall be paid to the judges of the Federal Supreme Court such salary as may be prescribed by any law enacted by the Federal Legislature and such allowances as may be prescribed by or under any such law:

Salaries of judges of Federal Supreme Court.

Provided that the salary of any such judge shall not be diminished during his continuance in office.

ESTABLISHMENT OF COURTS FOR THE REGIONS, THE SOUTHERN CAMEROONS AND LAGOS

142. A law enacted by the Federal Legislature may establish courts of justice for Nigeria or any part thereof in addition to the Federal Supreme Court, the High Courts established by section 142A of this Order and the courts established under section 142D or 143 of this Order.

Federal Legislature may establish courts.

High Courts
of Regions.

(a) 142A.—(1) There shall be a High Court of Justice for each Region.

(2) The High Court of a Region shall consist of the Chief Justice of the Region, who shall be President of the Court, and six other judges or such greater number as may be prescribed by or under any law enacted by the Legislature of the Region :

Provided that the office of a judge shall not be abolished during his continuance in office.

(3) The Chief Justice of a Region shall be appointed by the Governor, after consultation with the Chief Justice of the Federation.

(4) The judges of the High Court of a Region other than the Chief Justice shall be appointed by the Governor on the recommendation of the Judicial Service Commission of the Region.

(5) (a) A person shall be qualified to be appointed a judge of the High Court of a Region if he is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from any such court or he is qualified to practise as an advocate in such a court and he has been qualified for not less than ten years to practise as an advocate or solicitor in such a court and no other person shall be qualified to be so appointed.

(b) In computing, for the purposes of this subsection, the period during which any person has been qualified to practise as an advocate or solicitor, any period during which he has held judicial office after becoming so qualified shall be included.

(6) (a) If the office of Chief Justice of a Region is vacant or if the Chief Justice is for any reason unable to perform the functions of his office, then until a person has been appointed to and has assumed the functions of that office or until the Chief Justice has resumed those functions, as the case may be, those functions shall be performed by such one of the other judges of the High Court of the Region as the Governor, acting in his discretion, may appoint for that purpose.

(b) If the office of a judge of the High Court of the a Region other than the Chief Justice is vacant, or if any such judge is appointed to act as Chief Justice or is for any reason unable to perform the functions of his office, the Governor, after consultation with the Chief Justice, may appoint a person to act as a judge of the High Court, and any person so appointed shall continue to act until his appointment is revoked by the Governor, after consultation with the Chief Justice.

(c) The provisions of subsection (5) of this section shall not apply to a person appointed to act as a judge of the High Court of a Region under paragraph (b) of this subsection but any person so appointed shall be a person with such qualifications, if any, as may be prescribed by any law enacted by the Legislature of the Region.

(7) No person shall enter upon his duties as a judge of the High Court of a Region unless he has taken before the Governor, or some person authorised by the Governor in that behalf, the oath of allegiance and an oath for the due execution of his office in the form prescribed by any law enacted by the Legislature of the Region.

(8) (a) There shall be paid to the judges of the High Court of a Region such salary as may be prescribed by any law enacted by the Legislature of the Region and such allowances as may be prescribed by or under any such law:

Provided that the salary of a judge and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(b) The salaries and allowances of the judges of the High Court of a Region shall be a charge upon the Consolidated Revenue Fund of the Region.

(9) The provisions of subsections (1), (2), (5), (6), (7), and (8) of this section shall apply in relation to Lagos as they apply in relation to a Region, and for that purpose—

(a) references to a Region, the Governor, the Legislature of a Region and the Consolidated Revenue Fund of a Region shall be construed as if they were references to Lagos, the Governor-General, the Federal Legislature and the Consolidated Revenue Fund of the Federation; and

(b) subsection (2) shall have effect as if the word 'six' were deleted and the word 'five' were substituted.

(10) The Chief Justice and the other judges of the High Court of Lagos shall be appointed by the Governor-General in pursuance of instructions given by Her Majesty through a Secretary of State.

(11) There shall be a High Court of Justice for the Southern Cameroons, and the persons who are for the time being the Chief Justice and the other judges of the High Court of Lagos shall be the Chief Justice and the other judges of that High Court.

(12) The provisions of sections 142B and 142C of this Order shall apply in relation to the High Court of Lagos as they apply in relation to the High Court of a Region and for that purpose those sections shall have effect as if—

(a) references to the Governor and to a Region were references to the Governor-General and to Lagos; and

(b) subsection (3) of section 142C shall have effect as if the words "If the Premier of a Region, or the Chief Justice of the Region after consultation with the Premier of the Region, represents to the Governor" were deleted and the words "If the Governor-General, acting in his discretion, considers" were substituted.

(13) A law enacted by the legislature of the Northern Region may provide that, when the High Court of that Region is exercising jurisdiction on appeals from decisions of a native court in such cases as may be prescribed by any such law, members of any such court as is referred to in paragraph (b) of the proviso to subsection (1) of section 148 of this Order may sit as additional members of the High Court.

(14) For the purposes of subsection (13) of this section "native court" means a court established by or under the Native Courts Law, 1956, of the Northern Region (a), as amended, or any law replacing that law.

Tenure of
office of
judges of
High Court
of Regions.

(a)142B.—(1) Subject to the provisions of section 142c of this Order, a judge of the High Court of a Region shall hold office until he attains the age of sixty-two years :

Provided that—

(a) he may at any time resign his office by writing under his hand addressed to the Governor ; and

(b) the Governor, acting in his discretion, may permit a judge who has attained the age of sixty-two years to remain in office for a period not exceeding six months after his attainment of that age.

(2) Nothing done by a judge of the High Court of a Region shall be invalid by reason only that he has attained the age at which he is required by this section to vacate his office.

Removal of
judge of
High Court
of Region.

(b)142c.—(1) A judge of the High Court of a Region may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of subsection (2) of this section.

(2) A judge of the High Court of a Region shall be removed from office by the Governor by Order under the Public Seal if the question of the removal of that judge from office has, at the request of the Governor made in pursuance of subsection (3) of this section, been referred by Her Majesty to the Judicial Committee of Her Majesty's Privy Council under section 4 of the Judicial Committee Act, 1833, or any other enactment enabling Her Majesty in that behalf, and the Judicial Committee has advised Her Majesty that the judge ought to be removed from office for inability as aforesaid or misbehaviour.

(3) If the Premier of a Region, or the Chief Justice of the Region after consultation with the Premier of the Region, represents to the Governor that the question of removing a judge of the High Court of the Region from office for inability as aforesaid or misbehaviour ought to be investigated, then—

(a) the Governor shall appoint a tribunal, which shall consist of a Chairman and not less than two other members, selected by the Governor, acting in his discretion, from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from any such court ;

(b) that tribunal shall enquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether he should request that the question of the removal of that judge should be referred by Her Majesty to the judicial Committee ; and

(c) if the tribunal so recommends, the Governor shall request that the question should be referred accordingly.

(4) If the question of removing a judge of a Region from office has been referred to a tribunal under subsection (3) of this section, the Governor, acting in his discretion, may suspend the judge from performing the functions of his office, and any such suspension may at any time be revoked by the Governor, acting in his discretion, and shall in any case cease to have effect—

(a) S. 142b inserted S.I. 1958/429 and am., 1959/368.

(b) S. 142c inserted S.I. 1958/429 and am., 1958/1257, 1959/368.

(a) if the tribunal recommends to the Governor that he should not request that the question of the removal of the judge from office should be referred by Her Majesty to the Judicial Committee; or

(b) if the Judicial Committee advises Her Majesty that the judge ought not to be removed from office.

(5) The provisions of section 6, section 7 (other than the proviso) and section 8 to 20 of the Commissions of Inquiry Ordinance(c) as in force on the twenty-ninth day of August, 1957, shall apply in relation to a tribunal appointed under subsection (3) of this section as they apply in relation to commissioners appointed under that Ordinance, and for that purpose those provisions shall have effect as if they formed part of this Order.

(a)142D. A law enacted by the Legislature of a Region may establish courts of justice for the Region in addition to the High Court of the Region.

Courts of
Regions.

(a)143. A law enacted by the Legislature of the Southern Cameroons may establish courts of justice for the Southern Cameroons in addition to the High Court of the Southern Cameroons.

Courts of
Southern
Cameroons.

JURISDICTION OF THE COURTS

(b)144.—(1) Subject to the provisions of this section, the Federal Supreme Court shall, to the exclusion of any other court in Nigeria, have original jurisdiction—

Exclusive
original
jurisdiction
of Federal
Supreme
Court.

(a) in any dispute between the Federation and a Region or the Southern Cameroons or between Regions or between the Southern Cameroons and a Region, if and in so far as that dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends;

(b) in any matter in which a writ or order of mandamus or prohibition or an injunction is sought against an officer or authority of the Federation as such;

(c) in any matter arising under any treaty;

(d) in any matter affecting consular officers or other representatives of countries or of international or similar organisations outside Nigeria;

(e) in respect of any question as to the interpretation of this Order that is referred to it in pursuance of section 145 of this Order; and

(f) in any matter with respect to which jurisdiction is conferred upon it in pursuance of section 146 of this Order.

(2) A law enacted by the Federal Legislature may confer jurisdiction, subject to such limitations and conditions, if any, as may be specified therein, upon any court established for a Region or the Southern Cameroons or Lagos with respect to any of the matters mentioned in paragraphs (a), (b), (c) and (d) of subsection (1) of this section.

145.—(1) (a) If any question as to the interpretation of this Order arises in any proceedings in any court established for a Region or the Southern Cameroons or Lagos other than the High Court, the person presiding in that court may apply to the High Court for an order of that High Court referring the question to the Federal Supreme Court:

Questions
as to
interpre-
tation of
this Order.

(c) Laws of Nigeria, Rev., 1948, Chapter 37.

(a) S. 142D inserted S.I. 1958/429 and am., 1959/368.

(a) S. 143 subst., S.I. 1959/368.

(b) S. 144 as am., S.I. 1955/432.

Provided that he shall so apply to the High Court—

(i) if any party to the proceedings so requires ; or

(ii) if the question appears to him to be a substantial question of law as to the validity of a law enacted by the Federal Legislature.

(b) If any application is made in pursuance of this subsection to the High Court established for a Region or the Southern Cameroons or Lagos, that court may, as it sees fit, either make the order or refuse it :

Provided that if the High Court is required by any law enacted by the Federal Legislature to make the order or if, in the opinion of the High Court, the application relates to a substantial question of law as to the validity of a law enacted by the Federal Legislature, the High Court shall make the order.

(2) If any question as to the interpretation of this Order arises in any proceedings in the High Court established for a Region or the Southern Cameroons or Lagos, that High Court may, if it sees fit, refer that question to the Federal Supreme Court :

Provided that if the High Court is required by any law enacted by the Federal Legislature to refer the question to the Federal Supreme Court or if, in the opinion of the High Court, the question is a substantial question of law as to the validity of a law enacted by the Federal Legislature, the High Court shall refer the question to the Federal Supreme Court.

Federal
Legislature
may confer
original
jurisdiction
on Federal
Supreme
Court.

(b)146. A law enacted by the Federal Legislature may confer original jurisdiction on the Federal Supreme Court with respect to any matter that is included in the Exclusive Legislative List or the Concurrent Legislative List :

Provided that no original jurisdiction shall be conferred on the Federal Supreme Court with respect to any criminal matter.

Appellate
jurisdiction
of Federal
Supreme
Court.

(c)147.—(1) The Federal Supreme Court shall have jurisdiction, to the exclusion of any other court in Nigeria, to hear and determine appeals from the High Court of a Region.

(2) An appeal shall lie from decisions of the High Court of a Region to the Federal Supreme Court as of right in the following cases—

(a) decisions on questions as to the interpretation of this Order, the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954(a), the Nigeria (Retirement Benefits) Order in Council, 1958(b), the Emergency Powers Order in Council, 1939(c), or any Order in Council amending any of those Orders ;

(b) decisions on questions regarding the provisions of the Sixth Schedule to this Order in their application to the Region ;

(c) decisions in any criminal proceedings in which any person has been sentenced to death by any court in the Region ;

(d) final decisions in any civil proceedings before the High Court sitting at first instance ;

(b) S. 146 as am., S.I. 1955/432.

(c) S. 147 as subst., S.I. 1959/1772, 1960/203.

(a) S.I. 1954/1147 (1954 II, p.2829).

(b) S.I. 1958/1523.

(c) See S.I. 1952 I, p. 621.

(e) where the ground of appeal involves questions of law alone, decisions in any criminal proceedings before the High Court sitting at first instance ; and

(f) such other cases as may be prescribed by any law in force in the Region :

Provided that nothing in paragraph (d) of this subsection shall confer any right of appeal—

(a) from any order made *ex parte* ;

(b) from any order relating only to costs ;

(c) from any order made with the consent of the parties ; or

(d) in the case of a party to proceedings for dissolution or nullity of marriage who, having had time and opportunity to appeal from any decree *nisi* in such proceedings, has not so appealed, from any decree absolute founded upon such a decree *nisi*.

(3) Such to the provisions of subsection (2) of this section, an appeal shall lie from decisions of the High Court of a Region to the Federal Supreme Court with the leave of the High Court or the Federal Supreme Court in the following cases—

(a) where the ground of appeal involves questions of fact, mixed law and fact or *quantum* of sentence, decisions in any criminal proceedings before the High Court sitting at first instance ;

(b) any case in which, but for the terms of the proviso to subsection (2) of this section, an appeal would lie as of right to the Federal Supreme Court by virtue of paragraph (d) of that subsection ;

(c) decisions in any civil or criminal proceedings in which an appeal has been brought to the High Court from some other court ; and

(d) such other cases as may be prescribed by any law in force in the Region.

(3A) An appeal shall lie from decisions of any court-martial established by any law enacted by the Federal Legislature to the Federal Supreme Court with the leave of the Federal Supreme Court :

Provided that such an appeal shall lie as of right in such cases as may be prescribed in any such law.

(3B) An appeal shall lie from decisions of any such court as is referred to in paragraph (b) of the proviso to subsection (1) of section 148 of this Order to the Federal Supreme Court as of right in any case in which, but for that proviso, an appeal would lie as of right to the High Court of the Northern Region by virtue of paragraph (a) of that subsection in so far as it relates to civil proceedings :

Provided that nothing in this subsection shall confer any right of appeal with respect to any question of jurisdiction that any court established for the purposes of paragraph (c) of the proviso to subsection (1) of section 148 of this Order is competent to determine.

(3C) Subject to the provisions of subsection (3B) of this section, an appeal shall lie from decisions of the courts referred to in paragraph (b) and paragraph

(c) of the proviso to subsection (1) of section 148 of this Order to the Federal Supreme Court with the leave of the Federal Supreme Court in such cases as may be prescribed by any law in force in the Northern Region.

(4) The Federal Supreme Court may dispose of any application for leave to appeal from any decision of the High Court of a Region in respect of any civil or criminal proceedings in which an appeal has been brought to the High Court from some other court of the Region upon consideration of the record of the proceedings if the Federal Supreme Court is of opinion that the interests of justice do not require an oral hearing of the application.

(5) Any right of appeal to the Federal Supreme Court from the decisions of the High Court of a Region conferred by this section—

(a) shall be exercisable in the case of civil proceedings at the instance of a party thereto or, with the leave of the High Court or the Federal Supreme Court, at the instance of any other person having an interest in the matter and in the case of criminal proceedings at the instance of an accused person or, subject to the provisions of sections 231 and 233 of this Order, at the instance of such other persons or authorities as may be prescribed by any law in force in the Region; and

(b) shall be exercised in accordance with any laws and rules of court for the time being in force in the Region regulating the powers, practice and procedure of the Federal Supreme Court.

(5A) The provisions of subsection (5) of this section shall apply in relation to any such court as is referred to in paragraph (b) of the proviso to subsection (1) of section 148 of this Order as they apply in relation to the High Court of the Northern Region, and for that purpose shall have effect as if the references to that High Court were references to any such court.

(6) In this section—

“decision” means, in relation to any court, any determination of that court and includes (without prejudice to the generality of the foregoing) a judgment, decree, order, conviction, sentence (other than a sentence fixed by law) or recommendation;

“Region” includes the Southern Cameroons and Lagos.

(b)148.—(1) An appeal shall lie from decisions of a subordinate court of a Region to the High Court of the Region as of right or, if it is provided by any law in force in the Region that an appeal as of right shall lie from that subordinate court to another subordinate court of the Region, an appeal shall thereafter lie to the High Court as of right in the following cases—

(a) decisions from which, if they were decisions of the High Court, an appeal would lie to the Federal Supreme Court by virtue of paragraph (a), paragraph (b) or paragraph (c) of subsection (2) of section 147 of this Order;

(b) where the matter in dispute on the appeal amounts to or is of the value of fifty pounds or upwards or where the appeal involves, directly or indirectly, some claim to or question respecting property or some civil right amounting to or of the value of fifty pounds or upwards, final decisions in any civil proceedings;

(c) where the ground of appeal involves questions of law alone, decisions in any criminal proceedings in which any person has been sentenced to imprisonment for a term exceeding three months or corporal punishment exceeding six strokes or a fine or forfeiture exceeding twenty-five pounds ;

(d) decisions in any other criminal proceedings before the subordinate court sitting at first instance from which no appeal lies as of right to any other subordinate court of the Region ; and

(e) such other cases as may be prescribed by any law in force in the Region.

Provided that nothing in paragraph (a) or paragraph (b) of this subsection shall confer any right of appeal to the High Court of the Northern Region in any civil proceedings—

(a) from any decision of a subordinate court established for that Region by any law enacted by the legislature of that Region on a question relating to Moslem matters in any case in which it is provided by any such law that an appeal shall lie as of right to some other court established for that Region by any such law solely for the purpose of determining appeals from decisions in civil proceedings of subordinate courts in that Region on questions relating to Moslem matters ;

(b) from any decision of any such other court on any such question ; or

(c) from any decision of any court established for that Region by any such law solely for the purpose of determining questions relating to the respective jurisdictions of the High Court of that Region and any such other court.

(2) An appeal shall lie from decisions of a subordinate court of a Region to the High Court of the Region with the leave of the High Court or, if it is provided by any law in force in the Region that an appeal shall lie from that subordinate court to another subordinate court of the Region, an appeal shall thereafter lie to the High Court with the leave of the High Court in the following cases—

(a) decisions in any criminal proceedings from which no appeal lies as of right to the High Court ; or

(b) such other cases in which no appeal lies as of right to the High Court as may be prescribed by any law in force in the Region.

(3) Any right of appeal from decisions of a subordinate court of a Region to the High Court of the Region conferred by this section—

(a) shall be exercisable in the case of civil proceedings at the instance of a party thereto or, with the leave of the High Court, at the instance of any other person having an interest in the matter and in the case of criminal proceedings at the instance of the accused person or, subject to the provisions of sections 231 and 233 of this Order, at the instance of such other persons or authorities as may be prescribed by any law in force in the Region ; and,

(b) shall be exercised in accordance with any laws and rules of court for the time being in force in the Region regulating the powers, practice and procedure of the High Court.

(4) In this section—

“decision” means, in relation to a subordinate court, any determination of that court and includes (without prejudice to the generality of the foregoing) a judgment, decree, order, conviction, sentence (other than a sentence fixed by law) or recommendation ;

“Moslem law” means such system of Moslem law as may be prescribed in any law in force in the Northern Region, as applied subject to the provisions of any such law ;

‘question relating to Moslem matters’ means—

(a) any question of Moslem law regarding a marriage concluded in accordance with that law, including a question relating to the dissolution of such a marriage or a question that depends on such a marriage relating to family relationship or the guardianship of an infant ;

(b) where all the parties to the proceedings are Moslems, any question regarding a marriage, including the dissolution of that marriage, or regarding family relationship, a foundling or the guardianship of an infant ;

(c) any question regarding a wakf, gift, will or succession where the endower, donor, testator or deceased person is a Moslem.

(d) any question regarding an infant, prodigal or person of unsound mind who is a Moslem or the maintenance of guardianship of a Moslem who is physically or mentally infirm ; or

(e) where all the parties to the proceedings (whether or not they are Moslems) have by writing under their hand requested the court that hears the case in the first instance to determine that case in accordance with moslem law, any other question.

“Region” includes the Southern Cameroons and Lagos ;

“subordinate court” means, in relation to a Region, any court in the Region other than the High Court of the Region or a court-martial.

149.—(1) All authorities throughout Nigeria shall act in aid of the Federal Supreme Court.

(2) Without prejudice to section 151 of this Order, the Federal Supreme Court shall have power to make any order for the purpose of securing the attendance of any person, the discovery or production of any document, or the investigation or punishment of any contempt of that Court, that the High Courts established for any of the Regions, the Southern Cameroons and Lagos have power to make as respects the area within their jurisdiction ; and any such order, and any other order of the Federal Supreme Court,

shall be enforced by all courts and authorities in any of the Regions, the Southern Cameroons or Lagos as if it were an order duly made by the High Court established therefor.

(a)150.—(1) In this section "rules of court" mean rules for regulating generally the practice and procedure of a court and with respect to appeals to, or reviews by, the court, including (without prejudice to the generality of the foregoing provision) rules as to the persons practising before the court, as to the time within which any requirement of the rules is to be complied with, as to the costs of and incidental to any proceedings in the court, and as to the fees to be charged in respect of proceedings therein, and rules providing for the summary determination of any appeal that appears to the court to be frivolous or vexatious or to be brought for the purpose of delay.

Rules of Court.

(2) (a) Subject to the provisions of any law enacted by the Federal Legislature, the Federal Supreme Court may, with the approval of the Governor-General, make rules of court for use by the Court.

(b) Rules made under this section may fix the minimum number of judges who are to sit for any purpose, so however, that no matter shall be finally determined by less than three judges.

(c) Subject to the provisions of any law enacted by the Federal Legislature or o. any rules of court, the Chief Justice of the Federation shall determine what judges are to sit for any purpose.

(d) Subject as aforesaid, any final determination by the Federal Supreme Court shall require the concurrence of a majority of the judges present at the hearing of the matter and shall be delivered in open court :

Provided that nothing in this paragraph shall be deemed to prevent a judge who does not concur from delivering a dissenting opinion.

[(3) to (5) *rev.*, S.I. 1959/1772]

(b)151.—(1) A law enacted by the Federal Legislature may make provision for the Federal Supreme Court with respect to any of the matters with respect to which rules of court may be made under section 150 of this Order or confer upon the Federal Supreme Court such additional or supplemental powers as may appear to be necessary or desirable for enabling the Court more effectively to exercise any jurisdiction conferred upon it by this Order or by any other law and in particular (without prejudice to the generality of the foregoing) may empower the Court to make such orders and give such directions as may appear to be necessary or desirable to enable any appeal to be determined.

Provision for procedure of Federal Supreme Court and enforcement of judgments, etc.

(2) A law enacted by the Federal Legislature may make provision for the service and execution of the civil and criminal processes, judgments, decrees, orders and decisions of the Federal Supreme Court or of any court outside Nigeria.

(b) S. 151 as am., S.I. 1955/432, 1957/1530, 1959/1772.

(3) (a) A law enacted by the Federal Legislature may make provision—

(i) for the service and execution in a Region of the civil and criminal processes, judgments, decrees, orders and decisions of the courts of any other Region or the Southern Cameroons or Lagos ;

(ii) for the service and execution in the Southern Cameroons of the civil and criminal processes, judgments, decrees, orders and decisions of the courts of a Region or Lagos.

(b) A law enacted by the Legislature of a Region may make provision for the service and execution in that Region of the civil and criminal processes, judgments, decrees, orders and decisions of the courts of that Region, any other Region, the Southern Cameroons or Lagos.

(c) A law enacted by the Legislature of the Southern Cameroons may make provision for the service and execution in the Southern Cameroons of the civil and criminal processes, judgments, decrees, orders and decisions of the courts of the Southern Cameroons, any Region or Lagos.

(4) In this section "processes" includes processes for securing the attendance of any person at a court.

[S. 152 *rev.*, S.I. 1959/1772]

CHAPTER VI

FINANCE

Interpre-
tation.

153. In this Chapter—

the references in subsection (2) of section 155, subsection (3) of section 156, subsection (4) of section 157 and subsection (2) of section 158 to drawbacks, refunds and other repayments are references to such drawbacks, refunds and other repayments as are required to be made under any law ;

"financial year" means a period of twelve months beginning on the first day of April in any year, and references to a financial year are, except where it is otherwise expressly provided or required by the context, references to a financial year subsequent to the thirty-first day of March, 1955 ;

"quarter" means a quarter of a financial year and references to a quarter are, except where the context otherwise requires, references to a quarter subsequent to the thirtieth day of September, 1954.

Prescribed
authority.

154.—(1) In this Chapter "the prescribed authority" means, in relation to any declaration that is required to be made by the prescribed authority, such person or authority as the Governor-General may appoint for the purpose of making that declaration.

(2) Any declaration made under this Chapter by the prescribed authority may be varied by a subsequent declaration made by such authority and if any declaration made under this Chapter by the prescribed authority is so varied any reference in this Chapter to that declaration shall be construed as a reference to that declaration as so varied.

(3) The correctness of anything contained in any declaration made by the prescribed authority under this Chapter shall not be called in question in any court.

(a)154A.—(1) All revenues or other moneys raised or received by the Federation (not being revenues or other moneys allocated by law for specific purposes) shall form one Consolidated Revenue Fund.

Consolidated
Revenue
Fund.

(2) No money shall be withdrawn from the Consolidated Revenue Fund of the Federation or other public funds of the Federation except upon the authority of a warrant under the hand of the Governor-General or the Minister responsible for finance, and no such warrant shall be issued for the purpose of meeting any expenditure other than statutory expenditure unless that expenditure has been authorised by a law enacted by the Federal Legislature.

(a)154B.—(1) The Minister responsible for finance shall cause to be prepared in each financial year estimates of the revenues and expenditure of the Federation for the next following financial year which, when approved by the Governor-General, shall be laid before the House of Representatives.

Authorisation
of
expenditure.

(2) The proposals for all expenditure contained in the estimates (other than statutory expenditure) shall be submitted to the vote of the House of Representatives by means of an appropriation Bill, which shall contain estimates under appropriate heads for the several services required.

(3) Whenever—

(a) any expenditure is incurred or is likely to be incurred in any financial year upon any service which is in excess of the sum provided for that service by the appropriation law relating to that year ; or

(b) any expenditure (other than statutory expenditure) is incurred or is likely to be incurred in any financial year upon any service not provided for by the appropriation law relating to that year,

supplementary appropriation Bill, which shall contain that expenditure under appropriate heads, shall be introduced in the House of Representatives.

(4) Statutory expenditure, which shall not be submitted to the vote of the House of Representatives for the purposes of this section, means—

(a) the expenditure charged on the Consolidated Revenue Fund of the Federation by any provision of this Order ; and

(b) such other expenditure as may by law be charged on the Consolidated Revenue Fund or the general revenue and assets of the Federation, or on the other public funds of the Federation, as the case may be.

(5) A law enacted by the Federal Legislature may make provision for making moneys available in advance of appropriation as aforesaid for the purpose of meeting unforeseen expenditure or to cover any period not exceeding four months between the end of a financial year and the coming into force of the law authorising the appropriation for the next following financial year.

Application
of Ss. 154A
and 154B to
Regions and
Southern
Cameroons.

(a)154c.—(1) The provisions of sections 154A and 154B of this Order shall apply in relation to a Region as they apply in relation to the Federation, and for that purpose references to the Federation, to the Governor-General, to a Minister, to the House of Representatives and to the Federal Legislature shall be construed as if they were references to a Region, to the Governor of the Region, to a Regional Minister, to the Legislative Houses of the Region and to the Legislature of the Region :

Provided that subsection (1) of section 154B shall have effect in relation to a Region as if the words "when approved by the Governor-General" were deleted.

(2) The provisions of sections 154A and 154B of this Order shall apply in relation to the Southern Cameroons as they apply in relation to the Federation and for that purpose references to the Federation, to the Governor-General, to a Minister, to the House of Representatives and to the Federal Legislature shall be construed as if they were references to the Southern Cameroons, to the Commissioner of the Cameroons, to a member of the Executive Council of the Southern Cameroons, to the House of Assembly of the Southern Cameroons and to the Legislature of the Southern Cameroons.

Public debt.

(a)154d.—(1) The public debt of the Federation shall be a charge on the Consolidated Revenue Fund of the Federation and the other public funds and assets of the Federation, and shall in addition be a charge on the Consolidated Revenue Funds of each Region and the Southern Cameroons and the other public funds and assets of the Regions and the Southern Cameroons :

Provided that a debt to a Region shall not be a charge on the funds and assets of that Region and a debt to the Southern Cameroons shall not be a charge on the funds and assets of the Southern Cameroons.

(2) The public debt of a Region shall be a charge on the Consolidated Revenue Fund of the Region and the other public funds and assets of the Region.

(3) The public debt of the Southern Cameroons shall be a charge on the Consolidated Revenue Fund of the Southern Cameroons and the other public funds and assets of the Southern Cameroons.

(4) In this section references to the public debt of the Federation or a Region or the Southern Cameroons include references to the interest on that debt, sinking fund payments in respect of that debt and the costs, charges and expenses incidental to the management of that debt.

Audit of
accounts.

(a)154e.—(1) The accounts of the Federal Supreme Court, the High Court of Lagos, all departments of Government of the Federation, the Public Service Commission of the Federation, the Police Service Commission of the Federation and all other offices and authorities of the Federation (including the offices of Clerk to the Senate, Clerk to the House of Representatives and Secretary to the Council of Ministers) shall be audited annually by the Director for Federal Audit, who, with his deputies, shall at all times be entitled to have access to all books, records and returns of the Federation relating to those accounts, and the Director of Federal Audit shall make annual reports to the Governor-General concerning the audit of those accounts, which the Governor-General shall cause to be laid before the Federal Legislative Houses.

(a) S. 154c inserted S.I. 1958/429 and am., 1959/368.

(a) S. 154d inserted S.I. 1958/429.

(a) S. 154e inserted S.I. 1958/429 and am., 1959/1772.

(2) The accounts of the High Court of each Region, all departments of government of the Region, the public Service Commission and the Judicial Service Commission (if any) of the Region and all other offices and authorities of the Region (including the offices of Clerk to a Regional Legislative House and Secretary of the Executive Council of the Region) shall be audited annually by the Director of Audit of the Region, who, with his deputies, shall at all times be entitled to have access to all books, records and returns of the Region relating to those accounts, and the Director of Audit shall make annual reports to the Governor concerning the audit of those accounts, which the Governor shall cause to be laid before the Legislative Houses of the Region.

(3) The accounts of the High Court of the Southern Cameroons, all departments of Government of the Southern Cameroons and all other offices and authorities of the Southern Cameroons (including the offices of Clerk to the House of Assembly of the Southern Cameroons and Secretary to the Executive Council of the Southern Cameroons) shall be audited annually by the Director of Audit of the Southern Cameroons who, with his deputies, shall at all times be entitled to have access to all books, records and returns of the Southern Cameroons relating to those accounts, and the Director of Audit shall make annual reports to the Commissioner of the Cameroons concerning the audit of those accounts, which the Commissioner shall cause to be submitted to the High Commissioner for the Southern Cameroons and laid before the House of Assembly of the Southern Cameroons.

(4) In the exercise of their functions under this section, the Director of Federal Audit, the Director of Audit of a Region and the Director of Audit of the Southern Cameroons shall not be subject to the direction or control of any other person or authority.

(b)155.—(1) Where under any law enacted by the Federal Legislature a duty is levied in respect of the import into Nigeria of any commodity other than motor spirit, diesel oil, tobacco, wine, potable spirits or beer, the Federation shall, in respect of each quarter, credit to a special account, maintained by the Federation and referred to in this Order as "the Distributable Pool Account", a sum equal to thirty per cent of the proceeds of that duty for that quarter.

Import duties other than duties on motor spirit and tobacco.

(2) For the purposes of this section the proceeds of a duty for a quarter shall be the amount that is declared by the prescribed authority to be the amount remaining from the receipts from that duty that are collected in that quarter after any drawbacks, refunds or other repayments relating to those receipts have been made or allowed for.

(b)156.—(1) (a) Where under any law enacted by the Federal Legislature a duty is levied in respect of the import into Nigeria of motor spirit or diesel oil, or of any particular class, variety or description of motor spirit or diesel oil, there shall be paid by the Federation to the Regions in respect of each quarter a sum equal to the proceeds of that duty for that quarter.

Import duties on motor spirit and tobacco.

(b) When under paragraph (a) of this subsection any sum is payable by the Federation to the Regions in respect of any quarter, payment of the said sum shall be made in such manner that the sum is divided among the Regions in shares proportionate to the respective amounts of tobacco, or of tobacco of the particular class, variety or description in question, as the case may be, that are declared by the prescribed authority to have been distributed for consumption in the several Regions in the immediately preceding quarter.

(2) (a) Where under any law enacted by the Federal Legislature a duty is levied in respect of the import into Nigeria of tobacco, or of any particular class, variety or description of tobacco, there shall be paid by the Federation to the Regions in respect of each quarter such sum as is declared by the prescribed authority to be equal to the proceeds of that duty for that quarter.

(b) When under paragraph (a) of this subsection any sum is payable by the Federation to the Regions in respect of any quarter, payment of the said sum shall be made in such manner that the sum is divided among the Regions in shares proportionate to the respective amounts of motor spirit or diesel oil, or of motor spirit or diesel oil of the particular class, variety or description in question, as the case may be, that are declared by the prescribed authority to have been distributed for consumption in the several Regions in the immediately preceding quarter.

(3) For the purposes of this section the proceeds of a duty for a quarter levied on any commodity, or any particular class, variety or description of commodity, shall be the amount that is declared by the prescribed authority to be the amount remaining from the receipts from that duty that are collected in that quarter after any drawbacks, refunds or other repayments relating to those receipts have been made or allowed for less any part of that amount that is declared by the prescribed authority to be attributable to quantities of that commodity or that class, variety or description of commodity distributed, or intended to be distributed, in Lagos.

(4) [rev. S.I. 1959/368].

(5) In this section "Region" includes the Southern Cameroons.

Export duties.

(a) 157.—(1) Where under any law enacted by the Federal Legislature an excise duty is levied on tobacco, or on any particular class, variety or description of tobacco, there shall be paid by the Federation to the Regions in respect of each quarter a sum equal to the proceeds of that duty for that quarter.

(2) When under subsection (1) of this section any sum is payable by the Federation to the Regions in respect of any quarter, payment of the said sum shall be made in such manner that the sum is divided among the Regions in shares proportionate to the respective amounts of the commodity in question that are declared by the prescribed authority to have been distributed for consumption in the several Regions in the immediately preceding quarter.

(3) For the purposes of this section the proceeds for a quarter of a duty levied on tobacco or any particular class, variety or description of tobacco, shall be the amount that is declared by the prescribed authority to be the amount remaining from the receipts from that duty that are collected in that quarter after any drawbacks, refunds or other repayments relating to those receipts have been made or allowed for, less any part of that amount that is declared by the prescribed authority to be attributable to quantities of tobacco or that particular class, variety or description of tobacco, distributed, or intended to be distributed, for consumption in Lagos.

(4) [rev. S.I. 1959/368].

(5) [rev. S.I. 1959/368].

(6) In this section "Region" includes the Southern Cameroons.

(a) 158.—(1) Where under any law enacted by the Federal Legislature duty is levied in respect of the export from Nigeria of produce, hides or skins there shall be paid by the Federation to each Region in respect of each quarter a sum equal to the appropriate percentage of the proceeds of that duty for that quarter.

Excise
duties.

(2) For the purposes of subsection (1) of this section—

(a) the proceeds for a quarter of a duty levied on a commodity shall be the amount that is declared by the prescribed authority to be the amount remaining from such of the receipts from that duty as relate to exports of that commodity during that quarter after any drawbacks, refunds or other repayments relating to those receipts have been made or allowed for;

(b) the appropriate percentage of the proceeds for a quarter of a duty levied on a commodity shall, in relation to any Region, be whichever of the following percentages the Governor-General by regulation prescribes in that behalf, that is to say, either—

(i) the percentage of the said proceeds that is declared by the prescribed authority to be attributable to exports of that commodity that were derived from that Region; or

(ii) the percentage of the said proceeds that is declared by the prescribed authority to be attributable to exports of that commodity that were purchased in that Region; or

(iii) the percentage of the said proceeds that is declared by the prescribed authority to be the appropriate percentage having regard to the respective amounts of that commodity that were purchased for export in the several Regions during the quarter immediately preceding that quarter; or

(iv) the percentage of the said proceeds that is declared by the prescribed authority to be the appropriate percentage having regard to the respective amounts of that commodity that were purchased for export in the several Regions during the calendar year commencing three months before the commencement of the financial year in which that quarter falls.

(3) The Governor-General may by regulation designate, or make provision for designating, any class, variety or description of any commodity as a separate commodity for the purposes of this section, and any such class, variety or description that is so designated shall be regarded as a separate commodity for those purposes.

(4) For the purposes of this section any amount of a commodity that is derived from Lagos shall be deemed to be derived from the Western Region and any amount of a commodity that is purchased in Lagos shall be deemed to be purchased in the Western Region.

(5) In this section "Region" includes the Southern Cameroons.

(a) S. 158 as am., S.I. 1958/429, 1959/368.

Calculation
of payment
certain cases.

(a)159. When in the opinion of the Governor-General it is impossible or impracticable, owing to the imposition of a new duty or for any other reason, to calculate what sum is payable to a Region or the Southern Cameroons in respect of any quarter in accordance with the provisions of section 156, section 157 or section 158 of this Order, there shall be paid by the Federation to that Region or the Southern Cameroons as the case may be a sum calculated in such manner as the Governor-General shall direct; and such sum shall be deemed to have been calculated and paid in accordance with the provisions of those sections.

Federal
income tax.

(a)160.—(1) Where under any law enacted by the Federal Legislature any tax is levied on incomes or profits, there shall be paid by the Federation to each Region in respect of each year of assessment after the thirty-first day of March, 1954, a sum equal to the amount of that part of the proceeds of that tax for that year that is declared by the prescribed authority to be attributable to the incomes and profits of persons, other than bodies corporate, resident in that Region during that year.

(2) (a) For the purposes of this section the proceeds of a tax for a year of assessment shall be the amount that is declared by the prescribed authority to be the amount remaining from the receipts from that tax that are collected in respect of that year after any refunds or other repayments relating to those receipts have been made or allowed for:

Provided that for the purpose of calculating the receipts from any tax collected in respect of the year beginning on the first day of April, 1954, no account shall be taken of any sums collected before the commencement of this Order or of any refunds or other repayments relating to any sums so collected.

(b) In this section "year of assessment" means, in relation to a tax levied under any law, a year of assessment for the purposes of that law.

(3) The Governor-General may by regulation make provision for determining the residence of any person for the purposes of this section.

(4) In this section "Region" includes the Southern Cameroons.

Mining
royalties
and tents.

(a) 161.—(1) There shall be paid by the Federation to each Region a sum equal to fifty per cent of—

(a) the proceeds of any royalty received by the Federation in respect of any minerals extracted in that Region; and

(b) any mining rents derived by the Federation during that year from within that Region.

(2) The Federation shall credit to the Distributable Pool Account a sum equal to thirty per cent of—

(a) the proceeds of any royalty received by the Federation in respect of minerals extracted in any Region;

(b) any mining rents derived by the Federation from within any Region.

(a) S. 159 as am., S.I. 1958/429, 1959/368.

(a) S. 160 as am., S.I. 1958/429.

(a) S. 161 as subst., S.I. 1959/368 and am., 1959/1772.

(3) For the purposes of this section the proceeds of a royalty shall be the amount that is declared by the prescribed authority to be the amount remaining from the receipts of that royalty after any refunds or other repayments relating to those receipts have been deducted therefrom or allowed for.

(4) The Governor-General may by regulation make provision for determining for the purposes of this section the Region in which any minerals were extracted.

(5) For the purposes of this section the proceeds of any mining rents derived from within a Region shall be such sum as is declared by the prescribed authority to be equal to the amount of revenue derived by the Federation from within that Region from rents payable under any of the following laws, that is to say—

The Minerals Ordinance (a), the Mineral Oils Ordinance (b), the Nigerian Coal Corporation Ordinance, 1950(c), the Minerals Development (Lead-Zinc) Ordinance, 1952(d), and any law that is declared by the Governor-General to be a law amending or substituted for any of those Ordinances.

(6) In this section—

“minerals” includes mineral oil;

“Region” includes the Southern Cameroons.

(7) For the purposes of this section the continental shelf of a Region shall be deemed to be part of that Region.

[S. 162 Rev. S.I. 1959/368].

(a)163. There shall be paid by the Federation to the Regions and the Southern Cameroons at the end of each quarter sums equal to the following percentages respectively of the amount standing to the credit of the Distributable Pool Account at that date, that is to say—

Distribution of funds in Distributable Pool Account.

(a) to the Northern Region, forty per cent;

(b) to the Western Region, twenty-four per cent;

(c) to the Eastern Region, thirty-one per cent;

(d) to Southern Cameroons, five per cent.

(b)164.—(1) The prescribed authority shall in respect of each financial year declare the amount of the expenditure incurred by the Federation during that year in respect of the Department of Customs and Excise that is reasonably attributable to the Regions having regard to the shares of the proceeds of the duties referred to in sections 155, 156, 157 and 158 of this Order received by the Regions under those sections in respect of that year; and each Region shall pay to the Federation a sum equal to such part of the amount so declared as is declared by the prescribed authority to be proportionate to the share of the proceeds of those duties received by that Region under those sections in respect of that year.

Payments by Regions to Federation.

(2) The prescribed authority shall in respect of each financial year declare the amount of the expenditure incurred by the Federation during that year in respect of the collection of the taxes that are referred to in section 160 of this Order; and each Region shall pay to the Federation a sum equal to such part of that expenditure as is declared by the prescribed authority to be proportionate to the share of the proceeds of those taxes received by that Region under that section in respect of that year.

(a) S. 163 as subst., S.I. 1959/368.

(a) Laws of Nigeria, Rev., 1948, Chapter 134.

(b) Laws of Nigeria, Rev., 1948, Chapter 135.

(c) No. 29 of 1950.

(d) No. 9 of 1952.

(b) S. 164 as am., S.I. 1958/429, 1959/368

(3) [rev., S.I. 1959/368]

(4) A Region shall pay to the Federation in respect of each financial year such sum as is declared by the prescribed authority to be equal to the amount of the expenditure incurred by the Federation during that year on—

(a) the payment to persons who have been in the public service of the Federation of pensions in respect of their service in offices allocated to that Region under section 182 of this Order ; and

(b) the payment in respect of such service of pensions to widows, children, dependants and personal representatives of such persons.

(4A) The Southern Cameroons shall pay to the Federation in respect of each financial year such sum as is declared by the prescribed authority to be equal to the estimated cost to the Federation of making provision for pensions for officers in the public service of the Federation in relation to their service during that year in respect of the government of the Southern Cameroons.

(5) (a) For the purposes of this section the period beginning at the commencement of this Order and ending on the thirty-first day of March, 1955, shall be deemed to be a financial year.

(b) In this section "pension" means a pension granted under any law other than the Widows' and Orphans' Pension Ordinance(a) as from time to time amended, and includes a gratuity.

(c) In subsections (1), (2) and (3) of this section "Region" includes the Southern Cameroons.

Set-off.

(d) 165.—(1) Any sum that is required by this Chapter to be paid by the Federation to a Region or the Southern Cameroons may be set off by the Federation in or towards the payment of any sum that is due from that Region or the Southern Cameroons, as the case may be, to the Federation in respect of any loan made by the Federation to that Region or the Southern Cameroons.

(2) The right of set-off conferred by subsection (1) of this section shall be without prejudice to any other right of the Federation to obtain payment of any sum due to the Federation in respect of any loan.

[Ss. 166, 167 rev., S.I. 1958/429.]

Sums charged on Consolidated Revenue Funds.

(a) 168. Any payments that are required by this Chapter to be made by the Federation to a Region or the Southern Cameroons shall be a charge on the Consolidated Revenue Fund of the Federation and any payments that are so required to be made by a Region or the Southern Cameroons to the Federation shall be a charge on the Consolidated Revenue Fund of that Region or the Southern Cameroons, as the case may be.

Time and manner of making payments.

(b) 169.—(1) Any sum that is required by this Chapter to be paid by the Federation to a Region in respect of a quarter shall be paid to that Region before the end of the next succeeding quarter unless either—

(a) the Governor-General and the Governor of the Region agree that the sum shall be paid on or before some later date, in which case it shall be paid on or before that later date ; or

(b) the amount of the sum is not ascertained in time for payment to be made before the end of the next succeeding quarter, in which case the sum shall be paid on or before such later date as may be agreed between the Governor-General and the Governor of the Region.

(a) Laws of Nigeria, Rev., 1948, Chapter 231.

(d) S. 165 as subst., S.I. 1959/368.

(a) S. 168 as subst., S.I. 1958/429.

(b) S. 169 as am., S.I. 1958/429.

(2) Subject to the provisions of subsection (1) of this section and of section 167 of this Order, any payment that is required by this Chapter to be made by the Federation to a Region or by a Region to the Federation shall be made at such time and in such manner as may be provided by or in pursuance of regulations made under section 170 of this Order.

(3) The foregoing provisions of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region, and for that purpose references to a Region and to the Governor of a Region shall be construed as if they were references to the Southern Cameroons and the Commissioner of the Cameroons.

(b)170.—(1) The Governor-General may, subject to the provisions of this Chapter, make provision by regulation for any of the following matters, that is to say :—

Regulations.

(a) the times at which, and the manner in which, the Federation shall pay to a Region or a Region shall pay to the Federation any sums that are required by this Chapter to be so paid by the Federation or that Region ;

(b) the periods in relation to which the proceeds of any royalty or mining rents referred to in section 161 of this Order shall from time to time be calculated, and the periods in respect of which payments shall from time to time be made and sums shall from time to time be credited in pursuance of that section ;

(c) the making of provisional payments by the Federation to a Region or by a Region to the Federation in respect of any sums that are required by this Chapter to be paid by the Federation to that Region or by that Region to the Federation ; and the subsequent payment or repayment, as the case may be, of any amounts by which such provisional payments are less than, or exceed, the sums in respect of which they were made.

(2) The Governor-General may, subject to the provisions of this Chapter, provide by regulation for the manner in which any amount of money, any amount of expenditure, and any amount of a commodity, shall be calculated for the purposes of this Chapter.

(3) In this section "Region" includes the Southern Cameroons.

171.—(1) The Governor-General may, by regulation, make such provision as appears to him to be necessary for enabling the prescribed authority to discharge any functions that are conferred on the prescribed authority by this Chapter or by any regulations made thereunder.

Regulations to enable prescribed authority to discharge functions.

(2) Without prejudice to the generality of the power conferred by subsection (1) of this section, any regulations made thereunder may make provision for any of the following matters, that is to say—

(a) the imposition upon any person of a duty to furnish information relating to any matter ;

(b) the registration or licensing of any person for any purpose ;

(c) the imposition upon any person of a duty to keep books, accounts or records relating to any matter ;

(d) the prohibition of the import, export or sale of anything in respect of which any person fails to furnish information in accordance with regulations made under this section ;

(e) the prohibition of the import, export or sale of anything by persons who are not registered or licensed for that purpose in accordance with regulations made under this section ;

(f) the definition and trial of offences connected with any such regulations and the imposition of penalties therefor.

Fiscal
Review
Commis-
sions.

(a)171A. The Governor-General shall from time to time, after consultation with the Governors of the Regions and the Commissioner of the Cameroons, appoint a Commission to review and make recommendations with respect to the provisions of this Order relating to the following matters, that is to say—

- (a) the distribution of the proceeds of royalties in respect of the extraction of minerals;
- (b) the distribution of the proceeds of mining rents;
- (c) the Distributable Pool Account.

CHAPTER VII

THE PUBLIC SERVICES

Part I—General

Interpreta-
tion.

172. (1) [rev., S.I. 1958/1257]

(b)(2) For the avoidance of doubts it is declared that any power conferred by this Chapter upon the Governor-General or the Governor of a Region or the Commissioner of the Cameroons to make appointments to any public office includes power to appoint persons to act in that office.

Appointment
etc of officers
in public
service of
Federation.

(c)173.—(1) Power to make appointments to offices in the public service of the Federation (including appointments on promotion and transfer) and to dismiss and to exercise disciplinary control over officers in that service shall vest in the Governor-General.

(2) (a) Subject to the provisions of paragraph (b) of this subsection, the Governor-General may delegate (in such manner and on such conditions as he may think fit) to any officer in the public service of the Federation any of the powers conferred on the Governor-General by subsection (1) of this section.

(b) The Governor-General shall not—

(i) delegate any such power unless he has obtained the consent of a Secretary of State to such delegation; or

(ii) delegate any such power with respect to officers whose annual emoluments exceed such sum as may be prescribed by a Secretary of State.

(c) For the purposes of this subsection the emoluments of an officer shall (whether or not he is employed on terms that include eligibility for pension) include only such classes of emoluments as, under the law for the time being in force relating to pensions, are taken into account in computing pensions.

(3) The provisions of this section shall be subject to the provisions of any Instructions that may be issued by Her Majesty under Her Sign Manual and Signet or through a Secretary of State, and any power conferred by this section or delegated under this section shall be exercised in accordance with the provisions of such Instructions.

(a) S. 171A inserted S.I. 1959/368.

(b) S. 172 (2) inserted S.I. 1958/429 and am., 1959/1981.

(c) S. 173 as am., S.I. 1956/836, 1957/1530, 1959/368, 1981.

(4) (a) If it is provided by or under any law or Order to which this subsection applies that any officer in the public service of the Federation shall have power to exercise disciplinary control over other officers in that public service, such power shall be deemed to have been delegated to that officer by the Governor-General in accordance with the provisions of subsection (2) of this section and accordingly the power shall be exercisable by that officer, subject to the provisions of subsection (3) of this section, unless and until it is revoked by the Governor-General.

(b) Any provision of any law or Order to which this subsection applies and any instrument made under such law or Order shall, to the extent that it confers power upon any officer in the public service of the Federation to exercise disciplinary control over other officers in that public service, cease to have effect, unless it shall have been sooner repealed or revoked, upon the revocation of the power by the Governor-General.

(c) This subsection applies to any law that is an existing law for the purposes of subsection (5) of section 57 of this Order, and to any Order made under that subsection.

(5) This section does not apply to any office constituted by the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954, as amended.

174.—(1) There shall be for the Federation a Public Service Commission (in this Chapter referred to as "the Federal Commission"), which shall consist of a Chairman and such number of other members as may be prescribed by regulations made under section 177 of this Order.

Federal
Public
Service
Commission.

(2) The members of the Federal Commission shall be appointed by the Governor-General.

(3) The Governor-General may terminate the appointment of any member of the Federal Commission and, subject as aforesaid, the members of the Federal Commission shall hold office on such terms and conditions as may be prescribed by regulations made under section 177 of this Order.

(4) No person shall be appointed as, or shall remain, a member of the Federal Commission if he is, or becomes, a member of a Legislative House.

(a) 175.—(1) The Governor-General may (either generally or specially, and in whatever manner he thinks fit) refer to the Federal Commission for their advice any matter relating to the appointment of any person to an office in the public service of the Federation, or the dismissal or disciplinary control of officers in the public service of the Federation, or any other matter that, in his opinion, affects the public service of the Federation :

Federal
Commission
to advise
Governor-
General.

Provided that the Governor-General shall not refer to the Federal Commission any question that, in his opinion, affects solely the police of the Federation or any member or members of the police force of the Federation.

(2) It shall be the duty of the Federal Commission to advise the Governor-General on any question that he refers to it in accordance with the provisions of this section, but the Governor-General shall not be obliged to act in accordance with the advice given to him by the Federal Commission.

Federal
Commission
to advise
other
officers.

176.—(1) The Governor-General may (in such manner as he thinks fit) require or permit any officer to whom he delegates any power under section 173 of this Order to refer to the Federal Commission for their advice, on such conditions as the Governor-General may prescribe, any matter relating to the exercise of that power.

(2) It shall be the duty of the Federal Commission to advise any officer on any question that he refers to it in accordance with the provisions of this section, and in any case in which he is required by the Governor-General to refer any matter to the Commission for their advice, that officer shall act in accordance with the advice given to him by the Commission unless the Governor-General authorises him to act otherwise.

Regulations
regarding
Federal
Commission.

(b)177. Subject to the provisions of this Order, the Governor-General may make regulations for giving effect to the provisions of sections 173 to 176 of this Order and in particular and without prejudice to the generality of the foregoing power may by such regulations make provision for any of the following matters, that is to say:—

(a) the membership of the Federal Commission;

(b) the appointment, tenure of office and terms of service of members of the Federal Commission;

(c) the organisation of the work of the Federal Commission and the manner in which the Federal Commission shall perform its functions;

(d) consultation by the Federal Commission with persons other than members of the Federal Commission;

(e) the appointment, tenure of office and terms of service of staff to assist the Federal Commission in the performance of its functions;

(f) the definition and trial of offences connected with the functions of the Federal Commission (including, without prejudice to the generality of this paragraph, offences relating to the bringing of improper influence on the Commission, misconduct by members of the Commission, the giving of false information to the Commission and the improper disclosure of information obtained in the course of the work of the Commission) and the imposition of penalties for such offences:

Provided that no penalty for any such offence shall exceed a fine of two hundred pounds and imprisonment for a term of one year.

Police
Service
Commission.

(a)177A.—(1) There shall be for the Federation a Police Service Commission, which shall consist of a Chairman and such number of other members as may be prescribed by regulations made under section 177 of this Order, as applied by section 177c of this Order.

(2) The members of the Police Service Commission shall be appointed by the Governor-General.

(3) The Governor-General may terminate the appointment of any member of the Police Service Commission and, subject as aforesaid, the members of the Commission shall hold office on such terms and conditions as may be prescribed by regulations made under section 177 of this Order, as applied by section 177c of this Order.

(b) S. 177 as am., S.I. 1958/429.

(a) S. 177A inserted S.I. 1958/429.

(4) No person shall be appointed as, or shall remain, a member of the Police Service Commission if he is, or becomes, a member of a Legislative House.

(a)177B.—(1) The Governor-General may (either generally or specially, and in whatever manner he thinks fit) refer to the Police Service Commission for their advice any matter relating to the appointment of any person to an office in the public service of the Federation, being an office in the police service of the Federation, or the dismissal or disciplinary control of persons holding or acting in any such office or any other matter (not being a matter relating to the use or operational control of the police) that, in his opinion, affects the police of the Federation.

Police
Service
Commission
to advise
Governor-
General.

(2) It shall be the duty of the Police Service Commission to advise the Governor-General on any question that he refers to it in accordance with the provisions of this section, but the Governor-General shall not be obliged to act in accordance with the advice given to him by the Police Service Commission.

(a)177c. Sections 176 and 177 of this Order shall apply in relation to the Police Service Commission of the Federation as they apply in relation to the Federal Commission.

Application
of sections
176 and 177
to Police
Service
Commission.

(a)177D.—(1) The members of the Federal Commission and the Police Service Commission of the Federation shall be paid such salaries as may be prescribed by any law enacted by the Federal Legislature and such allowances as may be provided by or under any such law :

Emoluments
of members
of Federal
Commission
and Police
Service
Commission.

Provided that the salary of a member of the Federal Commission or the Police Service Commission and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(2) The salaries and allowances of the members of the Federal Commission and the Police Service Commission of the Federation shall be a charge on the Consolidated Revenue Fund of the Federation.

[Ss. 178-180 rev., 1959/368].

(a)180A.—(1) Subject to the provisions of this Order, power to make appointments (including appointments on promotion and transfer) to offices in the public service of a Region and to dismiss and to exercise disciplinary control over officers in that public service shall vest in the Governor acting on the recommendation of the Public Service Commission of the Region.

Appoint-
ment, etc. of
Officers in
the Public
Service of
Regions.

(2) Before making any appointment to an office in the audit service of a Region (not being an office below the rank of Assistant Auditor) the Governor shall consult the Director-General of the Overseas Audit Service.

(3) This section does not apply to any office constituted by the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954, as amended.

(a) Ss. 177A-D inserted S.I. 1958/429.

(a) S. 180B inserted S.I. 1958/429.

Exercise of
Governor's
powers by
other officer
or authority.

(a)180B.—(1) The Governor of a Region, acting on the recommendation of the Public Service Commission of the Region, may by Instrument under the Public Seal direct that, subject to such conditions as may be specified in that Instrument, power to make appointments (including appointments on promotion or transfer) to such offices, being offices to which this section applies, as may be specified in that Instrument and to dismiss and exercise disciplinary control over persons holding or acting in those offices, shall (without prejudice to the exercise of such power by the Governor acting on the recommendation of the Public Service Commission) be exercisable by such authority or by such officer in the public service of the Region as may be specified in that Instrument.

(2) The offices to which this section applies are offices in the public service of a Region with respect to which the Governor has power to make appointments by virtue of the provisions of section 180A of this Order the holders of which are for the time being in receipt of annual emoluments that do not exceed £600.

(3) The emoluments referred to in subsection (2) of this section include in relation to any office only such classes of emoluments as would be taken into account, if the holder of the office were eligible for a pension in respect of his service in the office, in the computation of that pension under the law governing the grant of that pension.

Public
Service
Commission
of Regions.

(a)180C.—(1) There shall be for each Region a Public Service Commission.

(2) The members of the Public Service Commission of a Region shall be a Chairman and not less than two and not more than four other members, who shall be appointed by the Governor by Instrument under the Public Seal.

(3) A person shall not be qualified for appointment as a member of the Public Service Commission of a Region if he is a member of a Legislative House, or if he holds or is acting in any office of emolument under the Crown other than the office of member of the Federal Commission, the Police Service Commission of the Federation or the Public Service Commission of any other Region or the Electoral Commission of the Federation or a Region or (unless the Governor otherwise directs) if he is party to, or is a partner in a firm that is a party to, or is a director or manager of a company that is a party to, any contract on account of public services with the government of the Region :

Provided that the Governor may appoint a person who is not an officer in the public service of the Region to be a member of the Commission other than the Chairman notwithstanding that he holds or is acting in an office of emolument under the Crown if he is satisfied that he will be required to perform only part-time duties as a member of the Commission.

(a) S. 180B inserted S.I. 1958/429.

(a) S. 180C inserted S.I. 1958/429 and am., S.I. 1959/1772.

(4) The office of a member of the Public Service Commission of a Region shall become vacant—

(a) at the expiration of five years from the date of his appointment, or at such earlier time as may be specified in the Instrument by which he was appointed;

(b) if he resigns his office by writing under his hand addressed to the Governor;

(c) if any circumstances arise that, if he were not a member of the Public Service Commission of a Region, would cause him to be disqualified for appointment as such; or

(d) if the Governor directs that he shall be removed from office for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(5) If the office of a member of the Public Service Commission of a Region is vacant or a member is for any reason unable to perform the functions of his office, the Governor may appoint a person who is qualified for appointment as a member of the Public Service Commission of a Region to act as a member of the Public Service Commission of the Region, and any person so appointed shall continue to act until his appointment is revoked by the Governor.

(6) (a) There shall be paid to members of the Public Service Commission of a Region such salary as may be prescribed by any law enacted by the Legislature of the Region and such allowances as may be prescribed by or under any such law:

Provided that the salary of a member of the Commission and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(b) The salaries and allowances of the members of the Public Service Commission of a Region shall be a charge upon the Consolidated Revenue Fund of the Region

(7) A person who has been appointed under subsection (2) of this section to be a member of the Public Service Commission of a Region (other than a member performing only part-time duties) shall not thereafter be appointed to any other office in the public service of the Region.

(8) The powers of the Governor under this section shall be exercised by him after consultation with the Premier of a Region.

(9) The Public Service Commission of a Region shall make annual reports to the Governor on the exercise of its functions under this Order, which the Governor shall cause to be laid before the Legislative Houses of the Region.

(a) 180D. Subject to the provisions of this Order, the Governor of a Region after consultation with the Public Service Commission of the Region, may make regulations for giving effect to the provisions of sections 180A to 180C of this Order and, without prejudice to the generality of the foregoing power, may by such regulations provide for any of the following matters, that is to say:—

(a) the appointment, tenure of office and terms of service of staff to assist the Commission in the performance of its functions;

(a) S. 180D inserted S.I. 1958/429.

Regulations
regarding
Public
Service
of a Region.

(b) consultation by the Commission with persons other than members of the Commission ;

(c) the organisation of the work of the Commission ;

(d) the delegation to any member of the Commission of any or all of the functions of the Commission ;

(e) the protection and privileges of members of the Commission in respect of the performance of their duties and the privilege of communications to and from the Commission and its members in case of legal proceedings.

Appoint-
ment etc., of
certain
officers
connected
with courts
of a Region.

(a)180E.—(1) Power to make appointments (including appointments on promotion and transfer) to the offices to which this section applies and to dismiss and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Governor acting on the recommendation of the Judicial Service Commission of the Region.

(2) This section applies to the offices of members of all courts of a Region other than the High Court, being offices the emoluments attaching to which are payable out of the Consolidated Revenue Fund or the other public funds of the Region, the office of Chief Registrar or Registrar of the High Court of the Region, the office of Registrar of any Magistrates' Court of the Region and the offices of Justices of the Peace of the Region and to such other offices connected with any of the courts of the Region as may be prescribed by any law enacted by the Legislature of the Region.

(3) Section 180B of this Order shall apply in relation to offices with respect to which the Governor has power to make appointments by virtue of subsection (1) of this section as it applies in relation to offices with respect to which he has power to make appointments by virtue of section 180A of this Order and for that purpose—

(a) the references in subsection (1) of section 180B to the Public Service Commission of the Western Region shall be construed as if they were references to the Judicial Service Commission of the Region ;

(b) that subsection shall have effect as if for the words "by such authority or by such officers in the public service of the Region" there were substituted the words "by such judge or magistrate or other judicial officer of the Region or by such authority consisting wholly or partly of such officers" ; and

(c) subsection (2) of section 180B shall have effect as if the words "in the public service of the Western Region" were deleted and as if for the "section 180A" there were substituted the words "section 180E".

(a)180F.—(1) There shall be for each Region a Judicial Service Commission.

(2) The members of the Judicial Service Commission of a Region shall be—

(a) the Chief Justice of the Region, who shall be the Chairman of the Commission ;

(aa) in the case of the Judicial Service Commission of the Northern Region, the Grand Kadi of the Region ;

(b) such judge of the High Court of the Region as the Governor, after consultation with the Chief Justice, may from time to time select ;

(a) S. 180E inserted S.I. 1958/429 and am., S.I. 1958/1522, 1958.

(a) S.180F inserted S.I. 1958/429.

Judicial
Service
Commission
of the
Regions.

THE CONSTITUTION ORDERS

- (c) the Chairman of the Public Service Commission of the Region; and
 (d) one other member appointed in accordance with the provisions of subsection (3) of this section.

(3) The Governor may by Instrument under the Public Seal appoint to be a member of the Judicial Service Commission of a Region a person who is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from any such court.

(4) The office of a member of the Judicial Service Commission of a Region appointed under subsection (3) of this section shall become vacant—

(a) at the expiration of five years from the date of his appointment, or at such earlier time as may be specified in the Instrument by which he was appointed;

(b) if he resigns his office by writing under his hand addressed to the Governor; or

(c) if the Governor so directs.

(5) If the office of the member mentioned in paragraph (d) of subsection (2) of this section is vacant or that member is for any reason unable to perform the functions of his office, the Governor may appoint a person qualified for appointment as such a member to act as a member of the Judicial Service Commission of a Region, and any person so appointed shall continue to act until his appointment is revoked by the Governor.

(6) (a) A member of the Judicial Service Commission of a Region appointed under subsection (3) of this section may be paid such salary as may be prescribed by any law enacted by the Legislature of the Region and such allowances as may be prescribed by or under any such law:

Provided that the salary of any such member of the Commission and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(b) The salary and allowances of a member of the Judicial Service Commission of a Region appointed under subsection (3) of this section shall be a charge upon the Consolidated Revenue Fund of the Region.

(7) The powers of the Governor under subsections (3) and (4) of this section shall be exercised by him in his discretion.

(8) The provisions of section 180D of this Order shall apply in relation to the Judicial Service Commission of a Region as they apply in relation to the Public Service Commission of a Region, and for that purpose that section shall have effect as if for the words "the Public Service Commission" there were substituted the words "the Judicial Service Commission", and for the words "sections 180A to 180C" there were substituted the words "sections 180E and 180F".

(a) 180G.—(1) Power to make appointments (including appointments on promotion and transfer) to the office of Commissioner in the United Kingdom for the Government of a Region, and to dismiss and to exercise disciplinary control over persons holding or acting in that office, shall vest in the Governor, acting on the recommendation of the Premier of the Region.

Appoint-
ments, etc.,
of senior
Regional
representa-
tive in U.K.

THE CONSTITUTION ORDERS

(2) Before making any recommendation under subsection (1) of this section in respect of a person who holds or has held an office in the public service of a Region other than the office of Commissioner in the United Kingdom for the Government of the Region, the Premier of a Region shall consult the Public Service Commission of the Region.

(3) If any person is appointed to the office of Commissioner in the United Kingdom for the Government of a Region who immediately before his appointment as such held some other office in the public service of the Region, that person shall, upon vacating the office of Commissioner, be deemed to have been re-appointed to that other office with effect from the date on which he ceased to hold the office of Commissioner, and the provisions of this Order relating to the tenure of offices in the public service of the Region shall apply accordingly in relation to his tenure of that other office.

Appoint-
ments of
personal staff
of Governor
of a Region

(a)180H.—(1) Power to make appointments (including appointments on promotion and transfer) to the offices for the time being prescribed under subsection (2) of section 224 of this Order as offices constituting the personal staff of the Governor of a Region and to dismiss and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Governor acting in his discretion.

(2) Before exercising any of the powers conferred upon him by this section the Governor shall consult the Public Service Commission of the Region:

Provided that he shall not be obliged to consult the Commission in respect of the exercise of any such power in relation to any person who immediately before his appointment as a member of the personal staff of the Governor was not an officer in the public service of the Region if that person is not eligible to receive a pension in respect of his service as a member of that staff.

Appointment
of Permanent
Secretaries,
etc., to
a Region

(a)180I.—(1) Power to make appointments to any office of Permanent Secretary in a Region (including appointments on promotion and transfer) shall vest in the Governor.

(2) The powers of the Governor under this section shall be exercised by him after consultation with the Premier of the Region and the Public Service Commission of the Region:

Provided that appointments to any office of Permanent Secretary upon transfer from another office of Permanent Secretary carrying the same emoluments shall be made by the Governor on the recommendation of the Premier.

(3) The foregoing provisions of this section shall apply in relation to the offices of Secretary to the Premier of the Northern Region, Secretary to the Executive Council of the Northern Region, Secretary to the Premier and Executive Council of the Western Region, Chief Secretary to the Premier of the Eastern Region and Secretary to the Executive Council of the Eastern Region as they apply in relation to the office of Permanent Secretary in a Region.

(a) S.180H inserted S.I. 1958/429 and am., 1959/368, 1049.

(a) S.180I substituted S.I. 1959/368 and am., 1959/1049.

THE CONSTITUTION ORDERS

(a)180J. Before acting on any recommendation made to him by the Public Service Commission or the Judicial Service Commission of a Region the Governor, acting in his discretion, may refer the recommendation back to the Commission once for reconsideration.

Recon-
sideration by
Commission.

(b)180K.—(1) Subject to the provisions of subsection (2) of this section, power to make appointments to the offices to which this section applies shall vest in the Governor of the Eastern Region acting on the recommendation of the Premier.

Appoint-
ment, etc., of
Provincial
Commis-
sioners in
Eastern
Region.

(2) No person shall be appointed to an office to which this section applies unless he is a member of the Eastern House of Assembly or a member of the Eastern House of Chiefs; and any person so appointed shall cease to hold that office—

(a) if he becomes a Regional Minister, Attorney-General of the Eastern Region or a Parliamentary Secretary to a Regional Minister; or

(b) if any circumstances arise which, if he were a Regional Minister of the Eastern Region other than the Premier, would cause him to vacate his seat in the Executive Council of that Region.

(3) This section applies to any office of Provincial Commissioner that may be constituted in respect of any province of the Eastern Region by any law enacted by the Legislature of that Region:

Provided that it shall not apply to any such office if it is declared in any such law that the provisions of section 180A of this Order shall apply to that office.

(c)180L. The provisions contained in the Fifth Schedule to this Order shall have effect with respect to the Public Service Commission and the Judicial Service Commission of each Region.

Provisions
of Fifth
Schedule to
apply to
Public
Service and
Judicial
Service
Commis-
sions of each
Region.

(d)180M.—(1) Power to make appointments to offices in the public service of the Southern Cameroons (including appointments on promotion and transfer) and to dismiss and to exercise disciplinary control over officers in the public service of the Southern Cameroons shall vest in the Commissioner of the Cameroons.

Appoint-
ment
etc., of
public
officers in the
Southern
Cameroons.

(a) S.180J inserted S.I. 1958/429 and am., 1959/368, 1049.

(b) S.180K subst., S.I. 1959/1772.

(c) S.180L subst., S.I. 1959/368 and am., 1959/1049.

(d) S.180M inserted S.I. 1959/1981.

THE CONSTITUTION ORDERS

(2) (a) Subject to the provisions of paragraph (b) of this subsection the Commissioner of the Cameroons may delegate (in such manner and on such conditions as he may think fit) to any officer in the public service of the Southern Cameroons any of the powers conferred on the Commissioner of the Cameroons by subsection (1) of this section.

(b) The Commissioner of the Cameroons shall not—

(i) delegate any such power unless he has obtained the consent of the High Commissioner for the Southern Cameroons to such delegation ; or

(ii) delegate any such power with respect to officers whose annual emoluments exceed such sum as may be prescribed by the High Commissioner for the Southern Cameroons.

(c) For the purposes of this subsection the emoluments of an officer shall (whether or not he is employed on terms that include eligibility for pension) include only such classes of emoluments as, under the law for the time being in force relating to pensions, are taken into account in computing pensions.

(3) The provisions of this section shall be subject to the provisions of any directions that may be issued by the High Commissioner for the Southern Cameroons under section 137 of this Order, and any power conferred by this section or delegated under this section shall be exercised in accordance with the provisions of such directions.

Public
Service
Commission
for Southern
Cameroons.

(a)180N.—(1) There shall be for the Southern Cameroons a Public Service Commission which shall consist of a Chairman and such number of other members as may be prescribed by regulations made under section 177 of this Order, as applied by section 180P of this Order.

(2) The members of the Commission shall be appointed by the Commissioner of the Cameroons.

(3) The Commissioner of the Cameroons may terminate the appointment of any member of the Commission and, subject as aforesaid, the members of the Commission shall hold office on such terms and conditions as may be prescribed by regulations made under section 177 of this Order, as applied by section 180P of this Order.

(4) No person shall be appointed as, or shall remain, a member of the Commission if he is, or becomes, a member of a Legislative House.

Application
of ss. 175,
176 and 177
to Public
Service
Commission
Southern
Cameroons.

(a)180P. Sections 175 to 177 of this Order shall apply in relation to the Southern Cameroons as they apply in relation to the Federation and for that purpose shall have effect as if the references to the Governor-General, the Federal Commission and the public service of the Federation were references to the Commissioner of the Cameroons, the Public Service Commission of the Southern Cameroons and the public service of the Southern Cameroons ; as if the reference to section 173 of this Order in subsection (1) of section 176 were a reference to section 180M of this Order ; and as if the reference to sections 173 to 176 of this Order in section 177 were a reference to sections 180M and 180N of this Order and sections 175 and 176 of this Order as applied by this section.

(a) Ss. 180N & P. inserted S.I. 1959/1981.

THE CONSTITUTION ORDERS

OFFICERS IN EXISTENCE AT THE DATE OF COMMENCEMENT OF THIS ORDER
AND OFFICERS SERVING AT THAT DATE[Ss. 181 to 187 *rev.*, S.I. 1958/429]

188. Any contract made before the commencement of this Order by any person with the Government of Nigeria or with any person acting on behalf of the said Government to serve the said Government for a specified period in a public office shall, as from the date of the commencement of this Order, have effect as if it had been made with the Government of the Federation and references in such contract to the Government of Nigeria or to any officer of the said Government shall be construed, and any such contract shall be enforceable, accordingly.

Contracts of service.

EXERCISE OF POWERS

(a)189.—(1) In the exercise of the powers conferred on him by this Chapter the Governor-General shall act in his discretion :

Exercise of powers under Chapter VII

Provided that in appointing the members of the Federal Commission other than the Chairman the Governor-General shall consult with the Council of Ministers but shall not be required to act in accordance with the advice of that Council.

[(2) and (3) *rev.*, 1959/368]

(4) Subsection (1) of this section shall apply in relation to the Commissioner of the Cameroons as it applies in relation to the Governor-General, and for that purpose shall have effect as if the references therein to the Governor-General, the Federal Commission and the Council of Ministers were references to the Commissioner of the Cameroons, the Public Service Commission of the Southern Cameroons and the Executive Council of the Southern Cameroons.

APPLICATION OF PENSIONS LAWS AND LIABILITY FOR CERTAIN PENSIONS

[S. 190 *rev.*, S.I. 1958/1257.]†[S. 190A *rev.*, S.I. 1958/1257.]

(a)190B.—(1) Power to grant benefits under any pensions law in force in a Region shall vest in the Governor acting in his discretion.

Grant of pensions, etc. by Governors of Regions.

(2) No benefits as aforesaid shall be withheld, reduced in amount or suspended except in accordance with the provisions of subsection (3) of this section.

(3) If any person who has been granted, or who is eligible for the grant of, any benefits under any pensions law in force in a Region—

(a) has been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions ; or

(b) has been sentenced by a court in any part of Her Majesty's dominions to imprisonment (by whatever name called), and has not received a free pardon ; or

(c) has been guilty of negligence, irregularity or misconduct while serving as an officer in the public service of the Region ; or

(a) S.189 as am., S.I. 1958/429, 1257, 1959/368, 1981.

(a) S.190B inserted S.I. 1958/429 and subst., S.I. 1958/1257 and am., 1959/368.

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(d) having served as such an officer, has without the written permission of the Governor, acting (in the case of permissions granted after this section comes into force) after consultation with the Public Service Commission of the Region, accepted employment as a director, officer or servant of a company the principal part of whose business is concerned with Nigeria,

the Governor, after consultation with the Public Service Commission of the Region, or (in the case of a person who has been guilty of negligence, irregularity or misconduct while holding or acting in the office of judge of the High Court of the Region or any office to which section 180E of this Order applies) the Judicial Service Commission of the Region, may withhold, reduce or suspend those benefits in accordance with any provisions in that behalf in that pensions law if he is satisfied that those benefits ought to be withheld, reduced or suspended :

Provided that nothing in this subsection shall empower the Governor to withhold, reduce or suspend any benefits on the ground that any person has been guilty of negligence, irregularity or misconduct while holding the office of judge of the High Court of the Region unless that person has been removed from that office by reason of such negligence, irregularity or misconduct.

(4) Any benefits granted under any pensions law in force in a Region shall be a charge on the Consolidated Revenue Fund of the Region.

(5) In this section "pensions law" means any law enacted by any legislature in Nigeria relating to the grant of pensions, gratuities and other like benefits to persons who are or have been officers in the public service of a Region in respect of their service in that public service or to the widows, children, dependants and personal representatives of such persons in respect of such service and includes any instrument made under any such law.

(6) The provisions of subsections (1), (2), (3) and (4) of this section (which, by virtue of paragraph 7 of the First Schedule or paragraph 16 of the Second Schedule to the Nigeria (Retirement Benefits) Order in Council, 1958, apply, subject to the provisions of that Order, in relation to the grant of certain benefits under that Order and to certain benefits so granted) shall apply, subject as aforesaid, in relation to the grant of all other benefits under the Second Schedule to that Order and to all other benefits so granted as they apply in relation to the grant of benefits, and benefits granted, under a pensions law in force in a Region and for that purpose subsection (3) shall have effect as if the words "in accordance with any provisions in that behalf in that pensions law" were deleted :

Provided that those provisions shall not apply—

(a) in relation to the grant of any benefits under paragraph 6 of the Second Schedule to that Order in respect of which it is provided by any law enacted by the Federal Legislature that they shall be granted by the Governor-General and paid by the Federation; or

(b) in relation to any benefits granted under that paragraph by the Governor-General and payable by the Federation.

[S. 191 rev., S.I. 1958/1257.]

§[Ss. 191A, 192, 193, 194, 195, 196, 197 rev., (prosp.) S.I. 1958/1257.]

[S. 198 rev., S.I. 1957/1530.]

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CHAPTER VIII

TRANSITIONAL PROVISIONS

TRANSITIONAL PROVISIONS RELATING TO CHAPTER I

199.—(1) (a) Any Proclamation declaring any area to be a Division for the purposes of the Nigeria (Constitution) Order in Council, 1951, made under section 6 of that Order or having effect as if it had been so made that was in force immediately before the commencement of this Order shall have effect—

Provisions
relating to
section 4.

(i) in so far as it relates to Lagos or the Southern Cameroons as if it were a Proclamation made under paragraph (a) of subsection (1) of section 4 of this Order;

(ii) in so far as it relates to a Region as if it were a Proclamation made under paragraph (b) of subsection (1) of section 4 of this Order.

(b) Any Proclamation that has effect by virtue of this subsection shall, for the purposes of this Order, be deemed to have been made under paragraph (a) or paragraph (b), as the case may be, of subsection (1) of section 4 of this Order and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended and revoked as if it were a Proclamation made under paragraph (a) or paragraph (b), as the case may be, of that subsection.

(2) (a) Subject to the provisions of subsection (1) of this section, any direction given for the division of Nigeria or any part thereof into areas that was in force for any purpose immediately before the commencement of this Order shall have effect as if it were a direction given under subsection (2) of section 4 of this Order.

(b) Any direction that has effect by virtue of this subsection shall be deemed to have been given under subsection (2) of section 4 of this Order and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended and revoked as if it were a direction given under that subsection.

TRANSITIONAL PROVISIONS RELATING TO CHAPTER II

200. Any person who, immediately before the commencement of this Order, was a person recognised by the Governor of Nigeria as a Chief in the former Northern Region shall, until the Governor of the Northern Region, acting in his discretion, withdraws recognition from that person as a Chief, be deemed to be a Chief for the purposes of section 17 of this Order.

Provisions
relating to
section 17.

201.—(1) Any regulations made under section 56 of the Nigeria (Constitution) Order in Council, 1951, in respect of the House of Chiefs of the former Northern Region and in force immediately before the commencement of this Order shall have effect as if they were regulations made under section 18 of this Order, and the persons who immediately before the commencement of this Order were members of the House of Chiefs of the former Northern Region by virtue of having been selected in accordance with any such regulations shall be deemed to have been selected on the day on which this Order comes into operation as members of the Northern House of Chiefs in accordance with those regulations as they apply in relation to that House by virtue of this subsection.

Provisions
relating to
section 18.

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(2) Any regulations that have effect by virtue of subsection (1) of this section shall, for the purposes of this Order, be deemed to have been made under section 18 of this Order, and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended and revoked as if they were regulations made under that section.

[Ss. 202, 203, 204, 205, 206, 207, 208, 209, 210 *rev.*, S.I. 1958/1257.]

TRANSITIONAL PROVISIONS RELATING TO CHAPTER III

[S. 211 *rev.*, S.I. 1958/1257.]

Provisions
relating to
section 71.

(a)212.—(1) In this section "the existing Standing Orders" means any Standing Orders made under section 108 of the Nigeria (Constitution) Order in Council, 1951, and in force immediately before the commencement of this Order.

(2) Subject to the provisions of this section—

(a) [*rev.*, S.I. 1958/1257.]

(b) the existing Standing Orders made in respect of the Legislative Houses of the former Northern Region shall have effect as if they were Standing Orders made under section 71 of this Order in respect of the Legislative Houses of the Northern Region ;

(c) [*rev.*, S.I. 1958/1257.]

(3) Any existing Standing Orders that have effect in respect of the Legislative Houses of the Northern Region by virtue of this section shall, for the purposes of this Order, be deemed to have been made under section 71 of this Order, and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended and revoked as if they were Standing Orders made under that section.

Further
provision
relating to
s. 71.

(b)212A. Any Standing Orders made under section 71 of this Order in respect of the House of Representatives and in force on the first day of January, 1960, shall also have effect as if they were Standing Orders made under that section in respect of the Senate, and shall be read and construed with such adaptations and modifications as may be necessary for that purpose, and may be amended and revoked accordingly.

Provisions
relating to
section 77.

(a)213.—(1) In this section "the existing laws" means any laws made under section 113 of the Nigeria (Constitution) Order in Council, 1951, and in force immediately before the commencement of this Order.

(2) Subject to the provisions of this section—

(a) the existing laws made in respect of the House of Representatives established by the Nigeria (Constitution) Order in Council, 1951, and the members thereof, shall have effect as if they were laws made under section 77 of this Order in respect of the Federal Legislative Houses and the members thereof ;

(b) the existing laws made in respect of the Legislative Houses of the former Northern Region and the members thereof shall have effect as if they were laws made under section 77 of this Order in respect of the Legislative Houses of the Northern Region and the members thereof ;

(a) S.212 as am., S.I. 1958/1257.

(b) S.212A inserted S.I. 1959/1772.

(a) S.213 as am., S.I. 1958/1257.

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(c) the existing laws made in respect of the House of Assembly of the former Eastern Region and the members thereof shall have effect as if they were laws made under section 77 of this Order in respect of the House of Assembly of the Southern Cameroons and the members thereof

(3) Any existing laws that have effect in respect of the Federal Legislative Houses or the Legislative Houses of the Northern Region and the House of Assembly of the Southern Cameroons and the members thereof by virtue of this section shall, for the purposes of this Order, be deemed to have been made under section 77 of this Order, and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended and revoked as if they were laws made under that section.

214. For the purposes of section 82 of this Order—

(a) the first sitting of the House of Representatives after the commencement of this Order shall be deemed to be the first sitting after a dissolution, and accordingly, unless it has been sooner dissolved, the Governor-General shall dissolve that House at the expiration of five years from the date of that sitting ;

[S. 214 (b), (c), (d), (e) *rev.*, S.I. 1958/1257.]

[Ss. 215, 216, 217, 218, 219 *rev.*, S.I. 1958/1257.]

Provisions
relating to
section 82.

MISCELLANEOUS

220.—(1) (a) The Governor-General shall by regulation make provision for apportioning among the Federation, the Regions and the Southern Cameroons the assets and liabilities, as at the thirtieth day of September, 1954, of Nigeria and the former Regions.

Existing
assets and
liabilities.

(b) The reference in paragraph (a) of this subsection to liabilities does not include a reference to any liabilities that form part of the outstanding public debt of Nigeria or of a former Region within the meaning of section 221 of this Order.

(2) Regulations made under this section shall provide—

(a) for the appointment, by the Governor-General, of an Apportionment Commissioner charged with the duty of determining any question that may arise with respect to the apportionment of any assets or liabilities made by or under such regulations ;

(b) for the establishment of an Apportionment Committee charged with the duty of determining appeals from any decision of the Apportionment Commissioner, the chairman of which shall be appointed by a Secretary of State ;

(c) for the tenure of office of the Apportionment Commissioner and the chairman of the Apportionment Committee ;

(d) for the appointment and tenure of office of members of the Apportionment Committee other than the chairman.

(3) Regulations made under this section may provide—

(a) for the submission of questions to the Apportionment Commissioner and for the bringing of appeals from his decisions to the Apportionment Committee ;

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(d) for the composition of the Apportionment Committee for any particular purpose ;

(c) generally for the performance by the Apportionment Commissioner and the Apportionment Committee of their functions ;

(d) for the modification and adaptation of any instrument relating to any such assets or liabilities as are referred to in subsection (1) of this section for the purpose of bringing that instrument into conformity with any apportionment of assets or liabilities made by or under regulations made under this section.

(4) The decision of the Apportionment Committee on any appeal from a decision of the Apportionment Commissioner shall be final.

Outstanding
public debt.

(a)221.—(1) The outstanding public debt of Nigeria shall become a liability of the Federation and accordingly shall form part of the public debt of the Federation.

(2) (a) The outstanding public debt of the former Northern Region shall become the liability of the Northern Region and accordingly shall form part of the public debt of that Region.

(b) The outstanding public debt of the former Western Region shall become the liability of the Western Region and accordingly shall form part of the public debt of that Region.

(c) The outstanding public debt of the former Eastern Region shall become the liability of the Eastern Region and accordingly shall form part of the public debt of that Region.

(3) In this section "the outstanding public debt of Nigeria" means the amount outstanding at the thirtieth day of September, 1954, on all loans secured on the revenues and assets of Nigeria, and references to the outstanding public debt of any former Region are references to the amount outstanding at the thirtieth day of September, 1954, on all loans secured on the revenues and assets of that Region.

[S. 222 rev. S.I. 1959/1049].

Compulsory
acquisition
of property.

(c)223.—(1) No property, movable or immovable, shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in a Region except by or under the provisions of a law which, of itself or when read with any other law in force in the Region—

(a) requires the payment of adequate compensation therefor ;

(b) gives to any person claiming such compensation a right of access, for the determination of his interest in the property and the amount of compensation, to the High Court of the Region ;

(2) (a) Nothing in this section shall affect the operation of any existing law.

(a) S.221 as am., S.I. 1955/432, 1958/429.

(c) S.223 inserted S.I. 1958/429.

add²am. 1959/1773

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(b) In this subsection the expression "existing law" means a law in force on the thirty-first day of March, 1958, and includes a law made after that date which amends or replaces any such law as aforesaid (or such a law as from time to time amended or replaced in the manner described in this paragraph) and which does not,

(i) add to the kinds of property that may be taken possession of or the rights over and interests in property that may be acquired ; or

(ii) add to the purposes for which or circumstances in which such property may be taken possession of or acquired ; or

(iii) make the conditions governing entitlement to any compensation or the amount thereof less favourable to any person owing or interested in the property ; or

(iv) deprive any person of any right such as is mentioned in paragraph (b) or paragraph (c) of subsection (1) of this section.

(3) Nothing in this section shall be construed as affecting any general law—

(a) for the imposition or enforcement of any tax, rate or due ; or

(b) for the imposition of penalties or forfeitures for breach of the law whether under civil process or after conviction of an offence ; or

(c) relating to leases, tenancies, mortgages, charges, bills of sale or any other rights or obligations arising out of contracts ; or

(d) relating to the vesting and administration of the property of persons adjudged bankrupt or otherwise declared insolvent, of persons of unsound mind, of deceased persons, and of companies, other corporate bodies and unincorporate societies in the course of being wound up ; or

(e) relating to the execution of judgments or orders of courts ; or

(f) providing for the taking of possession of property which is in a dangerous state or is injurious to the health of human beings, plants or animals ; or

(g) relating to enemy property ; or

(h) relating to trusts and trustees ; or

(i) relating to the limitation of actions ; or

(j) relating to property vested in statutory corporations ; or

(k) relating to the temporary taking of possession of property for the purposes of any examination, investigation or enquiry ; or

(l) providing for the carrying out of work on land for the purpose of soil conservation.

(4) The provisions of this section shall apply to the compulsory taking of possession of property, movable or immovable, and the compulsory acquisition of rights over and interests in such property by or on behalf of the Crown.

(5) The provisions of this section shall apply in relation to the Southern Cameroons and Lagos as they apply in relation to a Region and for that purpose references in subsection (1) to a Region shall be construed as if they were references to the Southern Cameroons or to Lagos, as the case may be.

Emoluments
of Governors
of Regions
etc.

(c)224.—(1) There shall be paid to the Governor and the Deputy Governor of a Region such salaries and allowances as may be prescribed by any law enacted by the Legislature of the Region ;

Provided that the salary, allowances and other conditions of service of a Governor or a Deputy Governor shall not be altered to his disadvantage during his continuance of office.

(2) The Governor of a Region may, with the concurrence of the Premier of the Region, prescribe by Order published in the Official Gazette of the Region the offices that are to constitute the personal staff of the Governor, the emoluments to be paid to the members of the personal staff of the Governor and the other sums to be paid in respect of the expenditure attaching to the office of Governor.

(3) Any salaries or other sums prescribed under subsection (1) or subsection (2) of this section shall be a charge on the Consolidated Revenue Fund of the Region.

(4) For the purposes of subsection (1) of this section "Governor" means the person holding the office of Governor and "Deputy Governor" means the person holding the office of Deputy Governor and includes any person lawfully discharging the functions of that office.

Director of
Audit of
Regions.

(c)225.—(1) There shall be a Director of Audit for each Region, who shall be appointed by the Governor after consultation with the Premier of the Region, the Public Service Commission of the Region and the Director-General of the Overseas Audit Service.

(2) If the office of Director of Audit of a Region is vacant or the Director is for any reason unable to perform the functions of his office, the Governor, after consultation with the Premier of the Region, the Public Service Commission of the Region and the Director-General of the Overseas Audit Service, may appoint a person to act as Director, and any person so appointed shall continue to act until his appointment is revoked by the Governor, after consultation with the Premier and the Public Service Commission.

(3) (a) There shall be paid to the Director of Audit of a Region such salary as may be prescribed by any law enacted by the Legislature of the Region and such allowances as may be prescribed by or under any such law :

Provided that the salary of the Director and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(b) The salary and allowances of the Director of Audit of a Region shall be a charge upon the Consolidated Revenue Fund of the Region.

(4) [rev., S.I. 1959/368.]

Tenure of
office of
Director of
Audit of
Regions.

(c)226.—(1) Subject to the provisions of section 227 of this Order, the Director of Audit of a Region shall hold office until he attains the age of fifty-five years :

Provided that—

(a) he may at any time resign his office by writing under his hand addressed to the Governor ; and

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(b) the Governor, after consultation with the Premier of the Region and the Public Service Commission of the Region, may permit a Director who has attained the age of fifty-five years to remain in office for a period not exceeding six months after his attainment of that age.

(2) Nothing done by a Director of Audit of a Region shall be invalid by reason only that he has attained the age at which he is required by this section to vacate his office.

(c)227.—(1) The Director of Audit of a Region may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of subsection (2) of this section.

Removal of
Directors of
Audit of
Regions.

(2) The Director of Audit of a Region may be removed from office by the Governor by Order under the Public Seal if the Governor, after consultation with the Premier of the Region, is satisfied that he ought to be removed from office for inability as aforesaid or misbehaviour.

(c)228.—(1) There shall be a Director of Public Prosecutions for each Region, who shall be appointed by the Governor on the recommendation of the Public Service Commission of the Region.

Directors of
Public
Prosecutions
of Regions.

(2) A person shall be qualified to be appointed Director of Public Prosecutions of a Region if he is qualified to be appointed a judge of the High Court of the Region and no other person shall be qualified to be so appointed.

(3) If the Office of Director of Public Prosecutions of a Region is vacant or the Director is for any reason unable to perform the functions of his office, the Governor, acting on the recommendation of the Public Service Commission of the Region, may appoint a person who is qualified to act as a judge of the High Court of the Region to act as Director, and any person so appointed shall continue to act until his appointment is revoked by the Governor, acting on the recommendation of the Public Service Commission.

(4) (a) There shall be paid to the Director of Public Prosecutions of a Region such salary as may be prescribed by any law enacted by the Legislature of the Region and such allowances as may be prescribed by or under any such law :

Provided that the salary of the Director and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(b) The salary and allowances of the Director of Public Prosecutions of a Region shall be a charge on the Consolidated Revenue Fund of the Region.

(5) [rev., S.I. 1959/368.]

(c)229.—(1) Subject to the provisions of section 230 of this Order, the Director of Public Prosecutions of a Region shall hold office until he attains the age of fifty-five years :

Provided that—

(a) he may at any time resign his office by writing under his hand addressed to the Governor ; and

Tenure of
office of
Directors of
Public
Prosecutions
of Regions.

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(b) the Governor, after consultation with the Public Service Commission of the Region, may permit a Director who has attained the age of fifty-five years to remain in office for a period not exceeding seven years after his attainment of that age.

(2) Nothing done by a Director of Public Prosecutions of a Region shall be invalid by reason only that he has attained the age at which he is required by this section to vacate his office.

Removal of
Director of
Public
Prosecutions
of a Region.

(c)230.—(1) The Director of Public Prosecutions of a Region may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of subsection (2) of this section.

(2) The Director of Public Prosecutions of a Region shall be removed from office by the Governor by Order under the Public Seal if the question of his removal from office has been referred to a tribunal appointed under subsection (3) of this section and the tribunal has recommended to the Governor that he ought to be removed from office for inability as aforesaid or misbehaviour.

(3) If the Premier of a Region, or the Chief Justice of the Region after consultation with the Premier of the Region, represents to the Governor that the question of removing the Director of Public Prosecutions of the Region from office for inability as aforesaid or misbehaviour ought to be investigated then—

(a) the Governor shall appoint a tribunal, which shall consist of a Chairman and not less than two other members, selected by the Governor, acting in his discretion, from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from any such court ;

(b) that tribunal shall enquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether the Director ought to be removed from office for inability as aforesaid or misbehaviour.

(4) If the question of removing the Director of Public Prosecutions of a Region from office has been referred to a tribunal under subsection (3) of this section, the Governor, acting in his discretion, may suspend the Director from performing the functions of his office, and any such suspension may at any time be revoked by the Governor, acting in his discretion, and shall in any case cease to have effect if the tribunal recommends to the Governor that the Director should not be removed from office.

Powers of
Attorney-
General of
Federation
in relation
to prosecu-
tions.

(c)231.—(1) The Attorney-General of the Federation shall have power, in any case in which he considers it desirable so to do—

(a) to institute and undertake criminal proceedings against any person before any civil court in Nigeria in respect of any offence to which this section applies alleged to have been committed by that person ;

(b) [rev., S.I. 1958/1257.]

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(c) to take over and continue any criminal proceedings as aforesaid that may have been instituted or undertaken by any other person or authority; and

(d) to discontinue at any stage before judgment is delivered any criminal proceedings as aforesaid instituted or undertaken by himself or any other person or authority.

(2) The powers of the Attorney-General of the Federation under subsection (1) of this section and any powers relating to prosecutions that may be delegated to him by the Director of Public Prosecutions of a Region may be exercised by him in person or through members of his staff acting under and in accordance with his general or special instructions.

(3) The Attorney-General of the Federation may by writing under his hand confer a general or special authority upon the Director of Public Prosecutions of a Region, to exercise, subject to such conditions and exceptions as he may think fit, any of the powers conferred upon him by subsection (1) of this section, in relation to prosecutions before the courts of those Regions.

(4) The Attorney-General of the Federation may by writing under his hand authorise the Attorney-General of the Southern Cameroons to exercise, subject to such conditions and exceptions as he may think fit, any of the powers conferred upon him by subsection (1) of this section in relation to prosecutions before the courts of the Southern Cameroons.

(5) An authority given under subsection (3) or subsection (4) of this section may be revoked by the Attorney-General of the Federation at any time.

(6) The powers conferred upon the Attorney-General by paragraphs (c) and (d) of subsection (1) of this section shall be vested in him to the exclusion of any other person or authority:

Provided that where any such person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority, at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(7) In the exercise of the powers conferred upon him by this section the Attorney-General of the Federation shall not be subject to the direction or control of any other person or authority.

(8) For the purposes of this section any appeal from any determination in any criminal proceedings before any court or any case stated or question of law reserved for the purposes of any such proceedings to any other court in Nigeria or to the Judicial Committee of Her Majesty's Privy Council shall be deemed to be part of those proceedings.

(9) The offences to which this section applies are offences against any law in force in Nigeria other than—

(a) offences against a law enacted by the Legislature of a Region or against any instrument made under any law so enacted;

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(b) offences against any instrument made by the Governor otherwise than under any law so enacted ; or

(c) such offences against any other law in force in a Region, not being a law enacted by a legislature in Nigeria or an instrument made under a law so enacted, as the Governor-General may by Order published in the Official Gazette of the Federation prescribe.

[S. 232 *rev.*, S.I. 1959/368.]

Powers of
Director of
Public
Prosecutions
in Regions.

(c)233.—(1) The Director of Public Prosecutions of a Region shall have power, in any case in which he considers it desirable so to do—

(a) to institute and undertake criminal proceedings against any person before any civil court in the Region in respect of any offence, to which this section applies, alleged to have been committed by that person ;

(b) to take over and continue any criminal proceedings as aforesaid that may have been instituted or undertaken by any other person or authority ; and

(c) to discontinue at any stage before judgment is delivered any criminal proceedings as aforesaid instituted or undertaken by himself or any other person or authority.

(2) The powers of the Director of Public Prosecution of a Region under subsection (1) of this section and any powers relating to prosecutions that may be delegated to him by the Attorney-General of the Federation may be exercised by him in person or through members of his staff acting under and in accordance with his general or special instructions.

(3) The Director of Public Prosecutions of a Region may by writing under his hand confer a general or special authority upon the Attorney-General of the Federation to exercise, subject to such conditions and exceptions as he may think fit, any of the powers conferred upon him by subsection (1) of this section.

(4) An authority given under subsection (3) of this section may be revoked by the Director of Public Prosecutions of a Region who gave the authority, at any time.

(5) The powers conferred upon the Director of Public Prosecutions of a Region by paragraphs (b) and (c) of subsection (1) of this section shall be vested in him to the exclusion of any other person or authority :

Provided that where any such person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority, at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(6) In the exercise of the powers conferred upon him by this section the Director of Public Prosecutions of a Region shall not be subject to the direction or control of any other person or authority.

(7) For the purposes of this section any appeal from any determination in any criminal proceedings before any court or any case stated or question of law reserved for the purposes of any such proceedings to any other court in Nigeria or to the Judicial Committee of Her Majesty's Privy Council shall be deemed to be part of those proceedings.

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(8) The offences to which this section applies in relation to a Region are offences against any law in force in that Region other than offences to which section 231 of this Order applies.

(c)234.—(1) The Governor of the Northern Region may, by Instrument under the Public Seal, establish for any Province of that Region a Provincial Administration.

Establishment of Provincial Administrations in Northern Region.

(2) A Provincial Administration established under this section shall have such functions as may be prescribed by the Instrument by which it is established or by or under any law and shall consist of—

(a) a Provincial Administrator, who shall be an officer in the public service of the Region ;

(b) a Provincial Authority, which shall consist of the Provincial Administrator, who shall be the Chairman, and such other members as may be prescribed in that Instrument ; and

(c) a Provincial Council, which shall consist of such members as may be prescribed in that Instrument.

(3) The foregoing provisions of this section shall be without prejudice to the powers of the Legislature of the Northern Region to establish a Provincial Administration for any Province of the Northern Region, or otherwise to make provision for the administration of that Province :

Provided that if the provisions of any law enacted by that legislature are inconsistent with the provisions of any Instrument made under this section, the provisions of that Instrument shall prevail over the provisions of that law.

(c)235.—(1) There shall be, for the Northern Region, a Council of Chiefs which shall be styled the Northern Council of Chiefs.

Northern Council of Chiefs.

(2) The members of the Northern Council of Chiefs shall be—

(a) the Premier of the Northern Region ;

(b) those Regional Ministers who have been appointed as such from among the members of the Northern House of Chiefs ;

(c) the persons for the time being co-opted as members of the Council in accordance with subsection (3) of this section.

(3) Whenever any matter is about to be discussed in the Northern Council of Chiefs, the Governor, after consultation with those members of the Council who are Regional Ministers, shall co-opt four persons from among the members of the Northern House of Chiefs mentioned in paragraphs (a) and (b) of section 17 of this Order to be members of the Council for the purpose of discussing that matter.

(4) The Governor shall preside at meetings of the Northern Council of Chiefs and, subject to the provisions of subsection (5) of this section, shall decide in his discretion what business is to be proposed from time to time for transaction in the Council.

(5) The Governor shall consult with the Northern Council of Chiefs in the exercise of all powers conferred upon him with respect to—

(a) the appointment, approval of the appointment or recognition of a person as a Chief ;

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- (b) the grading of a Chief ;
- (c) the deposition of a Chief ;
- (d) the removal of a Chief or a person who was formerly a Chief from any part of the Northern Region ; and
- (e) the exclusion of a Chief or any person who was formerly a Chief from any part of the Northern Region.

House of
Chiefs of
Southern
Cameroons.

(c)236.—(1) There shall be, for the Southern Cameroons, a House of Chiefs which shall be styled the House of Chiefs of the Southern Cameroons.

(2) The members of the House of Chiefs of the Southern Cameroons shall be—

(a) the Commissioner of the Cameroons who shall be the President of the House ;

(b) not less than eighteen members selected for membership of the House in accordance with regulations made under subsection (4) of this section ; and

(c) those members of the Executive Council of the Southern Cameroons who are members of the House of Assembly of the Southern Cameroons.

(3) The number of members of the House of Chiefs of the Southern Cameroons to be selected under paragraph (b) of subsection (1) of this section shall, subject to the provisions of that paragraph, be such as the Commissioner of the Cameroons, acting in his discretion, may from time to time prescribe.

(4) Subject to the provisions of this section, the Commissioner of the Cameroons, acting in his discretion, may by regulation—

(a) make provision for the selection of persons to be members of the House of Chiefs of the Southern Cameroons in accordance with the foregoing provisions of this section ;

(b) prescribe qualifications for selection as aforesaid ;

(c) prescribe conditions on which any person selected as aforesaid shall hold his seat in the House ;

(d) make provision for the regulation and orderly conduct of the proceedings of the House.

(5) (a) The House of Chiefs of the Southern Cameroons may consider and discuss any Bill introduced in the House of Assembly of the Southern Cameroons, not being a Bill that the Commissioner of the Cameroons, acting in his discretion, certifies in writing to be a money Bill, or the draft of any such Bill proposed for introduction in that House, or any other matter that may be referred to the House for consideration by the Commissioner, acting in his discretion, or by any other member, and may submit resolutions on any such Bill or draft Bill or other matter to the Commissioner for his consideration, which the Commissioner shall cause to be laid before the House of Assembly of the Southern Cameroons.

(b) In this subsection "a money Bill" means a Bill that, in the opinion of the Commissioner, contains only provisions dealing with all or any of the following matters, namely, the imposition, repeal, remission, alteration or regulation of taxation ; the imposition for the payment of debt or other

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financial purposes of charges on public money or the variation or repeal of such charges; the grant of money to the Crown or to any authority or person, or the variation or revocation of any such grant; the appropriation, receipt, custody, investment, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof; or subordinate matters incidental to those matters or any of them.

(6) (a) All questions proposed for determination in the House of Chiefs of the Southern Cameroons shall be determined by a majority of the votes of the members present and voting:

Provided that—

(i) the President shall not have an original vote but he may give a casting vote if on any question the votes are equally divided;

(ii) the members of the House mentioned in paragraph (c) of subsection (2) of this section shall not have an original vote.

(b) if on any question the votes are equally divided and the President does not exercise the casting vote the motion shall be lost.

(a)237.—(1) There shall be a police force for Nigeria, which shall be styled the Nigeria Police Force.

Establishment of
Nigeria
Police
Force.

(2) Subject to the provisions of this Order, the Nigeria Police Force shall be organised and administered in accordance with such provision as may be made in that behalf by any law enacted by the Federal Legislature, and members of the Force shall have such powers and duties as may be conferred upon them by any law in force in Nigeria.

(3) No police forces other than the Nigeria Police Force shall be established for Nigeria or any part thereof:

Provided that—

(a) a law enacted by the Federal Legislature may make provision for police forces forming part of the armed forces of the Crown or for the protection of harbours, waterways, railways and airfields or for the maintenance by any local authority within Lagos of a police force for employment within Lagos; and

(b) a law enacted by the Legislature of a Region or the Southern Cameroons may make provision for the maintenance by any native authority or local-government authority established for a Province or any part of a Province of a police force for employment within that Province.

(4) In this section "Province" means any area that was a Province at the commencement of this Order.

(a)238.—(1) The Nigeria Police Force shall be under the command of the Inspector-General of the Nigeria Police.

Control of
Nigeria
Police Force.

(2) Any contingents of the Nigeria Police Force stationed in a Region shall, subject to the authority of the Inspector-General of the Nigeria Police, be under the command of the Commissioner of Police of that Region.

(3) Any contingents of the Nigeria Police Force stationed in the Southern Cameroons shall, subject to the authority of the Inspector-General of the Nigeria Police, be under the command of such officer of the Force as the Inspector-General may, with the approval of the Governor-General, acting in his discretion, designate for that purpose.

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(4) The Governor-General, after consultation with the Prime Minister, may give to the Inspector-General of Police such directions with respect to the maintaining and securing of public safety and public order as he may decide are desirable.

(5) The Inspector-General of Police shall comply with any directions given to him under subsection (4) of this section or cause them to be complied with.

(6) The Commissioner of Police of a Region shall carry out the requirements of the Governor of the Region with respect to the maintaining and security of public safety and public order within the Region :

Provided that, before carrying out any such requirement, the Commissioner may ask the Governor to obtain confirmation from the Governor-General that the Commissioner should carry out the requirement.

(7) The provisions of subsection (6) of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region, and for that purpose references to a Region, the Governor and the Commissioner of Police of the Region shall be construed as if they were references to the Southern Cameroons, the Commissioner of the Cameroons and the officer for the time being designated under subsection (3) of this section.

(8) The question whether any, and if so what, directions have been given under subsection (4) of this section shall not be enquired into in any court.

(a)239.—(1) There shall be, for the Federation, a Police Council.

(2) The members of the Police Council shall be—

- (a) deleted S. 1 1960/203 ;
- (b) a Minister ;
- (c) a Regional Minister of each Region ;
- (d) a Minister of the Southern Cameroons ; and
- (e) the Chairman of the Police Service Commission.

(3) For the purposes of subsection (2) of this section—

“Minister” means the Prime Minister or the Minister responsible for public safety and public order ;

“Regional Minister” in relation to any Region means the Premier of that Region or the Regional Minister of that Region responsible for public safety and public order ;

“Minister of the Southern Cameroons” means the Premier of the Southern Cameroons or the Minister of the Southern Cameroons responsible for public safety and public order.

(a)240.—(1) The Police Council shall not be summoned except by the authority of the Prime Minister :

Provided that the Council shall be summoned to meet at least four times in each year.

(2) No business shall be transacted in the Police Council if objection is taken by any member present that, in addition to the member presiding, there are present less than three members.

(3) Any proceedings of the Police Council shall be valid notwithstanding that some person who was not entitled to do so took part in the proceedings.

(4) The Inspector-General of the Nigeria Police or such other officer of the Nigeria Police Force as the Inspector-General may designate shall attend the meetings of the Police Council and (save for the purpose of voting) may take part in the proceedings.

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(5) The Commissioner of Police of a Region or the Southern Cameroons may, if so requested by the member presiding, attend any meeting of the Police Council and (save for the purpose of voting) may take part in the proceedings.

(a)241.—(1) The Minister present shall preside at meetings of the Police Council.

Presiding in
Police
Council and
voting.

(2) Where any matter is dependent on the decision of the Police Council, any decision shall be regarded as the decision of the Council if the majority of the votes of the members present and voting are cast in favour thereof.

(3) (a) Rev. S. 1 1960/203.

(b) A member of the Police Council shall have an original vote and may, when presiding in the Council, also give a casting vote if on any question the votes are equally divided.

(a)242.—(1) Subject to the provisions of this section, the Police Council shall be responsible for the organisation and administration of the Nigeria Police Force and all other matters relating thereto, not being matters relating to the use and operational control of the Force or the appointment, dismissal and disciplinary control of members of the Force.

Functions of
Police
Council.

(2) The Governor-General shall refer to the Police Council for their advice all questions relating to the matters for which the Police Council is responsible.

(3) It shall be the duty of the Police Council to advise the Governor-General on any question that he refers to it in accordance with the provisions of this section; and, subject to the provisions of subsection (5) of this section, he shall act in accordance with the advice given to him by the Council.

(4) The Governor-General shall keep the Governors of the Regions and the Commissioner of the Cameroons informed concerning the advice given to him by the Police Council.

(5) The Governor-General may, if he considers it expedient to do so, act otherwise than in accordance with any advice given to him by the Police Council; but in any such case he shall cause a statement of that advice, together with his reasons for acting otherwise than in accordance with that advice, to be laid before the House of Representatives.

(6) The question whether any, and if so, what advice has been given to the Governor-General by the Police Council shall not be enquired into in any court.

242A. The Prime Minister shall—

(a) cause to be transmitted to the Governor-General copies of all papers submitted for consideration by the Police Council at the same time as those papers are transmitted to the members of the Council;

(b) cause the Governor-General to be informed of the summoning of any meeting of the Police Council and of the matters to be discussed at that meeting at the same time as the members of the Council are so informed; and

(c) cause the Governor-General to be furnished, immediately after each meeting of the Police Council, with a copy of the record of the proceedings at that meeting, showing the matters discussed and the conclusions reached by the Council at that meeting.

Governor-General to be informed of proceedings of Police Council.

(a)243.—(1) There shall be for the Niger Delta a Board, which shall be styled the Niger Delta Development Board.

Niger Delta Development Board.

(a) S. 241 as am 1960/203.

(b) S. 242A inserted 1960/203.

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(2) The members of the Niger Delta Development Board shall be—

- (a) a person appointed by the Governor-General, who shall be Chairman ;
- (b) a person appointed by the Governor of the Western Region ;
- (c) a person appointed by the Governor of the Eastern Region ; and
- (d) such other persons as may be appointed in pursuance of regulations made under subsection (5) of this section to represent the inhabitants of the Niger Delta.

(3) The Niger Delta Development Board shall be responsible for advising the Governments of the Federation, the Western Region and the Eastern Region with respect to the physical development of the Niger Delta, and in order to discharge that responsibility the Board shall—

(a) cause the Niger Delta to be surveyed in order to ascertain what measures are required to promote its physical development ;

(b) prepare schemes designed to promote the physical development of the Niger Delta, together with estimates of the costs of putting such schemes into effect ;

(c) submit to the Governments of the Federation, the Western Region and the Eastern Region an initial report describing the survey of the Niger Delta and the measures that appear to the Board to be desirable in order to promote the physical development thereof, having regard to the information derived from the survey, and subsequent annual reports describing the work of the Board and the measures taken in pursuance of its advice.

(4) The Niger Delta Development Board shall have such powers and duties as may be conferred upon it for the purposes of the due discharge of its responsibilities by or under any regulations made under subsection (5) of this section or, subject to the provisions of such regulations, by or under any other law.

(5) The Governor-General may make regulations for giving effect to the provisions of this section and, without prejudice to the generality of the foregoing power, may by such regulations provide for any of the following matters, that is to say :—

(a) the appointment of members of the Niger Delta Development Board for the purposes of paragraph (d) of subsection (2) of this section ;

(b) the tenure of office and terms of service of members of the Board ;

(c) the appointment, tenure of office and terms of service of staff to assist the Board in the performance of its functions ;

(d) the organisation of the work of the Board.

(6) The salaries and allowances of the members of the Niger Delta Development Board shall be such as may be prescribed by any law enacted by the Federal Legislature, or, subject to the provisions of any such law, by regulations made under subsection (5) of this section, and shall be paid out of moneys provided by the Federal Legislature.

(7) Regulations made under this section for the purposes of paragraph (d) of subsection (2) of this section shall, so far as is practicable, provide that the inhabitants of the respective parts of the Niger Delta comprised in the Western Region and the Eastern Region shall be represented in proportion to the populations of those respective parts.

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(8) For the purposes of this section "the Niger Delta" means such part of the Western Region and such part of the Eastern Region as the Governor-General may by Proclamation published in the *Official Gazette* of the Federation prescribe.

(9) This section shall cease to have effect on the first day of July, 1969, or such later date as may be appointed by the Governor-General by Proclamation published in the *Official Gazette* of the Federation.

(10) In the exercise of the powers conferred upon him by this section, the Governor-General shall, save as otherwise provided by any instructions under Her Majesty's Sign Manual and Signet consult with the Council of Ministers and shall act in accordance with their advice, and in exercise of the powers conferred upon him by subsections (5), (8) and (9) of this section he shall also consult with the Governor of the Western Region and the Eastern Region but shall not be obliged to act in accordance with their advice.

(a)244.—(1) Subject to the provisions of this section, the provisions contained in the Sixth Schedule to this Order shall have effect throughout Nigeria.

Fundamental rights.

(2) At any time when—

(a) Her Majesty is at war ; or

(b) there is in force a Proclamation made by the Governor-General and published in the *Official Gazette* of the Federation declaring that a state of public emergency exists ; or

(c) there is in force a resolution of each Federal Legislative House in favour of which there were cast the votes of not less than two-thirds of all the members of the House declaring that democratic institutions in Nigeria are threatened by subversion,

measures may be taken in accordance with such provision as may be made in that behalf by a law enacted by the Federal Legislature (being either a specific law enacted with reference to a particular situation or a general law enacted in anticipation of situations that might arise thereafter) or by regulations made under the Emergency Powers Order in Council, 1939, as amended, derogating from the provisions of the Sixth Schedule to this Order to such extent as may be reasonably justifiable in order to deal with the situation :

Provided that nothing in this subsection shall authorise a derogation from the provisions of paragraph 1 of that Schedule except in respect of deaths resulting from lawful acts of war or from the provisions of paragraph 2 or 3 of sub-paragraph (7) of paragraph 5 of that Schedule.

(3) A resolution passed by a Federal Legislative House for the purposes of subsection (2) of this section shall remain in force for two years or such shorter period as may be specified therein :

Provided that any such resolution may be revoked at any time or may be extended from time to time for a further period not exceeding two years by resolution passed in like manner.

(a)245.—(1) Any question regarding the provisions of the Sixth Schedule to this Order in their application to a Region shall be heard and determined by the High Court of the Region, and the High Court shall have power to make such orders, issue such writs and give such directions as it may think fit for the purposes of enforcing those provisions within the Region.

Enforcement of fundamental rights.

THE CONSTITUTION ORDERS

(2) If any question regarding the provisions of the Sixth Schedule to this Order in their application to a Region arises in the course of proceedings before any court other than the High Court of the Region that court may hear and determine that question.

(3) Nothing in this section shall prevent any court established for a Region other than the High Court from exercising jurisdiction in respect of any or all of the matters referred to in subsection (1) of this section in accordance with any provision in that behalf in any law in force in the Region.

(4) A law enacted by the Federal Legislature or the Legislature of a Region may confer upon the High Court of that Region such additional or supplementary powers as may appear to be necessary or desirable for enabling the Court more effectively to exercise the jurisdiction conferred upon it by subsection (1) of this section and may make provision with respect to the practice and procedure of the Court while exercising that jurisdiction.

(5) In this section "Region" includes the Southern Cameroons and Lagos.

(6) The provisions of this section shall have effect subject to the provisions of sections 144, 145, 146, 147 and 148 of this Order.

Reference to
tribunal in
certain cases.

(a)246.—(1) Where—

(a) any person is detained in pursuance of provisions made in derogation from the provisions of paragraph 4 of the Sixth Schedule to this Order by virtue of subsection (2) of section 244 of this Order; or

(b) the movements or residence within Nigeria of any person to whom paragraph 10 of that Schedule applies are restricted otherwise than by order of a court in the interest of defence, public safety, public order, Public morality or public health or in pursuance of provisions made in derogation from the provisions of that paragraph by virtue of that subsection,

that person shall be entitled to require that his case should be referred within one month of the beginning of the period of detention or restriction and thereafter during that period at intervals of not more than six months to a tribunal established by law, and that tribunal may make recommendations concerning the necessity or expediency of continuing the detention or restriction to the authority that has ordered it:

Provided that such authority shall not, unless the Governor-General otherwise directs be obliged to act in accordance with any such recommendation.

(2) A tribunal established for the purposes of this section shall be constituted in such manner as to ensure its independence and impartiality and its Chairman shall be appointed by the Chief Justice of the Federation from among the persons qualified to practise in Nigeria as barristers or solicitors.

(a)247. The provisions of sub-paragraph (3) of paragraph 10 and heads (b) and (c) of sub-paragraph (2) of paragraph 11 of the Sixth Schedule to this Order shall be reviewed by the Governments of Nigeria at the expiration of five years from the date on which this section comes into operation and, so long as those provisions remain in force, at the expiration of every subsequent period of five years.

Review of
certain
provisions
in Sixth
Schedule.

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(a)(b)(c)FIRST SCHEDULE

Section 2

THE LEGISLATIVE LISTS

Part I—The Exclusive Legislative List

Item

- 1 Accounts of the Government of the Federation, including audit of those accounts.
[Item 2 rev., S.I. 1957/1530.]
- 3 Archives, other than the public records of the Governments of the former Northern Region, the former Western Region and the former Eastern Region relating to the period between the twenty-third day of January, 1952, and the thirtieth day of September, 1954, and the public records of the Governments of the Regions and the Southern Cameroons.
- 4 Aviation, including aerodromes, safety of aircraft and ancillary transport and other services.
- (d)5 Banks and banking ; control of capital issues.
- 6 Bills of exchange and promissory notes.
- (a)7 Borrowing of monies outside Nigeria for the purposes of the Federation or of any Region or of the Southern Cameroons other than borrowing by the Government of a Region or the Southern Cameroons for a period not exceeding twelve months on the security of any funds or assets of that Government held outside Nigeria.
- (d) Borrowing of monies within Nigeria for the purposes of the Federation.
[Items 9, 10 rev., S.I. 1957/1530.]
- 11 Companies, that is to say, general provision as to the incorporation, regulation and winding-up of bodies corporate, other than bodies incorporated directly by a law enacted by the Legislature of a Region or of the Southern Cameroons, and other than co-operative societies.
- 12 Copyright.
- 13 Currency, coinage and legal tender.
- 14 Customs and excise duties, including export duties.
- 15 Defence.
- (b)16 Deportation from Nigeria ; compulsory removal of persons from a Region to another Region or the Southern Cameroons or Lagos or from the Southern Cameroons to a Region or Lagos or from Lagos to a Region or the Southern Cameroons.
- (c)16A Designation of securities in which trust funds may be invested.
- (c)16B The establishment and regulation of a Federal authority empowered to administer trusts.

(a) Items 7, 8, as am., S.I. 1955/432.

(b) Item 16 as subst., S.I. 1958/836.

(c) Items 16A-B inserted S.I. 1957/1530.

(d) Items 5 & 7 as am., S.I. 1959/368.

Item

- (c)16c The establishment and regulation of a Federal authority empowered to apply for grants of representation in respect of the estates in Nigeria of deceased persons and to administer such estates.
- (c)16d The establishment and regulation of a Federal authority empowered to prohibit or restrict the exhibition of cinematograph films in Nigeria in the interests of public safety, public order or public morality.
- 17 Exchange control.
- 18 External affairs, that is to say, such external relations (not being relations between the United Kingdom and any Region) as may from time to time be entrusted to the Federation by Her Majesty's Government in the United Kingdom.
- 19 The following higher educational institutions, that is to say—
 The University College, Ibadan.
 The University College Teaching Hospital.
 The Nigerian College of Arts, Science and Technology.
 The West African Institute of Social and Economic Research.
 The Pharmacy School, Yaba.
 The Forest School, Ibadan.
 The Veterinary School, Vom.
 The Man-o'-War Bay Training Centre.
- 20 Immigration into and emigration from Nigeria.
- (c)20A Insurance other than insurance undertaken by the Government of a Region or the Southern Cameroons but including any insurance undertaken by the Government of a Region that extends beyond the limits of that Region and any insurance undertaken by the Government of the Southern Cameroons that extends beyond the limits of the Southern Cameroons.
- 21 Legal proceedings between the Government of the Federation and any other person or authority or between the Governments of Regions or between the Government of a Region and the Government of the Southern Cameroons.
- 22 Maritime shipping and navigation, including—
- (a) shipping and navigation on tidal waters ;
 - (b) shipping and navigation on the River Niger and its affluents and on such other inland waterway as the Governor-General may by Order declare to be an international waterway or to be an inter-Regional waterway ;
 - (c) lighthouses, lightships, beacons and other provisions for the safety of shipping and navigation ;
 - (d) such ports as the Governor-General may by Order declare to be Federal Ports (including the constitution and powers of port authorities for Federal Ports).

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Item

- (a)22A Marriages other than marriages under Moslem law or other customary law ; annulment and dissolution of, and other matrimonial causes relating to, marriages other than marriages under Moslem law or other customary law.
- 23 Meteorology.
- (b)24 Mines and minerals, including oilfields and oil mining and geological surveys and natural gas.
- (c)25 Museums of the Federation, that is to say—
 - (a) the following existing museums, namely—
 - The Jos Museum.
 - The Oron Museum.
 - The House of Images at Esie.
 - (b) any museums established by the Government of the Federation.
- (a)25A Nationality, including naturalisation of aliens and citizenship of Nigeria.
- 26 Nuclear energy.
- 27 Passports and visas.
- 28 Patents, trade marks, designs and merchandise marks.
- (d)29 Pensions and gratuities payable out of the Consolidated Revenue Fund or the other public funds of the Federation.
- [Item 30 rev., S.I. 19 5 7/1530.]
- 31 Posts, telegraphs and telephones, including Post Office Savings Banks.
- 32 Public debt of the Federation.
- 33 Public relations of the Federation.
- 34 Public service of the Federation, including the settlement of disputes between the Federation and officers in the public service of the Federation.
- 35 Railways, including ancillary transport and other services.
- (e)35A Taxes on amounts paid or payable on the sale or purchase of commodities except—
 - (a) produce ;
 - (b) hides and skins ;
 - (c) motor spirit ;
 - (d) diesel oil sold or purchased for use in road vehicles ;
 - (e) diesel oil sold or purchased for other than industrial purposes.

(a) Items 22A, 25A, inserted S.I. 1957/1530.

(b) Item 24 as am., S.I. 1957/1530.

(c) Item 25 as am., S.I. 1955/432.

(d) Item 29 as am., S.I. 1958/1958.

(e) Item 35A inserted S.I. 1959/368.

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- 36 Taxes on income and profits, except taxes on the incomes or profits accruing in, or derived from, any Region or the Southern Cameroons of Africans resident in any Region or the Southern Cameroons and African communities in any Region or the Southern Cameroons.
- 37 Trade and commerce among the Regions, the Southern Cameroons and Lagos.
- 38 Trunk roads, that is to say, the construction, alteration and maintenance of roads declared by the Governor-General by Order to be Federal Trunk Roads.
- (c)39 Water from sources declared by the Governor-General, by Order, to be sources affecting more than one Region or a Region and the Southern Cameroons or a Region and Lagos.
- 40 Weights and measures.
- (b)41 Wireless, broadcasting and television other than broadcasting and television provided by the Government of a Region or of the Southern Cameroons; allocation of wavelengths for wireless, broadcasting and television transmission.
- 42 Any matter, not mentioned elsewhere in this List, that is incidental to the execution of any power conferred by or under this Order upon the Federal Legislature, the Government of the Federation or any department or officer of that Government.
- 43 Any matter, not mentioned elsewhere in this List, with respect to which power to make laws is conferred by this Order upon the Federal Legislature, not being a matter with respect to which power to make laws is also conferred upon the Legislature of a Region or the Southern Cameroons.

*Part II—The Concurrent Legislative List.**[Item 1 rev., S.I. 1957/1530.]*

- 2 Antiquities.
- 3 Bankruptcy and insolvency.
- (b)3A Census.
- 4 Chemical services, including analytical services
- 5 Commercial and industrial monopolies, combines and trusts
- [Item 6 rev., S.I. 1957/1530.]*
- (b)7 Such drugs and poisons as the Governor-General may, with the consent of the Governor of each Region, by Order designate.
- [Item 8 rev., S.I. 1957/1530.]*
- [Item 9 rev., S.I. 1958/429.]*
- 10 Fingerprints, identification and criminal records.
- [Item 11 rev., S.I. 1957/1530.]*

(c) Item 39 as am., S.I. 1955/432.

(b) Item 41 as am., S.I. 1957/1530.

(b) Item 3A inserted in Part II by S.I. 1957/1530. Item 7 as subst., S.I. 1957/1530.

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- (b)12 Higher education, that is to say, institutions and other bodies offering courses or conducting examinations of a university, technological or of a professional character, other than the institutions referred to in item 19 of the Exclusive Legislative List.
- 13 Industrial development.
[Item 14 rev., S.I. 1957/1530.]
- 15 Labour, that is to say, conditions of labour, industrial relations, trade unions and welfare of labour.
- (a)16 Control of the voluntary movement of persons between Regions or between a Region and the Southern Cameroons or Lagos or between the Southern Cameroons and Lagos.
- 17 National Monuments, that is to say—
(a) monuments in a Region designated by the Governor-General by Order, with the consent of the Governor of that Region, as National Monuments;
(b) monuments in the Southern Cameroons designated by the Governor-General by Order as National Monuments.
- 18 National Parks, that is to say—
(a) the control of any area in a Region designated by the Governor-General by Order, with the consent of the Governor of that Region, as a National Park;
(b) the control of any area in the Southern Cameroons designated by the Governor-General by Order as a National Park.
[Item 18A rev., S.I. 1949/1059.]
- 19 Prisons and other institutions for the treatment of offenders.
- (b)20 Professional qualifications in respect of such professions as, and to the extent that, the Governor-General may with the consent of the Governor of each Region by Order designate; registration and disciplinary control of members of professions so designated.
- 21 Promotion of tourist traffic.
- 22 The maintaining and securing of public safety and public order (but not including defence); the providing, maintaining and securing of such supplies and services as the Governor-General may by Order declare to be essential supplies and services.
- 23 Quarantine.
- 24 Registration of business names.
[Item 25 rev., S.I. 1957/1530.]
- 26 Scientific and industrial research.
- 27 Statistics.
- 28 Traffic on Federal Trunk Roads.

(b) Item 12 as subst., S.I. 1957/1530.

(a) Item 16 as subst., S.I. 1956/836.

(b) Item 20 as am., S.I. 1957/1530.

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29 Trigonometrical, cadastral and topographical surveys.

[Item 30 rev., S.I. 1957/1530.]

31 Water-power.

32 Any matter, not mentioned elsewhere in this List, that is incidental to the execution of any power conferred by or under this Order upon the Legislature of a Region or of the Southern Cameroons, the Government of a Region or the Southern Cameroons or any department or officer of that Government.

33 Any matter with respect to which the Federal Legislature is authorised to make laws for a Region or the Southern Cameroons by the Legislature of that Region or the Southern Cameroons, as the case may be, to the extent of the authority conferred by that Legislature.

34 Any matter, not mentioned elsewhere in this List, with respect to which power to make laws is conferred by this Order upon both the Federal Legislature and the Legislature of a Region or the Southern Cameroons.

Part III—Provisions with Respect to Certain Orders

1. Any Order made for the purposes of any of the following items in Part I of this Schedule, that is to say, items 22, 38 and 39, or for the purposes of any of the following items in Part II of this Schedule, that is to say, items 17, 18, 20 and 22, shall be published in the *Official Gazette* of the Federation.

2. Where any consent is required to the making of any such Order, a notification in the *Official Gazette* of the Federation that the necessary consent has been given shall be sufficient evidence of that consent.

(a) Part IV—Interpretation

References to any matters in Part I or Part II of this Schedule shall include references to matters incidental and supplementary to those matters, and in particular (without prejudice to the generality of the foregoing provision) shall include—

(a) prescribing offences with respect to any of those matters ;

(aa) the jurisdiction, powers, practice and procedure of the courts with respect to any of those matters ;

(b) the compulsory acquisition and tenure of land for the purpose of any of those matters ; and

(c) the establishment and regulation of tribunals of enquiry for the purpose of any of those matters.

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SECOND SCHEDULE

Section 3.

TERRITORY COMPRISED IN THE NORTHERN REGION, THE WESTERN REGION,
THE EASTERN REGION, THE SOUTHERN CAMEROONS AND LAGOS

1. The Northern Region .. Those parts of the Protectorate and the Cameroons that, immediately before the commencement of this Order, were comprised in the former Northern Region.
2. The Western Region ... Those parts of the Colony and the Protectorate that, immediately before the commencement of this Order, were comprised in the former Western Region, but excluding the territory referred to in paragraph 5 of this Schedule.
3. The Eastern Region .. That part of the Protectorate that, immediately before the commencement of this Order, was comprised in the former Eastern Region.
4. The Southern Cameroons That part of the Cameroons that, immediately before the commencement of this Order, was comprised in the former Eastern Region.
5. Lagos That part of the Colony that, immediately before the commencement of this Order, was comprised in the town of Lagos as delimited by the Lagos Local Government (Delimitation of the Town and Division into Wards) Order in Council, 1953, made under the Lagos Local Government Law, 1953(a).

(b) THIRD SCHEDULE Sections 10 and 39.

OFFENCES INVOLVING DISQUALIFICATION FOR ELECTION

1.—(a) An Offence under any provision of the following Chapters of the Code of Criminal Law established by the Criminal Code Ordinance(c):—

Chapters VI, VIA and VII (which relate to treason, treachery, sedition and the like offences) except an offence under subsection (2) of section 48 or under section 60;

Chapter XII (which relates to corruption and abuse of office) except an offence under any of sections 101 to 111;

Chapter XIII (which relates to selling and trafficking in offices);

Chapter XIV (which relates to offences relating to the administration of justice) except an offence under section 128, 129, 130, 132 or 133;

Chapter XVI (which relates to offences relating to the coin) except an offence under section 156 or 160;

Chapters XXXIV, XXXV, XXXVI, XXXVII, XXXVIII, XXXIX and XL (which relate to stealing and like offences) provided that, in the case of an offence under any of sections 411 to 417 that involves the commission of, or the intention to commit, a felony, the felony committed or intended to be committed is an offence mentioned in this Schedule;

(a) No. 4 of 1953 of Western Region.

(b) Third Schedule as am., S.I. 1958/1958.

(c) Laws of Nigeria, Rev., 1948, Chapter 42.

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Chapters XLIII, XLIV, XLV and XLVI (which relate to forgery and like offences and personation);

Chapter XLVII (which relates to fraudulent debtors); and

Chapter XLIX (which relates to secret commissions and corrupt practices).

(b) An offence under any provision of the West African Currency Notes Ordinance(a).

2. In this Schedule—

(a) references to the Criminal Code Ordinance and the West African Currency Notes Ordinance are references to those Ordinances as set out in the Revised Edition of the Laws of Nigeria prepared under the authority of the Revised Edition of the Laws Ordinance, 1947(b); and

(b) references to those Ordinances are references to those Ordinances as from time to time amended as they apply in relation to any part of Nigeria and include references to any enactment replacing either of those Ordinances in their application to any part of Nigeria.

*[Fourth Schedule rev., S.I. 1958/1257.]

(c)FIFTH SCHEDULE

Section 180 L

OFFENCES CONNECTED WITH PUBLIC SERVICE AND JUDICIAL SERVICE
COMMISSIONS OF REGIONS

1. Any person who, in connection with any application by any person for employment or promotion in the public service of the Region or with any matter upon which it is the duty of the Commission to advise the Governor, wilfully gives to the Public Service Commission or the Judicial Service Commission of a Region or any member thereof, or to any person or body of persons appointed by any regulation to assist the Commission in the exercise of its functions or the discharge of its duties, any information which he knows to be false or does not believe to be true, or which he knows to be false by reason of the omission of any material particular, shall be guilty of an offence.

2.—(1) Neither the Chairman nor any other member of the Public Service Commission or the Judicial Service Commission of a Region nor any other person shall, otherwise than in the execution of his official duties or with the written permission of the Governor, publish or disclose to any person other than a public officer in the course of his duties as such the contents of any document, communication or information whatsoever which has come to his notice in the course of his duties in respect of any matter referred to the Commission.

(2) If any person having possession of any information which to his knowledge has been disclosed in contravention of the provisions of subparagraph (1) of this paragraph publishes or communicates any such information to any other person, otherwise than for the purpose of any prosecution or proceedings under this Schedule, he shall be guilty of an offence.

(a) Laws of Nigeria, Rev., 1948, Chapter 230.

(b) Laws of Nigeria, Rev., 1948, (I), p.15.

Supplying
false
information.

Unauthor-
ised
disclosure
or use of
information.

THE CONSTITUTION ORDERS

3. Any person who otherwise than in the course of his duty directly or indirectly by himself or by any other person in any manner whatsoever improperly influences or attempts to influence the Chairman or any other member of the Public Service Commission or the Judicial Service Commission of the Western Region or the Eastern Region or any person upon whom a power is conferred under section 180B of this Order shall be guilty of an offence :

Improper
influence.

Provided that nothing in this paragraph shall prohibit any person who may properly do so from giving a certificate or testimonial to any applicant or candidate for any public office or from supplying any information or assistance at the request of the Commission.

4. If the Chairman or any other member of the Public Service Commission or Judicial Service Commission of the Western Region or the Eastern Region receives any gift, or accepts the promise of any gift, of any kind whatsoever in connection with the performance of his duties he shall be guilty of an offence.

Improperly
receiving
gifts.

5. Any person guilty of an offence under this Schedule shall be liable to a fine not exceeding £200 or to imprisonment for a term not exceeding one year or both such fine and imprisonment.

Penalties.

(b)SIXTH SCHEDULE

Section 244.

FUNDAMENTAL RIGHTS

1.—(1) No person shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty.

Deprivation
of life.

(2) A person shall not be regarded as having been deprived of his life in contravention of sub-paragraph (1) of this paragraph if he dies as the result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably justifiable—

(i) for the defence of any person from violence or for the defence of property ;

(ii) in order to effect an arrest or to prevent the escape of a person detained ;

(iii) for the purpose of suppressing a riot, insurrection or mutiny ; or

(iv) in order to prevent the commission by that person of a criminal offence.

(3) The use of force in any part of Nigeria in circumstances in which and to the extent to which it would be authorised in that part on the first day of November, 1959, by the Code of Criminal Law established by the Criminal Code Ordinance(a), as amended, shall be regarded as reasonably justifiable for the purposes of sub-paragraph (2) of this paragraph.

2.—(1) No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.

Inhuman
treatment.

(2) Nothing in this paragraph shall invalidate any law by reason only that it authorises the infliction in any part of Nigeria of any punishment that is lawful and customary in that part on the first day of November, 1959.

(b) Sixth Schedule added S.I. 1959/1772.

(a) Laws of Nigeria, Rev., 1948, Chapter 42.

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Slavery and
forced
labour.

3.—(1) No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced labour

(3) For the purposes of this paragraph "forced labour" does not include—

(a) any labour required in consequence of the sentence or order of a court;

(b) any labour required for members of the armed forces of the Crown in pursuance of their duties as such or, in the case of persons who have conscientious objections to military service, any labour required instead of such service;

(c) any labour required in the event of an emergency or calamity threatening the life or well-being of the community; or

(d) any labour that forms part of normal communal or other civil obligations.

4.—(1) No person shall be deprived of his personal liberty save in the following cases and in accordance with a procedure permitted by law—

(a) in execution of the sentence or order of a court in respect of a criminal offence of which he has been found guilty or in consequence of his unfitness to plead to a criminal charge;

(b) by reason of his failure to comply with the order of a court or in order to secure the fulfilment of any obligation imposed upon him by law;

(c) for the purpose of bringing him before a court in execution of the order of a court or upon reasonable suspicion of his having committed a criminal offence or to such extent as may be reasonably necessary to prevent his committing a criminal offence;

(d) in the case of a minor, for the purpose of his education or welfare;

(e) in the case of persons suffering from infectious or contagious disease, persons of unsound mind, persons addicted to drugs or alcohol, or vagrants, for the purpose of their care or treatment or the protection of the community; or

(f) for the purpose of preventing the unlawful entry of any person into Nigeria or for the purpose of effecting the expulsion, extradition or other lawful removal from Nigeria of any person or the taking of proceedings relating thereto.

(2) Any person who is arrested or detained shall be promptly informed of the reasons for his arrest or detention and given particulars of any criminal offence with which he is charged.

(3) Any person who is arrested or detained in accordance with head (c) of sub-paragraph (1) of this paragraph shall be brought before a court without undue delay, and if he is not tried within a reasonable time he shall (without prejudice to any further proceedings that may be brought against him) be released either unconditionally or upon such conditions as are reasonably necessary to ensure that he appears for trial at a later date.

(4) Any person who is unlawfully arrested or detained shall be entitled to compensation.

Deprivation
of personal
liberty.

THE CONSTITUTION ORDERS

(5) Nothing in this paragraph shall invalidate any law by reason only that it authorises the detention for a period not exceeding three months of a member of the armed forces of the Crown or a member of a police force in execution of a sentence imposed by an officer of the armed forces of the Crown or a police force, as the case may be, in respect of an offence of which he has been found guilty and which is punishable by such detention.

5.—(1) In the determination of his civil rights and obligations a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality :

Deter-
mination
of rights.

Provided that nothing in this sub-paragraph shall invalidate any law by reason only that it confers on any person or authority power to determine questions arising in the administration of a law that affect or may affect the civil rights and obligations of any person.

(2) Whenever any person is charged with a criminal offence, he shall, unless the charge is withdrawn, be entitled to a fair hearing within a reasonable time by a court.

(3) The proceedings of a court or the proceedings of any tribunal relating to the matters mentioned in sub-paragraph (1) of this paragraph (including the announcement of the decisions of the court or tribunal) shall be held in public :

Provided that—

(a) a court or such a tribunal may exclude from its proceedings, persons other than the parties thereto in the interest of defence, public safety, public order, public morality, the welfare of minors, the protection of the private lives of the parties, or to such extent as it may consider necessary by reason of special circumstances in which publicity would be contrary to the interests of justice ; and

(b) if in any proceedings before a court or such a tribunal, the Governor-General or (in the case of proceedings in a court or tribunal in a Region or the Southern Cameroons) the Governor or the Commissioner of the Cameroons, as the case may be, certifies that it would not be in the public interest for any matter to be publicly disclosed, the court or tribunal shall make arrangements for evidence relating to that matter to be heard *in camera* and shall take such other action as may be necessary or expedient to prevent the disclosure of the matter, including (without prejudice to the generality of the foregoing) such action for that purpose as the Governor-General may by regulation prescribe.

(4) Every person who is charged with a criminal offence shall be presumed to be innocent until he is proved guilty :

Provided that nothing in this sub-paragraph shall invalidate any law by reason only that it imposes upon any such person the burden of proving particular facts.

(5) Every person who is charged with a criminal offence shall be entitled—

(a) to be informed promptly, in language that he understands and in detail, of the nature of the offence ;

(b) to be given adequate time and facilities for the preparation of his defence ;

(c) to defend himself in person or by legal representatives of his own choice ;

(d) to examine in person or by his legal representative the witnesses called by the prosecution before any court and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court on the same conditions as those applying to the witnesses called by the prosecution ;

(e) to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of the offence :

Provided that nothing in this sub-paragraph shall invalidate any law by reason only that it prohibits legal representation in native courts.

(6) When any person is tried for any criminal offence, the court shall keep a record of the proceedings, and the accused person or any person authorised by him in that behalf shall be entitled to obtain copies of the record within a reasonable time upon payment of such fee as may be prescribed by law.

(7) No person shall be held to be guilty of a criminal offence on account of any act or omission that did not, at the time it took place, constitute such an offence, and no penalty shall be imposed for any criminal offence heavier than the penalty in force at the time the offence was committed.

(8) No person who shows that he has been tried by any competent court for a criminal offence and either convicted or acquitted shall again be tried for that offence or for a criminal offence having the same ingredients as that offence save upon the order of a superior court ; and no person who shows that he has been pardoned for a criminal offence shall again be tried for that offence.

(9) No person who is tried for a criminal offence shall be compelled to give evidence at the trial.

(10) No person shall be convicted of a criminal offence unless that offence is defined and the penalty therefor is prescribed in a written law.

Private and family life.

6.—(1) Every person shall be entitled to respect for his private and family life, his home and his correspondence.

(2) Nothing in this paragraph shall invalidate any law that is reasonably justifiable in a democratic society—

(a) in the interest of defence, public safety, public order, public morality, public health or the economic well-being of the community ; or

(b) for the purpose of protecting the rights and freedom of other persons.

Freedom of conscience.

7.—(1) Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief and freedom, either alone or in community with others and in public or in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

(2) No person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observances if such instruction, ceremony or observances relate to a religion other than his own.

THE CONSTITUTION ORDERS

(3) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination.

(4) Nothing in this paragraph shall invalidate any law that is reasonably justifiable in a democratic society—

(a) in the interest of defence, public safety, public order, public morality or public health ; or

(b) for the purpose of protecting the rights and freedom of other persons, including their rights and freedom to observe and practise their religions without the unsolicited interference of members of other religions.

8.—(1) Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.

Freedom of expression.

(2) Nothing in this paragraph shall invalidate any law that is reasonably justifiable in a democratic society—

(a) in the interest of defence, public safety, public order, public morality or public health ;

(b) for the purpose of protecting the rights, reputations and freedom of other persons, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, or regulating telephony, wireless broadcasting, television, or the exhibition of cinematograph films ; or

(c) imposing restrictions upon persons holding office under the Crown, members of the armed forces of the Crown or members of a police force.

9.—(1) Every person shall be entitled to assemble freely and associate with other persons and in particular he may form or belong to trade unions and other associations for the protection of his interests.

Peaceful assembly and association.

(2) Nothing in this paragraph shall invalidate any law containing any provisions that are reasonably justifiable in a democratic society—

(a) in the interest of defence, public safety, public order, public morality or public health ;

(b) for the purpose of protecting the rights and freedoms of other persons ; or

(c) imposing restrictions upon persons holding office under the Crown, members of the armed forces of the Crown or members of a police force.

10.—(1) Every person to whom this paragraph applies is entitled to move freely throughout Nigeria and to reside in any part thereof ; and no such person shall be expelled from Nigeria or refused entry thereto.

Freedom of movement.

(2) Nothing in this paragraph shall invalidate any law that is reasonably justifiable in a democratic society—

(a) restricting the movements or residence of any person within Nigeria in the interest of defence, public safety, public order, public morality or public health ; or

(b) for the removal of persons from Nigeria to be tried outside Nigeria for criminal offences or to undergo imprisonment outside Nigeria in execution of the sentences of courts in respect of criminal offences of which they have been found guilty.

(3) Nothing in this paragraph shall invalidate any law by reason only that it imposes restrictions with respect to the acquisition by any person of land or other property in Nigeria or any part thereof.

(4) This paragraph applies to any person who belongs to Nigeria.

(5) For the purposes of this paragraph a person shall be deemed to belong to Nigeria if he is a British subject or a British protected person and—

(a) was born in Nigeria or of parents who at the time of his birth were ordinarily resident in Nigeria ; or

(b) has been ordinarily resident in Nigeria continuously for a period of seven years or more and since the completion of such period of residence has not been ordinarily resident continuously for a period of seven years or more in any other part of Her Majesty's dominions ; or

(c) has obtained the status of a British subject by reason of the grant by the Governor of Nigeria or the Governor-General of a certificate of naturalisation under the British Nationality and Status of Aliens Act, 1914(a), the Naturalisation of Aliens Ordinance(b) or the British Nationality Act, 1948(c) ; or

(d) is the wife of a person to whom any of the foregoing heads applies not living apart from such person under a decree of a court or a deed of separation ; or

(e) is the child, stepchild or child adopted in a manner recognised by law under the age of eighteen years of a person to whom any of the foregoing heads applies.

Freedom
from
discrimina-
tion.

11.—(1) A person of a particular community, tribe, place of origin, religion or political opinion shall not, by reason only that he is such a person—

(a) be subjected either expressly by, or in the practical application of, any law or any executive or administrative action of any Government in Nigeria to disabilities or restrictions to which persons of other communities, tribes, places of origin, religions or political opinions are not made subject ; or

(b) be accorded either expressly by, or in the practical application of, any law or any such executive or administrative action any privilege or advantage that is not conferred on persons of other communities, tribes, places of origin, religions or political opinions.

(2) Nothing in this paragraph shall invalidate any law by reason only that—

(a) it prescribes qualifications for service in an office under the Crown or as a member of the armed forces of the Crown or a member of a police force or for service of a body corporate directly established by any law enacted by any legislature in Nigeria ;

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(b) it imposes restrictions with respect to the appointment of any person to an office under the Crown or as a member of the armed forces of the Crown or a member of a police force or to an office in the service of a body corporate directly established by any law enacted by any legislature in Nigeria ;

(c) it imposes restrictions with respect to the acquisition by any person of land or other property in Nigeria or any part thereof ;

(d) it imposes restrictions upon the employment, movements or residence within Nigeria of persons to whom paragraph 10 of this Schedule does not apply or provides for the expulsion of such persons from Nigeria or the refusal to allow them to enter Nigeria ; or

(e) it imposes any disability or restriction or accords any privilege or advantage that, having regard to its nature and to special circumstances pertaining to the persons to whom it applies, is reasonably justifiable in a democratic society.

12. In this Schedule, unless it is otherwise expressly provided or required by the context—

Interpreta-
tion.

“court” means the Federal Supreme Court, the High Court of a Region or the Southern Cameroons or Lagos or a court established under section 142, 142b or 143 of this Order (other than a court-martial), and includes the Judicial Committee of Her Majesty’s Privy Council ;

Provided that, in relation to a member of the armed forces of the Crown it also includes a court-martial ;

“law” includes an unwritten rule of law ;

“member of the armed forces of the Crown” includes any person who is subject to military law ;

“member of a police force” includes a person who is subject to any law relating to the discipline of a police force ;

“minor” means a person who has not attained the age of general legal capacity under any law in force in Nigeria ;

“native court” means a court established by or under the Native Courts Law, 1956, or the Moslem Court of Appeal Law, 1956, of the Northern Region(a), the Customary Courts Law, 1957, of the Western Region(b), the Customary Courts Law, 1956, of the Eastern Region(c), or the Customary Courts Law, 1956, of the Southern Cameroons(d), as amended, or any law replacing any of those laws.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport)

This Order makes provision for a constitution for Nigeria under which Nigeria is divided into three Regions, the Southern Cameroons and the Federal Territory of Lagos, which will together form the Federation of Nigeria. It establishes a Federal Legislature with power to make laws for the Federation in respect of certain matters, and to make laws for Lagos, and also establishes a Legislature for each of the Regions and for the Southern Cameroons, with power to make laws in respect of certain matters.

(a) Laws No. 6 and 10 of 1956.

(b) Law No. 26 of 1957.

(c) Law No. 21 of 1956.

(d) Law No. 9 of 1956.

THE CONSTITUTION ORDERS
STATUTORY INSTRUMENTS

(*Remaining effective provisions reprinted*)

1957 No. 1530

WEST AFRICA

**The Nigeria (Constitution) (Amendment No. 2)
Order in Council, 1957**

Made 23rd August, 1957

Laid before Parliament 29th August, 1957

Coming into Operation 30th August, 1957

At the Court at Balmoral, the 23rd day of August, 1957

Present,

The Queen's Most Excellent Majesty in Council

Citation,
construction
and com-
mencement.

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1956(b).

(2) The Nigeria (Constitution) Orders in Council, 1954 to 1956, the Nigeria (Constitution) (Amendment) Order in Council, 1957(c) and this Order may be cited together as the Nigeria (Constitution) Orders in Council, 1954 to 1957.

(3) This Order shall come into operation on the thirtieth day of August, 1957.

[*Ss. 2-5 amend S.I. 1954/1146*]

6.—(1) [*Amends S.I. 1954/1146, S. 10*]

(2) Section 14 of the principal Order shall continue to apply in relation to a Representative Member of the House of Representatives who immediately before the commencement of this Order was holding or acting in an office of emolument under the Crown as if paragraph (e) of subsection (4) of section 2 of the principal Order had not been deleted by section 2 of this Order and as if section 10 of the principal Order had not been amended by subsection (1) of this section; but it shall only so apply to that member until such time as—

(a) the seat of that member in the House becomes vacant; or

(b) the subsisting appointment of that member to that office expires or is terminated.

whichever is the earlier.

[*S. 7 amends S.I. 1954/1146*]

(a) 53 & 54 Vict. c. 37.

(b) S.I. 1954/1146 (1954 II, p. 2829), 1955/432 (1955 II, p. 3163; 1956 II, p. 2953) and 1956/836.

(c) S.I. 1957/1363.

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8.—(1) [*Amends S.I. 1954/1146, S. 39*]

(2) Section 47 of the principal Order shall continue to apply in relation to an Elected Member of the House of Assembly of a Region or the Southern Cameroons who immediately before the commencement of this Order was holding or acting in an office of emolument under the Crown as if paragraph (e) of subsection (4) of section 2 of the principal Order had not been deleted by section 2 of this Order and as if section 39 of the principal Order had not been amended by subsection (1) of this section; but it shall only so apply to that member until such time as—

(a) the seat of that member in the House becomes vacant; or

(b) the subsisting appointment of that member to that office expires or is terminated,

whichever is the earlier.

[*Ss. 9-10 amend S.I. 1954/1146*]

[*S. 11 revokes S. 42 in S.I. 1954/1146*]

[*S. 12 inserts new Ss. 56A and 56B in S.I. 1954/1146*]

13.—(1) [*Amends S.I. 1954/1146, S. 57*]

(2) (a) A law in force or having any effect immediately before the commencement of this Order that was enacted by the Federal Legislature shall, in so far as it provides for the amendment of any provision of an existing law that relates to a matter included in the Concurrent Legislative List, be deemed after the commencement of this Order—

(i) in relation to a Region, to have been enacted by the Legislature of that Region;

(ii) in relation to the Southern Cameroons, to have been enacted by the Legislature of the Southern Cameroons.

(b) In this subsection the expression "existing law" has the meaning assigned to it by subsection (1) of section 57 of the principal Order but does not include the Police Ordinance or any Ordinance amending that Ordinance.

[*S. 14 amends S.I. 1954/1146, S. 60*]

[*S. 15 substitutes new S. 62 in S.I. 1954/1146*]

[*S. 16 inserts new S. 62A in S.I. 1954/1146*]

[*S. 17 inserts new S. 66A in S.I. 1954/1146*]

18.—(1) [*Substitutes new S. 88 in S.I. 1954/1146*]

(2) The seats in the Council of Ministers of the Ministers holding office immediately before the commencement of this Order shall become vacant at the commencement of this Order.

[*S. 19 inserts new S. 88A in S.I. 1954/1146*]

[*S. 20 amends S.I. 1954/1146, S. 89*]

[*S. 21 substitutes new S. 90 in S.I. 1954/1146*]

[*S. 22 substitutes new S. 91 in S.I. 1954/1146*]

[*S. 23 revokes S. 92 in S.I. 1954/1146*]

[*S. 24 substitutes new S. 93 in S.I. 1954/1146*]

[*S. 25 substitutes new S. 94 in S.I. 1954/1146*]

[*Ss. 26-27 amend S.I. 1954/1146*]

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- [S. 28 substitutes new S. 98 in S.I. 1954/1146]
 [S. 29 inserts new Ss. 98A and 98B in S.I. 1954/1146]
 [S. 30 amends S.I. 1954/1146]
 [S. 31 revokes S. 101 in S.I. 1954/1146]
 [S. 32 substitutes new S. 102 in S.I. 1954/1146]
 [S. 33 inserts new S. 102A in S.I. 1954/1146]
 [S. 34 amends S.I. 1954/1146]

35.—(1) [*Substitutes new S. 106 in S.I. 1954/1146*].

(2) The seats in the Executive Council of the Northern Region of the Regional Ministers holding office immediately before the commencement of this Order shall become vacant at the commencement of this Order.

[Ss. 36-39 amend S.I. 1954/1146]

[S. 40 substitutes new S. 123 in S.I. 1954/1146]

[S. 41 inserts new S. 123B in S.I. 1954/1146]

[S. 42 substitutes new S. 135 in S.I. 1954/1146]

[Ss. 43-47 amend S.I. 1954/1146]

[S. 48 inserts new S. 191A in S.I. 1954/1146]

[S. 49 (1) substitutes new provisions for Part II in Chapter VII of S.I. 1954/1146. S. 49 (2) and (3) deleted by S. 40 of S.I. 1958/1257].

50.—(1) [*Amends S.I. 1954/1146*]

(2) Any Orders made under Item 20 of Part II of the First Schedule to the principal Order and in force immediately before the commencement of this Order shall continue in force after the commencement of this Order as if they had been made with the consent of the Governor of each Region and may be amended or revoked accordingly.

[S. 51 substitutes new S. 222 in S.I. 1954/1146]

[S. 52 amends the Fourth Schedule to S.I. 1954/1146]

53.—(1) The Governor-General may, by Order published in the Official Gazette of the Federation, at any time within twelve months after the commencement of this Order, provide that any existing law shall be read and construed with such adaptations and modifications as may appear to the Governor-General to be necessary or expedient for bringing the provisions of that law into accord with the provisions of the principal Order, as amended by the Nigeria (Constitution) (Amendment) Order in Council, 1957, or this Order, or otherwise for giving effect or enabling effect to be given to those provisions; and any existing law shall have effect accordingly from such date as may be specified in the Order, not being a date earlier than the commencement of this Order.

(2) In this section "existing law" means a law in force or having effect immediately before the commencement of this Order that was enacted by any legislature in Nigeria and includes any instrument made in pursuance of any such law.

W. G. AGNEW

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the provisions of the Nigeria (Constitution) Order in Council, 1954, relating to the Legislative Houses established for Nigeria, the powers of the Nigerian legislatures, the Council of Ministers of the Federation and the Executive Councils of the Regions.

THE CONSTITUTION ORDERS
STATUTORY INSTRUMENTS

(Remaining effective provisions reprinted)

1958 No. 429

WEST AFRICA

The Nigeria (Constitution) (Amendment) Order in
Council, 1958

[This O. is printed as am., by O., S.I. 1958/1257].

Made 14th March, 1958

Laid before Parliament 20th March, 1958

Coming into Operation 1st April, 1958

At the Court at Buckingham Palace, the 14th day of March, 1958

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Nigeria (Constitution) (Amendment) Order in Council, 1958, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1957(b).

Citation,
construction
and com-
mencement.

(2)—[S.I. (2) rev. S.I. 1958/1257]

(3) This Order shall come into operation on the first day of April, 1958 :
Provided that—

(a) subsection (2) of section 9 of this Order shall come into operation on the day after the dissolution of the Northern House of Assembly next following the commencement of this Order ;

(b) sections 17, 18 and 26, subsection (2) of section 27 and section 28 of this Order shall come into operation on the day after the dissolution of the House of Assembly of the Southern Cameroons next following the commencement of this Order ;

(c) section 64, 65, 66, 67, 68, 69 and 71 of this Order shall come into operation on such date, not being a date earlier than the commencement of this Order, as may be fixed by the High Commissioner for the Southern Cameroons by Proclamation published in the Official Gazette of the Southern Cameroons ; and

(d) so much of section 106 of this Order as relates to the insertion of section 236 in the principal Order shall come into operation on such date, not being a date earlier than the commencement of this Order, as may be fixed by the High Commissioner for the Southern Cameroons by Proclamation published in the Official Gazette of the Southern Cameroons.
[S. 2 revokes S.I. 1957/2060 and S.I. 1958/260]

3.—(1) [Amends S.I. 1954/1146, s. 2]

(2) Until such time as section 65 of this Order comes into operation, subsection (4) of section 2 of the principal Order, as set out in subsection (1) of this section, shall have effect as if the words "Minister of the Southern Cameroons" in sub-paragraph (iii) of paragraph (b) were deleted and the words "member of the Executive Council of the Southern Cameroons" were substituted.

(a) 53 & 54 Vict. c. 37.

(b) S.I. 1954/1146, as am. 1955/432, 1956/836, 1957/1363, 1530 (1954 II, p. 2879 ; 1955 II, p. 3163 ; 1956 II, p. 2953).

THE CONSTITUTION ORDERS

4.—(1) [*Amends S.I. 1954/1146*]

(2) Nothing in subsection (1) of this section shall affect the operation of subsection (2) of section 6 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957.

[S. 5 *amends S.I. 1954/1146*]

[S. 6 *substitutes new S. 17 in S.I. 1954/1146*]

[S. 7 *amends S.I. 1954/1146*]

[S. 8 *substitutes new S. 20 in S.I. 1954/1146*]

[Ss. 9-12 *amend S.I. 1954/1146*]

[S. 13 *revokes S. 30 in S.I. 1954/1146*]

[Ss. 14-17 *amend S.I. 1954/1146*]

18.—(1) [*Substitutes new S. 35 in S.I. 1954/1146*]

(2) Until such time as an appointment of a person to be Speaker of the House of Assembly of the Southern Cameroons is first made under section 35 of the principal Order, as set out in subsection (1) of this section, the Commissioner of the Cameroons may discharge the functions of Speaker, and for that purpose he shall be deemed to be a member of the House.

[S. 19 *amends S.I. 1954/1146*]

20.—(1) [*Amends S.I. 1954/1146, S. 37*]

(2) Any regulations made by the Governor-General under section 37 of the principal Order (including any regulations made under that section as applied by section 2 of the Nigeria (Electoral Provisions) Order in Council, 1957) and in force immediately before the commencement of this Order shall have effects as if they were regulations made by the High Commissioner for the Southern Cameroons under section 37 of the principal Order, as amended by this section.

21.—(1) [*Amends S.I. 1954/1146, S. 39*]

(2) Nothing in subsection (1) of this section shall affect the operation of subsection (2) of section 8 of the Nigeria (Constitution) Amendment No. 2) Order in Council, 1957.

[Ss. 22-25 *amend S.I. 1954/1146*]

[S. 26 *revokes S. 48 in S.I. 1954/1146*]

[Ss. 27-29 *amend S.I. 1954/1146*]

[S. 30 *substitutes new S. 54 in S.I. 1954/1146*]

[S. 31 *inserts new S. 56C in S.I. 1954/1146*]

[Ss. 32-37 *amend S.I. 1954/1146*]

[S. 38 *revokes S. 63 in S.I. 1954/1146*]

[Ss. 39-40 *amend S.I. 1954/1146*]

41.—(1) [*Amends S.I. 1954/1146, S. 66*]

(2) Section 66 of the principal Order, as amended by subsection (1) of this section shall apply in relation to laws enacted by the Legislature of the Southern Cameroons to which the Governor-General gave his assent before the commencement of this Order as it applies in relation to laws enacted by that Legislature to which the High Commissioner for the Southern Cameroons has given his assent.

THE CONSTITUTION ORDERS

[S. 42 *revokes* S. 67 in S.I. 1954/1146]

[Ss. 43-59 *amend* S.I. 1954/1146]

60.—(1) [*Inserts new* Ss. 119A and 119B in S.I. 1954/1146]

(2) The following provisions shall apply in relation to any person holding office immediately before the commencement of this Order as Attorney-General of the Western Region or Attorney-General of the Eastern Region—

(a) leave of absence from his duties shall be granted to that person at the commencement of this Order for such period as the Governor, acting in his discretion, may direct, and that period may be extended from time to time at the direction of the Governor, acting in his discretion ;

(b) the provisions of section 119B of the principal Order, as set out in subsection (1) of this section, shall not apply in relation to that person ;

(c) there shall be paid to that person a salary and allowances at the same rate as the salary and allowances payable to him immediately before the commencement of this Order, which shall be a charge on the Consolidated Revenue Fund of the Region and shall be statutory expenditure for the purposes of section 154B of the principal Order, as set out in subsection (1) of section 77 of this Order, and his other conditions of service shall not be altered to his disadvantage during his continuance in office ;

(d) notwithstanding that that person is holding the office of Attorney-General of the Western Region or the Eastern Region, as the case may be, another person may be appointed to the office in pursuance of subsection (1) of section 119B of the principal Order, as set out in subsection (1) of this section, and for the purpose of any function conferred upon the holder of the office the person so appointed to the office shall be deemed to be the sole holder of the office.

[Ss. 61-65 *amend* S.I. 1954/1146]

66.—(1) *Substitutes new* Ss. 127, 128 and 129 in S.I. 1954/1146]

(2) Until such time as section 17 of this Order comes into operation, subsection (1) of section 127 of the principal Order, as set out in subsection (1) of this section, shall have effect as if the words "paragraphs (c) and (e)" were deleted and the words "paragraphs (c), (d) and (e)" were substituted.

[S. 67 *amends* S.I. 1954/1146]

[S. 68 *inserts new* Ss. 131A, 131B and 131C in S.I. 1954/1146]

[S. 69 *inserts new* S. 132A in S.I. 1954/1146]

[S. 70 *substitutes new* S. 134 in S.I. 1954/1146]

[S. 71 *inserts new* S. 134A in S.I. 1954/1146]

[Ss. 72-75 *amend* S.I. 1954/1146]

76.—(1) [*Inserts new* Ss. 142A-142D in S.I. 1954/1146]

(2) The High Court of Justice of the Western Region and the High Court of Justice of the Eastern Region, as constituted immediately before the commencement of this Order under section 142 of the principal Order, shall after the commencement of this Order be deemed respectively to be the High Court of Justice of the Western Region and the High Court of Justice of the Eastern Region, as the case may be, as constituted by section 142A of the principal Order, as set out in subsection (1) of this section, and accordingly—

THE CONSTITUTION ORDERS

(a) the persons holding office immediately before the commencement of this Order as Chief Justice of the High Court of the Western Region or Chief Justice of the High Court of the Eastern Region as constituted under section 142 of the principal Order shall be deemed to have been appointed at the commencement of this Order as Chief Justice of the Western Region or the Eastern Region, as the case may be, under section 142A of the principal Order, as set out in subsection (1) of this section, and the other persons holding office immediately before the commencement of this Order as judges of the High Court of the Western Region or judges of the High Court of the Eastern Region as constituted under section 142 of the principal Order shall be deemed to have been appointed at the commencement of this Order as judges of the High Court of the Western Region or judges of the High Court of the Eastern Region, as the case may be, under section 142A of the principal Order, as set out in subsection (1) of this section ;

(b) any law enacted by any legislature in Nigeria and in force immediately before the commencement of this Order shall, in so far as its provisions are consistent with the provisions of the principal Order, as from time to time amended, and subject to the provisions of any Order made under section 110 of this Order, have effect after the commencement of this Order as if references therein to the High Court of Justice of the Western Region or the Eastern Region as constituted under section 142 of the principal Order and to the judges of that High Court were references to the High Court of Justice of the Western Region or the Eastern Region, as the case may be, as constituted by section 142A of the principal Order, as set out in subsection (1) of this section and to the judges of that High Court ;

(c) any cause or matter or any appeal or case stated from another court that is pending or part-heard before the High Court of Justice of the Western Region or the Eastern Region as constituted under section 142 of the principal Order may be continued, completed and determined by the High Court of Justice of the Western Region or the Eastern Region, as the case may be, as constituted by section 142A of the principal Order, as set out in subsection (1) of this section ; and

(d) any appeal or reference from the High Court of Justice of the Western Region or the Eastern Region as constituted under section 142 of the principal Order to the Federal Supreme Court or to Her Majesty in Council that is pending or part-heard may be continued, completed and determined as if it were an appeal or reference from the High Court of Justice of the Western Region or the Eastern Region, as the case may be, as constituted by section 142A of the principal Order, as set out in subsection (1) of this section, and that High Court may give effect to any judgment or order of the Federal Supreme Court or any Order of Her Majesty in Council given or made in the appeal as if it were the court from which the appeal or reference had been made.

THE CONSTITUTION ORDERS

(2) During the period beginning at the commencement of this Order and ending on the thirty-first day of July, 1958—

(a) section 154A of the principal Order, as set out in subsection (1) of this section, shall have effect as if there were inserted in subsection (2) after the words "the Federal Legislature" the words "or by a resolution of the House of Representatives"; and

(b) section 154B of the principal Order, as set out in subsection (1) of this section, shall have effect as if—

(a) for the words "the next following financial year" in subsection (1) there were substituted the words "that financial year"; and

(b) there were inserted in subsection (5) after the words "the Federal Legislature" the words "or a resolution of the House of Representatives".

[Ss. 78-85 amend S.I. 1954/1146]

[S. 86 revokes S. 163 in S.I. 1954/1146]

[S. 87 amends S.I. 1954/1146]

[S. 88 revokes Ss. 165, 166 and 167 in S.I. 1954/1146]

[S. 89 substitutes new S. 168 in S.I. 1954/1146]

[Ss. 90-94 amend S.I. 1954/1146]

95.—(1) [Inserts new Ss. 177A, 177B, 177C and 177D in S.I. 1954/1146]

(2) Until such time as provision in that behalf is made in pursuance of subsection (1) of section 177D of the principal Order, as set out in subsection (1) of this section, there shall be paid to the Chairman and the other members of the Federal Commission and the Chairman and the other members of the Police Service Commission of the Federation salaries and allowances calculated at the same rate as the salaries and allowances payable immediately before the commencement of this Order to those officers.

[Ss. 96-98 amend S.I. 1954/1146]

99.—(1) [Inserts new Ss. 180A to 180L in S.I. 1954/1146]

(2) The persons holding office as members of the Public Service Commission of the Western Region or members of the Public Service Commission of the Eastern Region immediately before the commencement of this Order shall vacate their offices at the commencement of this Order.

(3) Until such time as provision in that behalf is made in pursuance of subsection (6) of section 180C of the principal Order, as set out in subsection (1) of this section, there shall be paid to the Chairman and other members of the Public Service Commission of the Western Region and the Chairman and other members of the Public Service Commission of the Eastern Region salaries and allowances calculated at the same rate as the salaries and allowances payable immediately before the commencement of this Order to the Chairman and other members of the Public Service Commission of the Western Region and the Chairman and other members of the Public Service Commission of the Eastern Region, as the case may be, established by section 179 of the principal Order.

[S. 100 revokes Ss. 181-187 in S.I. 1954/1146]

[S. 101 amends S.I. 1954/1146]

[S. 102 inserts new Ss. 190A and 190B in S.I. 1954/1146. S. 102 (2) deleted by S. 44 of S.I. 1958/1257]

[Ss. 103-105 amend S.I. 1954/1146]

THE CONSTITUTION ORDERS

106.—(1) [*Inserts new Ss. 223-236 in S.I. 1954/1146*]

(2) The persons holding office immediately before the commencement of this Order as Director of Audit of the Western Region and Director of Audit of the Eastern Region shall be deemed to have been appointed as such at the commencement of this Order under section 225 of the principal Order, as set out in subsection (1) of this section.

(3) Until such time as provision in that behalf is made in pursuance of subsection (1) of section 224 of the principal Order or subsection (3) of section 225 of the principal Order, as set out in subsection (1) of this section, there shall be paid to the Governor and the Deputy Governor of the Western Region and the Director of Audit of that Region and the Governor and the Deputy Governor of the Eastern Region and the Director of Audit of that Region salaries and allowances calculated at the same rate as the salaries and allowances payable immediately before the commencement of this Order to those officers.

[S. 107 amends the First Schedule of S.I. 1954/1146]

[S. 108 revoked by S. 39 in S.I. 1958/1257]

[S. 109 inserts new Fifth Schedule in S.I. 1954/1146]

110.—(1) The Governor-General may, by Order published in the Official Gazette of the Federation, at any time within twelve months after the commencement of this Order provide that any existing law shall be read and construed with such adaptations and modifications as may appear to the Governor-General to be necessary or expedient for bringing the provisions of that law into accord with the provisions of the principal Order, as amended by this Order, or otherwise for giving effect or enabling effect to be given to those provisions: and any existing law shall have effect accordingly from such date as may be specified in the Order, not being a date earlier than the commencement of this Order.

(2) In this section "existing law" means a law in force or having effect immediately before the commencement of this Order that was enacted by any legislature in Nigeria and includes any instrument made in pursuance of any such law.

[The Sch. adds Fifth Sch. to S.I. 1954/1146]

W. G. AGNEW

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport)

This Order amends the provisions of the Nigeria (Constitution) Order in Council, 1954, in a number of respects in order to give effect to certain recommendations of the Nigeria Constitutional Conference held in London in May and June, 1957.

THE CONSTITUTION ORDERS
STATUTORY INSTRUMENTS

(Remaining effective provisions reprinted)

1958 No. 1257

WEST AFRICA

The Nigeria (Constitution) (Amendment No. 2)
Order in Council, 1958

Made	30th July, 1958
Laid before Parliament	7th August, 1958
Coming into Operation	8th August, 1958

At the Court at Buckingham Palace, the 30th day of July, 1958

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1957(b), and the Nigeria (Constitution) (Amendment) Order in Council, 1958(c).

Citation,
construction
and com-
mencement

[S. 1 (2) rev. S.I. 1958/1522.]

[S. 1 (3) amends S.I. 1958/429]

(4) This Order shall come into operation on the eighth day of August, 1958:

Provided that—

(a) sections 9, 13, 15, 16, 17, 18, 21, 37, 41, 42 and 43 shall be deemed to have come into operation on the first day of April, 1958; and

(b) sections 20, 22, 23, 24, 27, 28, 39 and 40 shall come into operation on a date to be fixed by the Governor-General, acting in his discretion, by Proclamation published in the Official Gazette of the Federation.

[Ss. 2-7 amend S.I. 1954/1146]

[S. 8 substitutes new S. 33 in S.I. 1954/1146]

[Ss. 9-10 amend S.I. 1954/1146]

[S. 11 substitutes new S. 50 in S.I. 1954/1146]

[S. 12 substitutes new S. 61 in S.I. 1954/1146]

[Ss. 13-22 amend S.I. 1954/1146]

[S. 23 revokes S. 190 in S.I. 1954/1146]

[S. 24 revokes S. 190A in S.I. 1954/1146]

25.—(1) [Substitutes new S. 190B in S.I. 1954/1146]

[S. 25 (2) rev. S.I. 1955/1958.]

[S. 26 revokes S. 191 in S.I. 1954/1146]

[S. 27 revokes S. 191A in S.I. 1954/1146]

(a) 53 and 54 Vict. c.37.

(b) S.I. 1954/1146, 1955/432, 1956/836, 1957/1363, 1530 (1954 II, p. 2829 1955 II, p. 3163; 1956 II, p. 2953; 1957 II, pp. 3028, 3030).

(c) S.I. 1958/429.

THE CONSTITUTION ORDERS

28.—(1) [*Revokes Ss. 192-197 in S.I. 1954/1146*]

(2) The regulations made under Part 2 of Chapter VII of the principal Order and in force immediately before the commencement of this section shall continue in force in so far as they relate to the grant of benefits to officers in the public service of the Federation or a Region who retired before the thirtieth day of August, 1957, and may be amended or revoked as if this Order had not been made; and the provisions of subsection (2) of section 197 of the principal Order shall continue to apply in relation to benefits granted thereunder as if that section had not been revoked by subsection (1) of this section.

[*S. 29 revokes Ss. 102-111 in S.I. 1954/1146*]

[*Ss. 30-32 amend S.I. 1954/1146*]

[*S. 33 revokes Ss. 215, 216, 217, 218 and 219 in S.I. 1954/1146*]

[*Ss. 34-38 amend S.I. 1954/1146*]

[*S. 39 revokes the Fourth Schedule to S.I. 1954/1146*]

[*Ss. 40-44 amend S.I. 1954/1146*]

Validation of
appointment.

45. The appointment of Geoffrey Lionel Jobling to be a judge of the High Court of Justice of Lagos made by the Governor-General on the thirty-first day of December, 1955, in purported exercise of the powers conferred upon him by paragraph (b) of subsection (2) of section 142 of the principal Order as it applied in relation to Lagos by virtue of subsection (3) of that section shall for all purposes whatsoever be, and be deemed always to have been, duly made notwithstanding that the said Geoffrey Lionel Jobling had attained the age of sixty-two years before that date, and all acts and things done by the said Geoffrey Lionel Jobling before the commencement of this Order in exercise of the functions of the office of judge of the High Court of Justice of Lagos or the office of judge of the High Court of Justice of the Southern Cameroons shall accordingly be deemed to have been validly and effectually done.

Adaptation
of existing
laws.

46.—(1) The Governor-General may, by Order published in the Official Gazette of the Federation, at any time within twelve months after the commencement of this Order provide that any existing law shall be read and construed with such adaptations and modifications as may appear to the Governor-General to be necessary or expedient for bringing the provisions of that law into accord with the provisions of the principal Order, as amended by this Order, or otherwise for giving effect or enabling effect to be given to those provisions; and any existing law shall have effect accordingly from such date as may be specified in the Order, not being a date earlier than the commencement of this Order.

(2) In this section "existing law" means a law in force or having effect immediately before the commencement of this Order that was enacted by any legislature in Nigeria and includes any instrument made in pursuance of any such law.

W. G. AGNEW

EXPLANATORY NOTE

This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends certain provisions of the Nigeria (Constitution) Order, 1954, relating to the legislatures established by the Order, the Executive Council of the Southern Cameroons, officers in the public services of the Federation and the Regions of Nigeria, powers in relation to prosecutions and the Council of Chiefs of the Southern Cameroons and revokes certain transitional provisions. It also validates the appointment of a judge of the High Court of Lagos.

55322/S. 6/T. 3

THE CONSTITUTION ORDERS
STATUTORY INSTRUMENTS
(Remaining effective provisions reprinted)

1958 No. 1958

WEST AFRICA

The Nigeria (Constitution) (Amendment No. 4)

Order in Council, 1958

Made	21st November, 1958
Laid before Parliament	27th November, 1958
Coming into Operation	28th November, 1958

At the Court at Buckingham Palace, the 21st day of November, 1958

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890 (a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Nigeria (Constitution) (Amendment No. 4) Order in Council, 1958, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1957 (b), the Nigeria (Constitution) (Amendment) Order in Council, 1958(c), the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958(d), and the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1958(e).

Citation,
construction
and com-
mencement

(2) The Nigeria (Constitution) Orders in Council, 1954 to 1957, the Nigeria (Constitution) (Amendment) Order in Council, 1958, the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958, the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1958, and this Order may be cited together as the Nigeria (Constitution) Orders in Council, 1954 to 1958.

(S.I. (3) amends S.I. 1958/1522)

(4) This Order shall come into operation on the twenty-eighth day of November, 1958.

2.—(1) (amends S.I. 1954/1146, S. 2)

(2) Any appointment of any person to any judicial office of any Region of the Southern Cameroons made by any person or authority during the period between the thirty-first day of March, 1958, and the commencement of this Order in purported exercise of any power conferred upon that person or authority by or under the Native Courts Law, 1956, of the Northern Region(f), the Customary Courts Law, 1957, of the Western Region(g), the Customary Courts Law, 1956, of the Eastern Region(h), or the Customary Courts Law, 1956, of the Southern Cameroons(i), as the case may be, shall for all purposes

(a) 53 & 54 Vict. c.37.

(b) S.I. 1954/1146, 1955/432, 1956/836, 1957/1363, 1530 (1954 II, p.2829; 1955 II p.3163; 1956 II, p.2953; 1957 II, pp.3028, 3030).

(c) S.I. 1958/429.

(d) S.I. 1958/1257.

(e) S.I. 1958/1522.

(f) Law No. 6 of 1956.

(g) Law No. 26 of 1957.

(h) Law No. 21 of 1956.

(i) Law No. 9 of 1956.

THE CONSTITUTION ORDERS

whatsoever be, and be deemed always to have been, duly made notwithstanding that, by virtue of the provisions of sub-paragraph (iv) of paragraph (a) of subsection (4) of section 2 of the principal Order (as set out in subsection (1) of section 3 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, the provisions of the principal Order relating to the making of appointments to offices in the public service of the Federation or the public service of a Region, as the case may be, applied during that period in relation to the making of appointments to that judicial office, and all acts and things done by the person so appointed to that judicial office in exercise of the functions of that judicial office shall accordingly be deemed to have been validly and effectively done.

[Ss. 3-6 amend S.I. 1954/1146]

7—(1) [amends S.I. 1954/1146]

(2) The provisions of subsections (2), (3) and (4) of section 190B of the principal Order shall apply in relation to any benefits granted under any regulations made under Part 2 of Chapter VII of the principal Order and payable by the Western Region or the Eastern Region as they apply in relation to benefits granted under a pensions law in force in that Region :

Provided that the provisions of section 5 of the Nigeria (Retirement Benefits) Order in Council, 1958, shall apply in relation to any additional allowance granted under those regulations as they apply in relation to an additional allowance granted under that Order.

(Ss. 8-11 amend S.I. 1954/1146)

Adaptation
of existing
laws.

12.—(1) The Governor-General may, by Order published in the *Official Gazette* of the Federation, at any time within twelve months after the commencement of this Order provide that any existing law shall be read and construed with such adaptations and modifications as may appear to the Governor-General to be necessary or expedient for bringing the provisions of that law into conformity with the provisions of the Nigeria (Constitution) Orders in Council, 1954 to 1958, or otherwise for giving effect or enabling effect to be given to those provisions ; and any such law shall have effect accordingly from such date as may be specified in the Order, not being a date earlier than the commencement of this Order.

(2) In this section "existing law" means a law in force or having effect immediately before the commencement of this Order that was enacted by any legislature in Nigeria and includes any instrument made in pursuance of any such law.

W. G. AGNEW

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to explain its general purport.)

This Order amends the provisions of the Nigeria (Constitution) Order in Council, 1954, relating to the judges of the Federal Supreme Court and the High Courts of the Northern Region and Lagos and to certain other judicial offices, the grant of pensions, offences involving disqualification for election and the Judicial Service Commissions and the Directors of Public Prosecutions of the Western and Eastern Regions. It also validates certain appointments of judicial officers.

THE CONSTITUTION ORDERS
STATUTORY INSTRUMENTS

(*Remaining effective provisions reprinted*)

1959 No. 386

NIGERIA

The Nigeria (Constitution) (Amendment) Order in Council, 1959

<i>Made</i>	..	..	..	..	11th March, 1959
<i>Laid before Parliament</i>	..	..	..	..	11th March, 1959
<i>Coming into operation</i>	..	..	..	..	15th March, 1959

At the Court at Buckingham Palace, the 11th day of March, 1959

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Nigeria (Constitution) (Amendment) order in Council, 1959, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1958(b).

[(2) *Rev. S.I. 1959/1049*]

(3) This Order shall come into operation on the fifteenth day of March, 1959.

[*Ss 2-4 amend S.I. 1954/1146*]

5.—(1) [*Amends S.I. 1954/1146*]

(2) Section 21 of the principal Order (as amended) is further amended—

(a) by the deletion from subsection (1) of paragraph (a); and

(b) by the insertion after subsection (2) of the following subsection:—

“(3) A person appointed as Attorney-General of the Northern Region who is not a member of either of the Legislative Houses of the Region shall (save for the purposes of section 75 of this Order) be deemed to be a member of the Northern House of Assembly.”

(3) Subsection (2) of this section shall come into force on the date on which subsection (2) of section 21 of this Order ceases to have effect.

6.—(1) [*Amends S.I. 1954/1146*]

(2) Section 23 of the principal Order (as set out in subsection (1) of this section) is amended by the insertion in subsection (4) after the words “becomes a Regional Minister” in sub-paragraph (ii) of paragraph (c) of the words “, Attorney-General of the Northern Region”.

(3) Subsection (2) of this section shall come into force as soon as subsection (2) of section 21 of this Order shall cease to have effect.

(a) 53 & 54 Vict. c. 37.

(b) S.I. 1954/1146, 1955/432, 1956/836, 1957/1363, 1530, 1958/429, 1257, 1522, 1958 (1954 II, p.2829; 1955 II, p.3163; 1956 II, p.2953; 1957 II, pp.3028, 3030).

Citation,
construction
and com-
mencement.

THE CONSTITUTION ORDERS

(4) The persons holding office as Speaker and Deputy Speaker of the Northern House of Assembly immediately before the commencement of this Order shall be deemed respectively to have been elected Speaker in pursuance of paragraph (a) of subsection (1) of section 23 of the principal Order (as set out in subsection (1) of this section) and to have been elected Deputy Speaker in pursuance of subsection (2) of that section at the commencement of this Order and the provisions of subsection (4) of that section shall apply to them accordingly.

[Ss. 7-14 amend S.I. 1954/1146]

15.—(1) [*Amends S.I. 1954/1146*]

(2) Section 106 of the principal Order (as amended) is further amended by the deletion of paragraph (b).

(3) Subsection (2) of this section shall come into force on the date on which subsection (2) of section 21 of this Order ceases to have effect.

16.—(1) [*Amends S.I. 1954/1146*]

(2) Section 115 of the principal Order (as amended) is amended by the addition of the following subsection—

“(3) For the purposes of subsection (2) of this section the Attorney-General of the Northern Region shall be deemed to be a Regional Minister of that Region”.

(3) Subsection (2) of this section shall cease to have effect on the date on which subsection (2) of section 21 of this Order ceases to have effect.

[Ss 17-19 amend S.I. 1954/1146]

20.—(1) [*Amends S.I. 1954/1146*]

(2) Section 119A of the principal Order (as amended) shall have effect in relation to the Northern Region as if subsection (1) were amended by the insertion after the words “any Regional Minister” of the words “or the Attorney-General of the Northern Region”:

Provided that nothing in that section shall be construed as preventing a person holding or acting in the office of Attorney-General of the Northern Region from holding or acting in the office of Director of Public Prosecutions of the Northern Region.

(3) Subsection (2) of this section shall cease to have effect on the date on which subsection (2) of section 21 of this Order ceases to have effect.

21.—(1) [*Amends S.I. 1954/1146*]

(2) Section 119B of the principal Order (as amended) shall have effect in relation to the Northern Region as if—

(a) subsection (2) were amended by the deletion of paragraph (a); and

(b) subsection (3) were amended by the addition of the following proviso:—

“Provided that, in the case of the Attorney-General of the Northern Region, the powers of the Governor shall be exercised after consultation with the Premier of the Region and the Public Service Commission of the Region”.

THE CONSTITUTION ORDERS

(3) Subsection (2) of this section shall cease to have effect on such date as may be fixed by the Governor of the Northern Region by Proclamation published in the Official Gazette of the Region.

[Ss 22-28 amend S.I. 1954/1146]

29.—(1) [*Amends S.I. 1959/1146*]

(2) The High Court of Justice of the Northern Region, as constituted immediately before the commencement of this Order under section 142 of the principal Order, shall after the commencement of this Order be deemed to be the High Court of Justice of the Northern Region, as constituted by section 142A of the principal Order, as amended by subsection (1) of this section, and accordingly—

(a) the person holding office immediately before the commencement of this Order as Chief Justice of the High Court of the Northern Region as constituted under section 142 of the principal Order shall be deemed to have been appointed at the commencement of this Order as Chief Justice of the Northern Region under section 142A of the principal Order, as amended by subsection (1) of this section, and the other persons holding office immediately before the commencement of this Order as judges of the High Court of the Northern Region as constituted under section 142 of the principal Order shall be deemed to have been appointed at the commencement of this Order as judges of the High Court of the Northern Region under section 142A of the principal Order, as amended in subsection (1) of this section ;

(b) any law enacted by any legislature in Nigeria and in force immediately before the commencement of this Order shall, in so far as its provisions are consistent with the provisions of the principal Order, as from time to time amended, and subject to the provisions of any Order made under section 75 of this Order, have effect after the commencement of this Order as if references therein to the High Court of Justice of the Northern Region as constituted under section 142 of the principal Order and to the judges of that High Court were references to the High Court of Justice of the Northern Region as constituted by section 142A of the principal Order, as amended in subsection (1) of this section, and to the judges of that High Court ;

(c) any cause or matter or any appeal or case stated from another court that is pending or part-heard before the High Court of Justice of the Northern Region as constituted under section 142 of the principal Order may be continued, completed and determined by the High Court of Justice of the Northern Region as constituted by section 142A of the principal Order, as amended by subsection (1) of this Order ; and

(d) any appeal or reference from the High Court of Justice of the Northern Region as constituted under section 142 of the principal Order to the Federal Supreme Court or to Her Majesty in Council that is pending or part-heard may be continued, completed and determined as if it were an appeal or reference from the High Court of Justice of the Northern Region as constituted by section 142A of the principal Order, as amended by subsection (1) of this section, and that High Court may give effect to any judgment or order of the Federal Supreme Court or any Order of Her Majesty in Council given or made in the appeal as if it were the court from which the appeal or reference had been made,

THE CONSTITUTION ORDERS

(3) The provisions of subsection (2) of this section shall apply in relation to Lagos as they apply in relation to the Northern Region and for that purpose references to that Region shall have effect as if they were references to Lagos.

[Ss 30-51 amend S.I. 1954/1146]

52.—(1) [Amends S.I. 1954/1146]

(2) The persons holding office as members of the Public Service Commission of the Northern Region immediately before the commencement of this Order shall vacate their offices at the commencement of this Order.

(3) Until such time as provision in that behalf is made in pursuance of subsection (6) of section 180c of the principal Order, as amended, there shall be paid to the Chairman and other members of the Public Service Commission of the Northern Region salaries and allowances calculated at the same rate as the salaries and allowances payable immediately before the commencement of this Order to the Chairman and other members of the Public Service Commission of that Region established by section 179 of the principal Order.

[Ss 53-74 amend S.I. 1954/1146]

75.—(1) The Governor-General may, by Order published in the *Official Gazette* of the Federation, at any time within twelve months after the commencement of this Order provide that any existing law shall be read and construed with such adaptations and modifications as may appear to the Governor-General to be necessary or expedient for bringing the provisions of that law into conformity with any of the provisions of the Nigeria (Constitution) Order in Council, 1954, the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954(a), the Nigeria (Retirement Benefits) Order in Council, 1958(b) or any Order in Council amending any of those Orders, or otherwise for giving effect or enabling effect to be given to that provision; and any such law shall have effect accordingly from such date as may be specified in the Order, not being a date earlier than the commencement of this Order.

(2) In this section "existing law" means a law in force or having effect immediately before the commencement of this Order that was enacted by any legislature in Nigeria and includes any instrument made in pursuance of any such law.

W. G. AGNEW

EXPLANATORY NOTE

(This Note is not part of the Order but is intended to indicate its general purport.)

This Order amends certain provisions of the Nigeria (Constitution) Order in Council, 1954, relating to the Northern Region, to the public service and to finance.

(a) S.I. 1954/1147, (1954, II, p.2939).

(b) S.I. 1958/1523.

THE CONSTITUTION ORDERS

STATUTORY INSTRUMENTS

(Remaining effective provisions reprinted)

1959 No. 1772

WEST AFRICA

The Nigeria (Constitution) (Amendment No. 3)
Order in Council, 1959

Made .. .. .	.. .. .	19th October, 1959
Laid before Parliament	.. .. .	23rd October, 1959
Coming into Operation	.. .. .	24th October, 1959

At the Court at Buckingham Palace, the 19th day of October, 1959

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1958(b), the Nigeria (Constitution) (Amendment) Order in Council, 1959(c), and the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1959(d).

(2) [*Deleted by S.I. 1959/1981*]

(3) [*Amends S.I. 1959/1049*]

(4) This Order shall come into operation on the twenty-fourth day of October, 1959:

Provided that—

(a) sections 2, 4, 5 to 16, 24, 25, 27, 29 to 38, subsection (1) of sections 39, 40 to 53, 62, 64, 66, 67 and 72 shall come into operation immediately after the next dissolution of the House of Representatives after that date;

(b) section 18 shall come into operation immediately after the next dissolution of the Legislative Houses of the Western Region after that date;

(c) section 21 shall come into operation immediately after the next dissolution of the Legislative Houses of the Eastern Region after that date;

(d) section 19 shall be deemed to have come into operation on the twentieth day of June, 1959; and

(e) subsection (2) of section 3 and sections 20, 54, 55 and 65 shall be deemed to have come into operation on the first day of April, 1959.

[*S.2 revokes S.I. 1958/915*]

[*Ss 3-5 amend S.I. 1954/1146*]

(a) 53 & 54 Vict. c.37.

(b) S.I. 1954/1146, 1955/432, 1956/836, 1957/1363, 1530, 1958/429, 1257, 1522, 1958 (1954 II, p.2829; 1955 II, p.3163; 1956 II, p.2953; 1957 II, pp.3028, 3030).

(c) S.I. 1959/368.

(d) S.I. 1959/1049.

THE CONSTITUTION ORDERS

6.—(1) [*Amends S.I. 1954/1146*].

(2) For the purposes of section 5B of the principal Order, as set out in subsection (1) of this section, the first sitting of the Senate after the commencement of this Order shall be deemed to be the first sitting after a dissolution.

[*Ss. 7-8 amend S.I. 1954/1146*]

9.—(1) [*amends S.I. 1955/1146 by inserting S. 7A*]

(2) Any Proclamation made by the Governor-General under section 4 of the Nigeria (Electoral Provisions) Order in Council, 1958, and in force immediately before the commencement of this section shall have effect as if it were a Proclamation made under section 7B of this Order, as set out in subsection (1) of this section, and, subject to the provisions of subsection (3) of this section, may be amended or revoked accordingly.

(3) The boundaries of the electoral districts established immediately after the commencement of this section by virtue of subsection (2) of this section, shall, notwithstanding the provisions of subsection (7) of section 2 of the principal Order, as amended, not be subject to variation during the period beginning at such commencement and ending on the fourteenth day of July, 1963.

10.—(1) [*Amends S.I. 1954/1146 S. 58*]

(2) Any regulations made by the Governor-General under section 5 of the Nigeria (Electoral Provisions) Order in Council, 1958, and in force immediately before the commencement of this section shall have effect as if they were regulations made under section 8 of the principal Order, as set out in subsection (1) of this section, and may be amended or revoked accordingly

[*Ss 11-21 amend S.I. 1954/1146*]

22.—(1) [*Amends S.I. 1954/1146 by inserting S. 36A*]

(2) The provisions of subsection (1) of this section shall come into operation in relation to each Region immediately after the next dissolution of the Legislative Houses of that Region after the commencement of this Order or on such earlier date (if any) as may be fixed by the Governor by notice published in the Official Gazette of the Region :

Provided that until the House of Assembly of that Region first sits after that dissolution section 36B of the principal Order, as set out in subsection (1) of this section, shall have effect in relation to that Region as if the words "acting on the recommendation of the Electoral Commission of the Region" in subsection (1), subsection (2) or subsection (3), as the case may be, were omitted and the words "acting on the recommendation of such authority as the Governor, after consultation with the Premier, may appoint in that behalf" were substituted.

(3) Subsection (2) of this section shall apply in relation to the Southern Cameroons as it applies in relation to a Region, and for that purpose references to a Region and the Governor shall be construed as if they were references to the Southern Cameroons and the High Commissioner for the Southern Cameroons and that subsection shall have effect as if the words "subsection (4)" were substituted for the words "subsection (1), subsection (2) or subsection (3), as the case may be".

23.—(1) [*Amends S.I. 1954/1146 S. 37*]

THE CONSTITUTION ORDERS

(2) Any regulations made in relation to a Region or the Southern Cameroons under section 37 of the principal Order and in force immediately before the commencement of this Order shall continue in force until the next dissolution of the Legislative Houses of that Region or the House of Assembly of the Southern Cameroons, as the case may be, as if this Order had not been made and may be amended or revoked accordingly; and no elections shall be held in a Region or the Southern Cameroons under regulations made under that section, as amended by subsection (1) of this section, until after such a dissolution of the Legislative Houses of that Region or the House of Assembly of the Southern Cameroons, as the case may be.

[Ss. 24-25 amend S.I. 1954/1146]

26.—(1) [*Amends S.I. 1954/1146, S. 49*]

38 (1) (2) The provisions of this section shall come into operation in relation to a Region or the Southern Cameroons immediately after the next dissolution of the Legislative Houses of that Region or the Southern Cameroons, as the case may be after the commencement of this Order.

[Ss. 27-38 amend S.I. 1954/1146]

39.—(1) & (2) [*Amend S.I. 1954/1146 S. 74*]

(3) The provisions of subsection (2) of this section shall come into operation in relation to each Region immediately after the next dissolution of the Legislative Houses of that Region after the commencement of this Order.

[Ss. 49-57 amend S.I. 1954/1146]

58.—(1) [*Substitutes new S. 148 in 1954/1146*]

(2) During the period beginning at the commencement of this Order and ending on such date as may be fixed by the Governor of the Northern Region by notice published in the Official Gazette of the Region, the references in section 148 of the principal Order (as set out in subsection (1) of this section) to the decisions of a subordinate court of a Region shall not include references to such decisions of subordinate courts of the Northern Region as may be prescribed by the Governor by order published in the Official Gazette of the Region.

[Ss. 59-69 S.I. amend 1954/1146]

[S. 70 amends first schedule to 1954/1146]

71.—(1) [*Adds new Sixth schedule to 1954/1146*]

(2) In its application to the Northern Region, the Sixth Schedule to the principal Order (as set out in the Schedule to this Order) shall have effect as if sub-paragraph (10) of paragraph 5 were omitted.

(3) Subsection (2) of this section shall cease to have effect on such date as may be fixed by the Governor of the Northern Region by Proclamation published in the Official Gazette of the Region.

72. Until such date as may be fixed by the High Commissioner for the Southern Cameroons by notice published in the Official Gazette of the Federation and the Official Gazette of the Southern Cameroons, the provisions of the principal Order, as amended, shall have effect as follows:—

(a) as if the following paragraph was substituted for paragraph (a) of subsection (1) of section 5A:—

Transitional
provisions
relating to
Southern
Cameroons.

THE CONSTITUTION ORDERS

"(a) thirty-six Senators, of whom twelve shall be appointed in accordance with subsection (1) of section 5c of this Order to represent each Region ;"

(b) as if subsection (2) of section 5c were omitted ;

(c) as if the words "the Southern Cameroons" wherever they occur in subsection (1) of section 5d were omitted ;

(d) as if the words "and one shall represent the Southern Cameroons" in paragraph (b) of subsection (2) of section 7A and the words "or the Southern Cameroons" in the proviso to subsection (4) of that section were omitted ;

(e) as if the words "Nigeria shall be divided into three hundred and twenty electoral districts" in section 7B were omitted and the words "Nigeria (apart from the Southern Cameroons) shall be divided into three hundred and twelve electoral districts" were substituted ;

(f) as if the following proviso were added to subsection (9) of section 36A :—

"Provided that subsection (2) shall have effect as if the words "representing the Region" in paragraph (b) were omitted." ; and

(g) as if the words "subsection (2) of section 5c" were omitted from subsection (3) of section 56D.

Adaptation
of laws.

73.—(1) The Governor-General may, by Order published in the Official Gazette of the Federation, at any time within six months after the commencement of this Order provide that any existing law shall be read and construed with such adaptations and modifications as may appear to the Governor-General to be necessary or expedient for bringing the provisions of that law into conformity with any of the provisions of the principal Order, the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954(a), the Nigeria (Retirement Benefits) Order in Council, 1958(b), or any Order in Council amending any of those Orders or otherwise for giving effect or enabling effect to be given to the provision ; and any such law shall have effect accordingly from such date as may be specified in the Order, not being a date earlier than the commencement of this Order.

(2) In this section "existing law" means a law in force or having effect immediately before the commencement of this Order that was enacted by any legislature in Nigeria and includes any instrument made in pursuance of any such law.

W. G. AGNEW

[The Schedule adds Sixth Schedule to S.I. 1954/1146]

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Nigeria (Constitution) Order in Council, 1954, as amended, in order to establish a new Federal Legislative House styled the Senate. It also amends the provisions of that Order relating to the House of Representatives and the Western and Eastern Houses of Assembly, and inserts in that Order provisions with respect to fundamental human rights, appellate jurisdiction, the continental shelf of Nigeria and Provincial Commissioners in the Eastern Region.

WAF16/256/053

(a) S.I. 1954/1147 (1954 II, p.2939).

(b) S.I. 1958/1523.

THE CONSTITUTION ORDERS
STATUTORY INSTRUMENTS

(Remaining effective provisions reprinted)

1959 No. 1981

WEST AFRICA

The Nigeria (Constitution) (Amendment No. 4)
Order in Council, 1959

Made 20th November, 1959

Laid before Parliament 20th November, 1959

Coming into Operation 21st November, 1959

At the Court at Buckingham Palace, the 20th day of November, 1959

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Nigeria (Constitution) (Amendment No. 4) Order in Council, 1959, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1958(b), the Nigeria (Constitution) (Amendment) Order in Council, 1959(c), the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1959(d), and the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959(e).

(2) The Nigeria (Constitution) Orders in Council, 1954 to 1958, the Nigeria (Constitution) (Amendment) Order in Council, 1959, the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1959, the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959, and this Order may be cited together as the Nigeria (Constitution) Orders in Council, 1954 to 1959.

(3) [Amends S.I. 1959/1772]

(4) This Order shall come into operation on the twenty-first day of November, 1959.

Provided that—

(a) sections 2, 39 and 43 shall come into operation on such date as may be fixed by the High Commissioner for the Southern Cameroons by notice published in the Official Gazette of the Southern Cameroons;

(b) each of the following subsections, namely, subsection (2), (3) and (4) of section 4 and subsections (2), (3), (4) and (5) of section 25, shall come into operation on such later date as may be fixed in like manner in relation to that subsection; and

(c) sections 29, 30 and 31 shall come into operation on the date on which subsection (2) of section 25 comes into operation.

[S. 2 amends S.I. 1954/1146]

(a) 53 & 54 Vict. c.37.

(b) S.I. 1954/1146, 1955/432, 1956/836, 1957/1363, 1530, 1958/429, 1257, 1522, 1958 (1954 II, p. 2829; 1955 II, p.3163; 1956 II, p.2953; 1957 II, pp.3028, 3030).

(c) S.I. 1959/368.

(d) S.I. 1959/1049.

(e) S.I. 1959/1772.

Citation,
construction
and com-
mencement.

THE CONSTITUTION ORDERS

3.—(1) [*Amends S.I. 1954/1146, S. 10*]

(2) Subsection (1) of this section shall be deemed to have come into operation on the thirtieth day of August, 1957, and accordingly no person shall be deemed to have been disqualified for election to the House of Representatives, or to have vacated his seat in that House, by reason only that he has at any time since the twenty-ninth day of August, 1957, received or been entitled to receive emoluments in respect of any such office as is mentioned in the proviso to paragraph (c) of subsection (3) of section 10 of the principal Order, as set out in subsection (1) of this section.

4.—(1) [*Amends S.I. 1954/1146, S. 34*]

(2) Section 34 of the principal Order (as amended by subsection (1) of this section) is further amended by the deletion from subsection (1) of the words "the Deputy Commissioner of the Cameroons".

(3) Section 34 of the principal Order (as amended) is further amended by the deletion from subsection (1) of the words "the Attorney-General of the Southern Cameroons" in paragraph (b).

(4) Section 34 of the principal Order (as amended) is further amended by the deletion from subsection (1) of the words "and the Financial Secretary of the Southern Cameroons" in paragraph (b)

[*Ss. 5-6 amend S.I. 1954/1146*]

7.—(1) [*Amends S.I. 1954/1146, S. 39*]

(2) Subsection (1) of this section shall be deemed to have come into operation on the thirtieth day of August, 1957, and accordingly no person shall be deemed to have been disqualified for election to the House of Assembly of a Region or the Southern Cameroons, or to have vacated his seat in that House, by reason only that he has at any time since the twenty-ninth day of August, 1957, received or been entitled to receive emoluments in respect of any such office as is mentioned in the proviso to paragraph (c) of subsection (3) of section 39 of the principal Order, as set out in subsection (1) of this section.

[*Ss. 8-12 Amend S.I. 1954/1146*]

13.—(1) [*Amends S.I. 1954/1146, S. 57*]

(2) For the purposes of section 57 of the principal Order, as amended, the enactments specified in the Schedule to this Order shall, in so far as they relate to any matter included in the Concurrent Legislative List, have effect in relation to each Region and the Southern Cameroons as if they had been enacted by the Federal Legislature.

[*Ss. 14-17 Amend S.I. 1954/1146*]

[*Amends S.I. 1954/1146, S. 66*]

(2) Section 66 of the principal Order, as amended by subsection (1) of this section, shall apply in relation to laws enacted by the Legislature of the Southern Cameroons to which the High Commissioner for the Southern Cameroons gave his assent before the commencement of this Order as it applies in relation to laws enacted by that Legislature to which the Commissioner of the Cameroons has given his assent.

[*Ss. 19-24 Amend S.I. 1954/1146*]

25.—(1) [*S.I. Amends 1954/1146, S. 126*]

THE CONSTITUTION ORDERS

(2) Section 126 of the principal Order (as set out in subsection (1) of this section) is further amended by the deletion of paragraph (a).

(3) Section 126 of the principal Order is further amended by the deletion of the words "the Deputy Commissioner of the Cameroons" in paragraph (b).

(4) Section 126 of the principal Order is further amended by the deletion of the words "the Attorney-General of the Southern Cameroons" in paragraph (b).

(5) Section 126 of the principal Order (as amended) is further amended by the deletion of the words "and the Financial Secretary of the Southern Cameroons" in paragraph (b).

[Ss. 26-42 amend S.I. 1954/1146]

43.—(1) Every office in the public service of the Federation for which specific provision was made in the estimates of the revenue and expenditure of the Southern Cameroons for the financial year beginning on the first day of April, 1959, as approved by the Commissioner of the Cameroons, shall, subject to such exceptions as the High Commissioner for the Southern Cameroons may prescribe by notice published in the Official Gazette of the Southern Cameroons, become an office in the public service of the Southern Cameroons at the commencement of this section.

Transitional provisions.

(2) Every officer who being a native of the Southern Cameroons is holding or acting in an office in the public service of the Federation at the time when that office becomes an office in the public service of the Southern Cameroons under subsection (1) of this section shall become an officer in the public service of the Southern Cameroons.

(3) Every officer who becomes an officer in the public service of the Southern Cameroons under subsection (2) of this section shall, subject to the provisions of the principal Order, as amended, and this section, continue to enjoy and be subject to all the terms and conditions of service that applied to him immediately before the appointed day, including any rights or liabilities that may accrue to him under those terms, so, however, that he may accept any other terms and conditions that are subsequently brought into force with respect to the public service of the Southern Cameroons and that are applicable to his case.

(4) The terms and conditions of service that are from time to time applied to an officer in the public service of the Southern Cameroons who becomes such an officer under subsection (2) of this section shall not be less favourable to him than the terms and conditions of service that apply to him immediately after the commencement of this section by virtue of subsection (3) thereof.

(5) Any contract made before the commencement of this section between any native of the Southern Cameroons and the Government of the Federation to serve that Government for a specified period in an office in the public service of the Federation which becomes an office in the public service of the Southern Cameroons under subsection (1) of this section shall have effect as if it had been made with the Government of the Southern Cameroons and references in such contract to the Government of the Federation or to any officer of that Government shall be construed, and in such contract shall be enforceable, accordingly.

THE CONSTITUTION ORDERS

(6) The cost of any pensions, gratuity or other like benefit (in this section referred to as "the pension") that may be payable under any pension law to an officer in the public service of the Southern Cameroons who became such an officer under subsection (2) of this section or the dependants of any such officer shall be shared by the Federation, each Region in the public service of which the officer has served and the Southern Cameroons, so that each shall pay such amount of the pension as is proportionate to the aggregate amount of the pensionable emoluments received by the officer in respect of his service in the public service of the Federation, that Region and the Southern Cameroons, as the case may be.

(7) The Governor-General or the Governor of a Region may, for the purpose of giving effect to such arrangements as may be agreed between the Government of the Federation or that Region, as the case may be, and the Government of the Southern Cameroons, require any officer in the public service of the Federation or the public service of that Region, as the case may be, to serve on secondment in the public service of the Southern Cameroons until any date not later than the first day of October, 1960, or (with the consent of that officer) until a later date on terms and conditions that are not less favourable to him than those that apply to him immediately before he is so required to serve; and every officer in the public service of the Federation (not being a native of the Southern Cameroons) who is holding or acting in an office in the public service of the Federation at the time when that office becomes an office in the public service of the Southern Cameroons under subsection (1) of this section and every officer in the public service of a Region who is so holding or acting in such an office shall (subject to such exceptions, if any, as may be agreed between the Government of the Federation or that Region, as the case may be, and the Government of the Southern Cameroons) be deemed to have been required at the commencement of this section so to serve.

(8) In this section—

"dependants" means in relation to any person the widow, children, dependants and personal representatives of that person;

"native of the Southern Cameroons" means any person one of whose parents was a member of any tribe indigenous to the Southern Cameroons or any descendant of any such person;

"pensions law" means a law that governs the grant of pensions, gratuities and other like benefits.

(9) For the purposes of this section service in the former public service of Nigeria shall be deemed to be service in the public service of the Federation.

Amendment
of Order of
1959.

44. The Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959, shall have effect, and shall be deemed always to have had effect, as if the provisions of the Order specified in the first column of the Second Schedule to this Order were amended in the manner specified in the second column of that Schedule.

Construction
of s. 73 of
Order of
1959.

45. Section 73 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959, shall have effect as if the references to an existing law included references to any law coming into force or otherwise taking effect at any time during the period beginning on the twenty-fourth day of October, 1959, and ending on the thirty-first day of December, 1959.

W. G. AGNEW

THE CONSTITUTION ORDERS

THE FIRST SCHEDULE

1. The Dangerous Drugs Ordinance(a).
2. The Labour Code Ordinance(b).
3. The Legal Practitioners Ordinance(c), Part II.
4. The Medical Practitioners and Dentists Ordinance(d).
5. The Pharmacy Ordinance(e), Parts I, II and III, section 49 and sub-section (1) of section 69.
6. The Prisons Ordinance(f).
7. The Quarantine Ordinance(g).
8. The Registration of Business Names Ordinance(h).
9. The Trade Unions Ordinance(i).
10. The Trades Disputes (Arbitration and Inquiry) Ordinance(j).
11. The Workmen's Compensation Ordinance(k).
12. The West African Cocoa Research Institute Ordinance(l).
13. The West African Institute for Trypanosomiasis Research Ordinance(m).
14. The West African Institute for Oil Palm Research Ordinance(n).
15. The West African Examinations Council Ordinance(o).
16. The Survey Ordinance(p), Parts II and III.
17. The Veterinary Surgeons Ordinance(q).
18. The Antiquities Ordinance(r).
19. The West African Council for Medical Research Ordinance(s).

THE SECOND SCHEDULE

[Amends. S.I. 1959/1772]

EXPLANATORY NOTE

(This Note is not part of the Order but is intended to indicate its general purport.)

This Order amends the provisions of the Nigeria (Constitution) Order in Council, 1954, as amended, relating to the Southern Cameroons, the qualifications for election to certain Legislative Houses in Nigeria and the operation of certain legislation enacted before the Federation was established.

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- (a) Laws of Nigeria, Rev. 1948, Chapter 50.
 - (b) Laws of Nigeria, Rev. 1948, Chapter 98.
 - (c) Laws of Nigeria, Rev. 1948, Chapter 110.
 - (d) Laws of Nigeria, Rev. 1948, Chapter 130.
 - (e) Laws of Nigeria, Rev. 1948, Chapter 169.
 - (f) Laws of Nigeria, Rev. 1948, Chapter 177.
 - (g) Laws of Nigeria, Rev. 1948, Chapter 188.
 - (h) Laws of Nigeria, Rev. 1948, Chapter 195.
 - (i) Laws of Nigeria, Rev. 1948, Chapter 218.
 - (j) Laws of Nigeria, Rev. 1948, Chapter 219.
 - (k) Laws of Nigeria, Rev. 1948, Chapter 234.
 - (l) Ordinance No. 6 of 1950.
 - (m) Ordinance No. 36 of 1950.
 - (n) Ordinance No. 20 of 1951.
 - (o) Ordinance No. 27 of 1952.
 - (p) Ordinance No. 29 of 1952.
 - (q) Ordinance No. 30 of 1952.
 - (r) Ordinance No. 17 of 1953.
 - (s) Ordinance No. 18 of 1954.

STATUTORY INSTRUMENTS

(Remaining effective provisions reprinted)

1960 No. 203

WEST AFRICA

The Nigeria (Constitution) (Amendment) Order in Council, 1960*Made 8th February, 1960**Laid before Parliament .. . 12th February, 1960**Coming into Operation .. . 13th February, 1960*

At the Court at Buckingham Palace, the 8th day of February, 1960

Present,

The Queen's Most Excellent Majesty in Council

Citation,
construction
and com-
mencement.

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Nigeria (Constitution) (Amendment) Order in Council, 1960, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1959(b).

(2) The Nigeria (Constitution) Orders in Council, 1954 to 1959, and this Order may be cited together as the Nigeria (Constitution) Orders in Council, 1954 to 1960.

(3) This Order shall come into operation on the thirteenth day of February, 1960:

Provided that sections 3 and 4 shall come into operation on such date as may be fixed by the Governor-General by notice published in the *Official Gazette* of the Federation.

[Ss. 2-3 amend S. I. 1954/1146].

[4 (1) amends S. 7 in S. I. 1954/1146].

(2) The offices of the Speaker and Deputy Speaker of the House of Representatives, as constituted immediately before the date on which this section comes into operation, shall become vacant on that date.

[SS. 5-16 amend S. I. 1954/1146].

Construction
of s. 73 of
Order of
1959.

17. Section 73 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959, shall have effect as if the references to the commencement of that Order were references to the commencement of this Order.

W. G. Agnew

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport)

This Order amends the provisions of the Nigeria (Constitution) Order in Council, 1954, as amended, relating to the Speaker of the House of Representatives, defence, the jurisdiction of the courts and the police.

(a) 53 & 54 Vict. c. 37.

(b) S.I. 1954/1146, 1955/432, 1956/836, 1957/1363, 1958/429, 1257, 1522, 1958, 1959/368, 1049, 1772, 1981 (1954) II, p. 2829; 1955 II, p. 3163; 1956 II, p. 2953; 1957 II, pp. 3028, 3030.

OFFICES OF GOVERNOR-GENERAL AND GOVERNORS
STATUTORY INSTRUMENTS

(Reprinted with all amendments)

1954 No. 1147

NIGERIA

The Nigeria (Offices of Governor-General and Governors)
Order in Council, 1954(a)

[This O. is printed as am., by O., S.I. 1955/431, 1957/1531, 1958/430, 1258, 1959/369, 1050, 1982.]

Made 30th August, 1954

Laid before Parliament 3rd September, 1954

Coming into Operation 1st October, 1954

At the Court at Balmoral, the 30th day of August, 1954

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(b), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954.

Citation,
commence-
ment,
revocation
and reserva-
tion of
power.

(2) This Order shall come into operation on the first day of October, 1954.

(3) The Nigeria Letters Patent, 1951(c), and the Nigeria (Supplementary Provisions) Order in Council, 1951(d), are hereby revoked without prejudice to anything lawfully done thereunder.

(4) Her Majesty hereby reserves power, with the advice of Her Privy Council, to amend or revoke this Order.

2.—(1) In this Order, unless it is otherwise expressly provided or required by the context—

Interpreta-
tion.

“the Constitution Order” means the Nigeria (Constitution) Order in Council, 1954(e);

“the Eastern Region” means the Eastern Region of Nigeria established by the Constitution Order;

“the Federation” means the Federation of Nigeria established by the Constitution Order;

“the Governor-General” means the Governor-General and Commander-in-Chief of the Federation;

“Lagos.” means the Federal Territory of Lagos established by the Constitution Order;

“the Northern Region” means the Northern Region of Nigeria established by the Constitution Order;

“oath” includes an affirmation;

(a) Collective title “Nigeria (Offices of Governor-General and Governors) Orders in Council, 1954 to 1959,” see am. O.

(b) 53 and 54 Vict. c.37.

(c) S.I. 1951 II, p.1417.

(d) S.I. 1951/1957 (1951 II, p. 84).

(e) S.I. 1954/1146 (1954 II, p.2829).

OFFICES OF GOVERNOR-GENERAL AND GOVERNORS

"Region" means the Northern Region, the Western Region or the Eastern Region ;

"the Southern Cameroons" means the Southern Cameroons established by the Constitution Order ; and

"the Western Region" means the Western Region of Nigeria established by the Constitution Order.

(2) (a) Where by or under this Order a power is conferred upon Her Majesty or any other person to make any appointment to any office, a person may be appointed to that office, notwithstanding that some other person is holding that office when that other person is on leave of absence pending relinquishment of the office.

(b) Where two or more person are holding the same office by reason of an appointment made pursuant to paragraph (a) of this subsection, then for the purposes of section 5 or section 14 of this Order or for the purposes of any function conferred upon the holder of that office the person last appointed to the office shall be deemed to be the holder of the office.

(a)(3) Any reference to an officer by the term designating his office shall be construed as a reference to the officer for the time being lawfully discharging the functions of that office and shall include, in the case of the Governor-General and the High Commissioner for the Southern Cameroons, the Deputy Governor-General, to the extent to which he is authorised to discharge the functions of the office of Governor-General or the office of High Commissioner, as the case may be, in the case of the Governor of a Region, the Deputy Governor of the Region, to the extent to which he is authorised to discharge the functions of the office of Governor, and in the case of the Commissioner of the Cameroons, the Deputy Commissioner of the Cameroons, to the extent to which he is authorised to discharge the functions of the office of Commissioner.

(b)(4) Save as is in this Order otherwise provided, or required by the context, the Interpretation Act, 1889(c), shall apply for the purposes of interpreting this Order as it applied for the purpose of interpreting an Act of Parliament.

(4A) Where by this Order the Governor of a Region is required to act in accordance with recommendation of any person or authority the question whether he has in any matter so acted shall not be called in question in any court.

3.—(1) The office of Governor-General and Commander-in-Chief of the Federation is hereby constituted.

(2) Appointments to the office of Governor-General shall be made by Commission under Her Majesty's Sign Manual and Signet.

(3) A person appointed to the office of Governor-General shall, before entering upon the duties of that office, make oaths or affirmations of allegiance and for the due execution of that office in the form set out in the Schedule to this Order.

(a) S.2 (3) as subst., S.I. 1958/430.

(b) S.2 (4) inserted S.I. 1955/431. S.2 (4A) inserted S.I. 1959/369.

(c) 52 & 53 Vict., c.63.

OFFICES OF GOVERNOR-GENERAL AND GOVERNORS

4. The Governor-General shall have such powers and duties as are conferred upon him by or under this Order, the Constitution Order or any other law, and such other powers and duties as Her Majesty may from time to time be pleased to assign to him and, subject to the provisions of this Order and the Constitution Order and of any other law by which any such powers or duties are conferred, shall do or execute all things that belong to his office (including the exercise of any power and the performance of any duties with respect to which he is empowered by the Constitution Order to act in his discretion) according to such instructions, if any, as Her Majesty may from time to time see fit to give him :

Powers and
duties of
Governor-
General.

Provided that the question whether or not the Governor-General has in any matter complied with such instructions shall not be enquired into any court.

(d)4A.—(1) The office of Deputy Governor-General of the Federation is hereby constituted.

Office of
Deputy
Governor-
General.

(2) Appointments to the office of Deputy Governor-General shall be made by the Governor-General in pursuance of instructions given by Her Majesty through a Secretary of State.

(3) If the office of Deputy Governor-General is vacant or the Deputy Governor-General is absent from Nigeria or is from any other cause prevented from or incapable of discharging the functions of his office, the Governor-General may appoint a person to act as Deputy Governor-General, and any person so appointed shall continue to act until his appointment is revoked by the Governor-General.

(a)5.—(1) Whenever the office of Governor-General is vacant or the Governor-General is absent from Nigeria or is from any other cause prevented from or incapable of discharging the functions of his office—

Succession
to Govern-
ment of
Federation.

(a) the Deputy Governor-General ; or

(b) if the office of Deputy Governor-General is vacant or the Deputy Governor-General is absent from Nigeria or is from any other cause prevented from or incapable of discharging the functions of the office of Governor-General, such person as Her Majesty may designate by Instructions given under Her Sign Manual and Signet or through a Secretary of State,

shall, during Her Majesty's pleasure, discharge the functions of the office of Governor-General and administer the Government of the Federation accordingly.

(2) Before entering upon the discharge of the functions of the office of Governor-General under subsection (1) of this section the Deputy Governor-General or the person designated under paragraph (b) of that subsection shall make the oaths to be made under subsection (3) of section 3 of this Order by a person appointed to the office of Governor-General.

(d) S.4A inserted S.I. 1957/1531 and am. S.I. 1958/430.

(a) S.5 as subst., S.I. 1957/1531.

OFFICES OF GOVERNOR-GENERAL AND GOVERNORS

(3) The Deputy Governor-General shall not continue to discharge the functions of the office of Governor-General after the Governor-General has notified him that he is about to enter upon, or resume, the discharge of those functions and the person designated under paragraph (b) of subsection (1) of this section shall not continue to discharge those functions after the Governor-General or the Deputy Governor-General has so notified him.

(4) For the purposes of this section—

(a) the Governor-General or the Deputy Governor-General shall not be regarded as absent from Nigeria during his passage from one part of Nigeria to another, or as prevented from discharging the functions of the office of Governor-General by reason only that he is so passing ;

(b) the Governor-General shall not be regarded as absent from Nigeria, or as prevented from or incapable of discharging the functions of the office of Governor-General, at any time when the Deputy Governor-General is discharging those functions in pursuance of an authority given by the Governor-General under section 6 of this Order ;

(c) when the Deputy Governor-General has entered upon the discharge of the functions of the office of Governor-General under subsection (1) of this section, he shall not be regarded as absent from Nigeria, or as prevented from or incapable of discharging those functions, at any time when the person acting in the office of Deputy Governor-General is discharging those functions in pursuance of an authority given by the Deputy Governor-General under section 6 of this Order ;

(d) "the Governor-General" means the person holding the office of Governor General and "the Deputy Governor-General" means the person holding the office of Deputy Governor-General.

(b)6.—(1) The Governor-General may, by Instrument under the Public Seal of the Federation, authorise the Deputy Governor-General to discharge for and on behalf of the Governor-General on such occasions and subject to such exceptions and conditions as may be specified in that Instrument such of the functions of the office of Governor-General as may be specified in that Instrument.

(2) The powers and authority of the Governor-General shall not be affected by any authority given to the Deputy Governor-General under subsection (1) of this section otherwise than as Her Majesty may at any time think proper to direct, and the Deputy Governor-General shall conform to and observe such instructions relating to the discharge by the Deputy Governor-General of any of the functions of the office of Governor-General as the Governor-General may from time to time address to him for his guidance.

(3) Any authority given under subsection (1) of this section may at any time be varied or revoked by Her Majesty by instructions through a Secretary of State or by the Governor-General by Instrument under the Public Seal of the Federation.

(4) For the purposes of this section "the Governor-General" means the person holding the office of Governor-General and includes any person discharging the functions of that office under section 5 of this Order.

OFFICE OF GOVERNOR-GENERAL AND GOVERNORS

(5) In subsection (1) of this section the reference to the functions of the office of Governor-General does not include a reference to any function conferred upon the Governor-General by any Act of Parliament or by any Order of Her Majesty in Council or other instrument made under any Act of Parliament other than this Order, the Constitution Order, the Nigeria (Retirement Benefits) Order in Council, 1958(e), the Emergency Powers Order in Council, 1939(f) and any Order in Council amending any of these Orders.

(c)6A.—(1) The office of High Commissioner for the Southern Cameroons is hereby constituted.

Office of
High Com-
missioner
for Southern
Cameroons.

(2) The person for the time being holding the office of Governor-General shall hold the office of High Commissioner for the Southern Cameroons.

(3) The reference in section 4 of this Order to things belonging to the office of Governor-General and the references in sections 5 and 6 of this Order to the functions of the office of Governor-General include references to the functions of the office of High Commissioner for the Southern Cameroons.

(g)6B.—(1) The office of Commissioner of the Cameroons is hereby constituted.

Office of
Commis-
sioner of
Cameroons.

(2) Appointment to the office of Commissioner of the Cameroons shall be made by the High Commissioner for the Southern Cameroons in pursuance of instructions given by Her Majesty through a Secretary of State.

(3) If the office of Commissioner of the Cameroons is vacant or the Commissioner is absent from Nigeria or is from any other cause prevented from or incapable of discharging the functions of his office, the High Commissioner for the Southern Cameroons may appoint a person to act as Commissioner, and any person so appointed shall continue to act until his appointment is revoked by the High Commissioner.

7. There shall be a Privy Council for the Federation constituted in such manner as Her Majesty may direct by Instructions under Her Sign Manual and Signet.

Privy
Council for
Federation.

(d)8.—(1) The Governor-General, in Her Majesty's name and on Her Majesty's behalf, may constitute all such offices for the Federation, and Lagos as may lawfully be constituted by Her Majesty and, subject to the provisions of any Order of Her Majesty in Council, may make appointments (including appointments on promotion and transfer) to any such office.

Constitution
of offices for
Federation,
Southern
Cameroons
and Lagos.

(2) The Governor-General shall, in exercise of the powers conferred upon him by this section, constitute the following offices, being offices required for the purposes of the Constitution Order—

- (a) the office of Attorney-General of the Federation ;
- (b) the office of Director of Federal Audit ;
- (ba) the office of Inspector-General of Police ;
- (bb) the offices of Commissioner of Police for each Region
- (c) the office of Clerk of the Parliaments ; and
- (d) the office of Secretary to the Council of Ministers.

(e) S.I. 1959/369.

(f) See S.I. 1952, I, p.621.

(c) S.6A inserted S.I. 1958/430.

(g) S.6B inserted S.I. 1959/1982.

(d) S.8 as am., S.I. 1958/430, 1258, 1959/1050, 1982.

Constitution
of offices for
Southern
Cameroons.

(a) 8A.—(1) The Commissioner of the Cameroons, in Her Majesty's name and on Her Majesty's behalf, may constitute all such offices for the Southern Cameroons as may lawfully be constituted by Her Majesty.

(2) The High Commissioner for the Southern Cameroons shall, in exercise of the powers conferred upon him by this section, constitute the following offices, being offices required for the purposes of the Constitution Order—

(a) [rev. S.I. 1959/1982]

(b) the office of Deputy Commissioner of the Cameroons ;

(c) the office of Attorney-General of the Southern Cameroons ;

(d) the office of Financial Secretary of the Southern Cameroons ;

(dd) the office of Director of Audit of the Southern Cameroons ;

(e) the office of Clerk to the House of Assembly of the Southern Cameroons ; and

(f) the office of Secretary to the Executive Council of the Southern Cameroons.

(3) The Commissioner of the Cameroons, subject to the provisions of any Order of Her Majesty in Council, may make appointments (including appointments on promotion and transfer) to any office constituted under this section.

Governor-
General's
powers of
pardon, etc.

9.—(1) The Governor-General may, in Her Majesty's name and on Her Majesty's behalf—

(a) grant to any person concerned in or convicted of any offence to which this section applies a pardon, either free or subject to lawful conditions ; or

(b) grant to any person a respite, either indefinite or for a specified period, of the execution of any sentence passed on that person for such an offence ; or

(c) substitute a less severe form of punishment for that imposed by any sentence for such an offence ; or

(d) remit the whole or any part of any sentence passed for such an offence or of any penalty or forfeiture otherwise due to Her Majesty on account of such an offence.

(b)(2) The offences to which this section applies are offences against any law in force in Nigeria other than—

(a) offences against a law enacted by the Legislature of a Region or the Legislature of the Southern Cameroons, as the case may be, or against any instrument made under any law so enacted ;

(b) offences against any instrument made by the Governor of a Region or the High Commissioner for the Southern Cameroons otherwise than under any law so enacted ; or

(c) such offences against any other law in force in a Region or the Southern Cameroons, as the case may be, not being a law enacted by a legislature in Nigeria or an instrument made under a law so enacted, as the Governor-General may by Order published in the Official Gazette of the Federation prescribe.

(a) S.8A inserted S.I. 1958/430 and as am., S.I. 1958/1258, 1959/1982.

(b) S.9 (2) as subst., S.I. 1958/1258.

OFFICES OF GOVERNOR-GENERAL AND GOVERNORS

(c)9A.—(1) Whenever the office of Commissioner is vacant or the Commissioner is absent from Nigeria or is from any other cause prevented from or incapable of discharging the functions of his office—

Discharge of functions of Commissioner of Cameroons in case of vacancy, etc.

(a) the Deputy Commissioner ; or

(b) if the office of Deputy Commissioner is vacant or the Deputy Commissioner is absent from Nigeria or is from any other cause prevented from or incapable of discharging the functions of the office of Commissioner such person as the High Commissioner for the Southern Cameroons may designate by Instrument under the Public Seal of the Southern Cameroons shall, during the pleasure of the High Commissioner, discharge the functions of the office of Commissioner of the Cameroons.

(2) The Deputy Commissioner shall not continue to discharge the functions of the office of Commissioner of the Cameroons after the Commissioner has notified him that he is about to enter upon, or resume, the discharge of those functions, and the person designated under paragraph (b) of subsection (1) of this section shall not continue to discharge those functions after the Commissioner or the Deputy Commissioner has so notified him.

(3) For the purposes of this section—

(a) the Commissioner or the Deputy Commissioner shall not be regarded as absent from Nigeria during his passage from one part of Nigeria to another, or as prevented from discharging the functions of the office of Commissioner by reason only that he is so passing ;

(b) the Commissioner shall not be regarded as absent from Nigeria, or as prevented from or incapable of discharging the functions of the office of Commissioner, at any time when the Deputy Commissioner is discharging those functions in pursuance of an authority given by the Commissioner under section 9B of this Order ;

(c) when the Deputy Commissioner has entered upon the discharge of the functions of the office of Commissioner under subsection (1) of this section, he shall not be regarded as absent from Nigeria, or as prevented from or incapable of discharging those functions, at any time when the person acting in the office of Deputy Commissioner is discharging those functions in pursuance of an authority given by the Commissioner under section 9B of this Order ;

(d) "the Commissioner" means the person holding the office of Commissioner of the Cameroons and "the Deputy Commissioner" means the person holding the office of Deputy Commissioner of the Cameroons.

(d)9B.—(1) The Commissioner may, by Instrument under his hand, authorise the Deputy Commissioner to discharge for and on behalf of the Commissioner on such occasions and subject to such exceptions and conditions as may be specified in that Instrument such of the functions of the office of Commissioner of the Cameroons as may be specified in that Instrument.

Discharge of functions of Commissioner of Cameroons by Deputy Commissioner

(c) S.9A inserted S.I. 1958/430 and am., S.I. 1958/1258.

(d) S.9B inserted S.I. 1958/430.

(2) The powers and authority of the Commissioner shall not be affected by any authority given to the Deputy Commissioner under this section otherwise than as the High Commissioner for the Southern Cameroons may at any time think proper to direct, and the Deputy Commissioner shall conform to and observe such instructions relating to the discharge by the Deputy Commissioner of any of the functions of the office of Commissioner of the Cameroons as the Commissioner may from time to time address to him for his guidance.

(3) Any authority given under subsection (1) of this section may at any time be varied or revoked by the High Commissioner for the Southern Cameroons by Instrument under the Public Seal of the Southern Cameroons or by the Commissioner by Instrument under his hand.

(4) For the purposes of this section "the Commissioner" means the person holding the office of Commissioner of the Cameroons and includes any person discharging the functions of that office under section 9A of this Order.

Powers of
pardon, etc.
of High
Commis-
sioner for
Southern
Cameroons.

(c)9c.—(1) The High Commissioner for the Southern Cameroons may, in Her Majesty's name and on Her Majesty's behalf—

(a) grant to any person concerned in or convicted of any offence to which this section applies a pardon, either free or subject to lawful conditions ; or

(b) grant to any person a respite, either indefinite or for a specified period, of the execution of any sentence passed on that person for such an offence ; or

(c) substitute a less severe form of punishment for that imposed by any sentence for such offence ; or

(d) remit the whole or any part of any sentence passed for such an offence or of any penalty or forfeiture otherwise due to Her Majesty on account of such an offence.

(2) The offences to which this section applies are offences against any law in force in the Southern Cameroons other than offences to which section 9 of this Order applies.

Public Seal of
Federation.

(e)10. The Governor-General shall keep and use the Public Seal of the Federation.

Public Seal
of Southern
Cameroons.

10A.—(1) The Commissioner of the Cameroons shall keep and use the Public Seal of the Southern Cameroons.

(2) The High Commissioner for the Southern Cameroons may use the Public Seal of the Federation for the purpose of executing any instrument under seal, and accordingly references in any Order of Her Majesty in Council or any other law to the Public Seal of the Southern Cameroons shall, in relation to instruments made by the High Commissioner, include references to the Public Seal of the Federation.

Offices of
Governors
of Regions.

11.—(1) The office of Governor of the Northern Region, the office of Governor of the Western Region and the office of Governor of the Eastern Region are hereby constituted.

(c) S.9c inserted S.I. 1958/430 and am., S.I. 1958/1258.

(e) S.10 as subst., S.I. 1958/430. S.10A as subst., S.I. 1959/1982.

OFFICES OF GOVERNOR-GENERAL AND GOVERNORS

(2) Appointments to the said offices shall be made by Commission under Her Majesty's Sign Manual and Signet.

(3) A person appointed to the office of Governor of a Region shall, before entering upon the duties of that office, make oaths or affirmations of allegiance and for the due execution of that office in the form set out in the Schedule to this Order.

12. The Governor of a Region shall have such powers and duties as are conferred upon him by or under this Order, the Constitution Order or any other law, and such other powers and duties as Her Majesty may from time to time be pleased to assign to him and, subject to the provisions of this Order and the Constitution Order and of any other law by which any such powers or duties are conferred, shall do or execute all things that belong to his office (including the exercise of any powers and the performance of any duties with respect to which he is empowered by the Constitution Order to act in his discretion) according to such instructions, if any, as Her Majesty may from time to time see fit to give him :

Powers and
duties of
Governors
of Regions.

Provided that the question whether or not the Governor has in any matter complied with such instructions shall not be enquired into in any court.

(a)13.—(1) The offices of Deputy Governor of the Northern Region, Deputy Governor of the Western Region and Deputy Governor of the Eastern Region are hereby constituted.

Offices of
Deputy
Governors
of Regions.

(2) Appointments to the office of Deputy Governor of a Region shall be made by the Governor of the Region in pursuance of instructions given by Her Majesty through a Secretary of State.

(3) If the office of Deputy Governor of a Region is vacant or the Deputy Governor is absent from Nigeria or is from any other cause prevented from or incapable of discharging the functions of his office, the Governor may appoint a person to act as Deputy Governor, and any person so appointed shall continue to act until his appointment is revoked by the Governor.

(b)14.—(1) Whenever the office of Governor of a Region is vacant or the Governor is absent from Nigeria or is from any other cause prevented from or incapable of discharging the functions of his office—

Succession to
government
of Regions.

(a) the Deputy Governor ; or

(b) if the office of Deputy Governor is vacant or the Deputy Governor is absent from Nigeria or is from any other cause prevented from or incapable of discharging the functions of the office of Governor, such person as Her Majesty may designate by Instructions given under Her Sign Manual and Signet or through a Secretary of State,

shall, during Her Majesty's pleasure, discharge the functions of the office of Governor of the Region and administer the government of the Region accordingly.

(2) Before entering upon the discharge of the functions of the office of Governor of a Region under subsection (1) of this section the Deputy Governor or the person designated under paragraph (b) of that subsection shall make the oaths to be made under subsection (3) of section 11 of this Order by a person appointed to the office of Governor.

(a) S.13 as am., S.I. 1957/1531, 1958/430.

(b) S.14 as subst., S.I. 1957/1531.

OFFICES OF GOVERNOR-GENERAL AND GOVERNORS

(3) The Deputy Governor shall not continue to discharge the functions of the office of Governor of a Region after the Governor has notified him that he is about to enter upon, or resume, the discharge of those functions and the person designated under paragraph (b) of subsection (1) of this section shall not continue to discharge those functions after the Governor or the Deputy Governor has so notified him.

(4) For the purposes of this section—

(a) the Governor or the Deputy Governor shall not be regarded as absent from Nigeria during his passage from one part of Nigeria to another, or as prevented from discharging the functions of the office of Governor by reason only that he is so passing;

(b) the Governor shall not be regarded as absent from Nigeria, or as prevented from or incapable of discharging the functions of the office of Governor of a Region, at any time when the Deputy Governor is discharging those functions in pursuance of an authority given by the Governor under section 15 of this Order;

(c) when the Deputy Governor has entered upon the discharge of the functions of the office of Governor of a Region under subsection (1) of this section, he shall not be regarded as absent from Nigeria, or as prevented from or incapable of discharging those functions, at any time when the person acting in the office of Deputy Governor of the Region is discharging those functions in pursuance of an authority given by the Deputy Governor under section 15 of this Order;

(d) in relation to a Region, "the Governor" means the person holding the office of Governor of the Region and "the Deputy Governor" means the person holding the office of Deputy Governor of the Region.

(a)15.—(1) The Governor may, by Instrument under the Public Seal of the Region, authorise the Deputy Governor to discharge for and on behalf of the Governor on such occasions and subject to such exceptions and conditions as may be specified in that Instrument such of the functions of the office of Governor of a Region as may be specified in that Instrument.

(2) The powers and authority of the Governor shall not be affected by any authority to the Deputy Governor under subsection (1) of this section otherwise than as Her Majesty may at any time think proper to direct and the Deputy Governor shall conform to and observe such instructions relating to the discharge by the Deputy Governor of any of the functions of the office of Governor as the Governor may from time to time address to him for his guidance.

(3) Any authority given under subsection (1) of this section may at any time be varied or revoked by Her Majesty by instructions through a Secretary of State or by the Governor by Instrument under the Public Seal of the Region.

(4) For the purposes of this section "the Governor" means in relation to a Region, the person holding the office of Governor of the Region and includes any person discharging the functions of that office under section 14 of this Order.

Discharge
of
Governor's
functions
by Deputy
Governor.

OFFICES OF GOVERNOR-GENERAL AND GOVERNORS

(5) In subsection (1) of this section the reference to the functions of the office of Governor does not include a reference to any function conferred upon the Governor by any Act of Parliament or by any Order of Her Majesty in Council or other instrument made under any Act of Parliament other than this Order, the Constitution Order, the Nigeria (Retirement Benefits) Order in Council, 1958, and any Order in Council amending any of those Orders.

(b)16. There shall be for each Region an Advisory Committee on the Prerogative of Mercy constituted in such manner as Her Majesty may direct by Instructions under Her Sign Manual and Signet.

Advisory
Committees
for Regions.

(c)17.—(1) The Governor of a Region, in Her Majesty's name and on Her Majesty's behalf, may constitute all such offices for the Region as may lawfully be constituted by Her Majesty and, subject to the provisions of any Order of Her Majesty in Council, may make appointments (including appointments on promotion and transfer) to any such office.

Constitution
of offices for
Regions.

(a)(2) (a) The Governor of the Northern Region shall, in exercise of the powers conferred upon him by this section, constitute the following offices, being offices required for the purposes of the Constitution Order—

[S. 17 (2) (a) (i) *rev.*, S.I. 1957/1531.]

(ii) the office of Commissioner in the United Kingdom for the Government of the Northern Region ;

(iii) the office of Grand Kadi of the Northern Region ;

(iv) the office of Clerk to the Northern Regional Legislature ;

(v) the office of Clerk Assistant to the Northern Regional Legislature ;
and

(vi) the office of Secretary to the Executive Council of the Northern Region.

(b) The Governor of the Western Region shall, in like manner, constitute the following offices :—

(i) the office of Clerk to the Western House of Chiefs ;

(ia) the office of Commissioner in the United Kingdom for the Government of the Western Region ;

(ii) the office of Clerk to the Western House of Assembly ; and

(iii) the office of Secretary to the Premier and Executive Council of the Western Region.

(c) The Governor of the Eastern Region shall, in like manner, constitute the following offices :—

(i) the office of Clerk to the Eastern House of Assembly ;

(ia) the office of Commissioner in the United Kingdom for the Government of the Eastern Region ;

(ib) the office of Clerk to the Eastern House of Chiefs ;

(ii) the office of Chief Secretary to the Premier of the Eastern Region
and

(iii) the office of Secretary to the Executive Council of the Eastern Region.

(b) S.16 as subst., S.I. 1959/369.

(c) S.17 as am., 1959/369, 1050.

(a) S.17 (2) as am., S.I. 1958/430.

Governor's
powers of
pardon, etc.

18.—(1) The Governor of a Region may, in Her Majesty's name and on Her Majesty's behalf—

(a) grant to any person concerned in or convicted of any offence to which this section applies a pardon, either free or subject to lawful conditions ; or

(b) grant to any person a respite, either indefinite or for a specified period, of the execution of any sentence passed on that person for such an offence ; or

(c) substitute a less severe form of punishment for that imposed by any sentence for such an offence ; or

(d) remit the whole or any part of any sentence passed for such an offence or of any penalty or forfeiture otherwise due to Her Majesty on account of such an offence.

(b)(2) The offences to which this section applies in relation to a Region are offences against any law in force in that Region other than offences to which section 9 of this Order applies.

(3) The powers of the Governor under this section shall be exercised by him on the recommendation of such Regional Minister as the Governor, acting on the recommendation of the Premier, may from time to time designate by writing under his hand ; and before making any such recommendation the Regional Minister shall consult with the advisory Committee on the Prerogative of Mercy of the Region in such cases and in such manner as may be prescribed by Instructions under Her Majesty's Sign Manual and Signet.

Public Seals
of Regions.

19. The Governor of a Region shall keep and use the Public Seal of that Region for sealing all things whatsoever that shall pass the said Seal.

Tenure of
offices
constituted
by or under
this Order.

(c)20.—(1) Any person appointed to an office constituted by this Order shall hold that office during Her Majesty's pleasure.

(2) Subject to the provisions of any Order of Her Majesty in Council any person appointed to any office constituted under section 8, 8A or 17 of this Order shall hold that office during Her Majesty's pleasure, unless—

(a) in the case of an office constituted for the Federation or Lagos, not being an office mentioned in paragraph (a) of subsection (2) of section 8, it is otherwise provided by a law enacted by the Legislature of the Federation ;

(b) in the case of an office constituted for the Southern Cameroons not being an office mentioned in paragraph (b) of subsection (2) of section 8A, it is otherwise provided by a law enacted by the Legislature of the Southern Cameroons ;

(c) in the case of an office constituted for a Region, not being an office mentioned in subsection (2) of section 17, it is otherwise provided by a law enacted by the Legislature of that Region.

Obedience to
Governor-
General and
Governors
of Regions.

21.—(1) All officers, civil and military, and all other inhabitants of Nigeria shall be obedient, aiding and assisting unto the Governor-General.

(2) All officers, civil and military, and all other inhabitants of a Region shall be obedient, aiding and assisting unto the Governor of that Region.

W. G. Agnew

(b) S.18 (2) as subst., S.I. 1958/1258 and am., 1959/369.

(c) S.20 as am., 1959/369.

THE CONSTITUTION ORDERS

SCHEDULE

OATH OR AFFIRMATION OF ALLEGIANCE

I, _____ do swear (or solemnly affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her Heirs and Successors according to law. (So help me God.)

OATH OR AFFIRMATION FOR THE DUE EXECUTION OF THE
OFFICE OF GOVERNOR-GENERAL

I, _____ do swear (or solemnly affirm) that I will well and truly serve Her Majesty Queen Elizabeth II, Her Heirs and Successors in the office of Governor-General of the Federation of Nigeria. (So help me God.)

OATH OR AFFIRMATION FOR THE DUE EXECUTION OF THE
OFFICE OF GOVERNOR

I, _____ do swear (or solemnly affirm) that I will well and truly serve Her Majesty Queen Elizabeth II, Her Heirs and Successors in the office of Governor of the _____ Region of Nigeria. (So help me God.)

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order constitutes the offices of the Governor-General of the Federation of Nigeria and the Governors of the Northern, Western and Eastern Regions of Nigeria, and makes certain other provisions for the government and administration of Nigeria.

OFFICES OF GOVERNOR-GENERAL AND GOVERNORS

STATUTORY INSTRUMENTS

(Remaining effective provisions reprinted)

1958 No. 430

**The Nigeria (Offices of Governor-General and Governors)
(Amendment) Order in Council, 1958**

*[This O. is printed as am., by O., S.I. 1958/1258]**Made 14th March, 1958**Laid before Parliament 20th March, 1958**Coming into Operation 1st April, 1958*

At the Court at Buckingham Palace, the 14th day of March, 1958

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation,
construction
and com-
mencement.

1.—(1) This Order may be cited as the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1958, and shall be construed as one with the Nigeria (Offices of Governor-General and Governors) Orders in Council, 1954 to 1957(b).

(2) *[Deleted by S.I. 1958/1258]*

(3) This Order shall come into operation on the first day of April, 1958.

[Ss. 2-4 amend S.I. 1954/1147]

[S. 5 inserts new S. 6A in S.I. 1954/1147]

[S. 6 amends S.I. 1954/1147]

7.—(1) *[Inserts new S. 8A in S.I. 1954/1147]*

(2) Any offices constituted by the Governor-General for the Southern Cameroons under subsection (1) of section 8 of the principal Order and in existence immediately before the commencement of this Order shall be deemed to have been constituted by the High Commissioner for the Southern Cameroons under subsection (1) of section 8A of the principal Order, as set out in subsection (1) of this section.

[S. 8 amends S.I. 1954/1147]

[S. 9 inserts new Ss. 9A, 9B and 9C in 1954/1147]

[S. 10 substitutes new S. 19 in S.I. 1954/1147]

[S. 11 inserts new S. 10A in S.I. 1954/1147]

[Ss. 12-14 amend S.I. 1954/1147]

W. G. AGNEW

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954, in order to provide for the office of High Commissioner for the Southern Cameroons. It also amends the provisions of the Order relating to the exercise of the functions of the Governor-General of Nigeria and the Governors of the Regions by a deputy and the constitution of offices.

(a) 53 & 54 Vict. c.37.

(b) S.I. 1954/1147, 1955/431, 1957/1531 (1954 II, p.2939; 1955 II, p.3167).

OFFICES OF GOVERNOR-GENERAL AND GOVERNORS

STATUTORY INSTRUMENTS

(Remaining effective provisions reprinted)

1958 No. 1258

WEST AFRICA

The Nigeria (Offices of Governor-General and Governors)
(Amendment No. 2) Order in Council, 1958

Made 30th July, 1958

Laid before Parliament 7th August, 1958

Coming into Operation 8th August, 1958

At the Court at Buckingham Palace, the 30th day of July, 1958

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1.—(1) This Order may be cited as the Nigeria (Offices of Governor-General and Governors) (Amendment No. 2) Order in Council, 1958, and shall be construed as one with the Nigeria (Offices of Governor-General and Governors) Orders in Council, 1954 to 1957(b), and the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1958(c).

Citation,
construction
and com-
mencement.

(2) The Nigeria (Offices of Governor-General and Governors) Orders in Council, 1954 to 1957, the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1958, and this Order may be cited together as the Nigeria (Offices of Governor-General and Governors) Orders in Council, 1954 to 1958.

[Ss. (1)-(3) amends S.I. 1958/430, S. 1]

(4) This Order shall come into operation on the eighth day of August, 1958.

[Ss. 2-3 amend S.I. 1954/1147]

4.—(1) [Amends S.I. 1954/1147, S. 9]

(2) For the purposes of section 9 of the principal Order, as amended by subsection (1) of this section, an offence against any law that, at the time the offence was committed, was deemed for the purposes of the Constitution Order to be a law enacted by the Legislature of a Region or the Legislature of the Southern Cameroons, as the case may be, or an offence against any instrument made under any such law shall be deemed to be an offence against a law enacted by that Legislature or an offence against an instrument made under such a law, as the case may be.

[Ss. 5-7 amend 1954/1147]

[S. 8 amends S.I. 1958/430, S. 6]

W. G. AGNEW

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the provisions of the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954, as amended, relating to the constitution of offices for the Federation of Nigeria and for the Southern Cameroons, powers of pardon and the discharge of the functions of the Commissioner of the Cameroons.

(a) 53 & 54 Vict. c.37.

(b) S.I. 1954/1147, 1955/431, 1957/1531 (1954 II, p.2939; 1955 II, p.3167).

(c) S.I. 1958/430.

ROYAL INSTRUCTIONS TO THE GOVERNOR-GENERAL

(Reprinted with all amendments)

NIGERIA

INSTRUCTIONS passed under the Royal Sign Manual and Signet to the Governor-General and Commander-in-Chief of the Federation of Nigeria.

These Instructions are printed as amended by Additional Instructions bearing date the 30th August, 1957, the 1st April, 1958, the 18th July, 1958, the 11th March, 1959, the 20th November, 1959, and the 8th February, 1960.

3rd September, 1954.

ELIZABETH R.

INSTRUCTIONS to Our Governor-General and Commander-in-Chief of the Federation of Nigeria or other Officer for the time being Administering the Government of the Federation.

We do hereby direct and enjoin and declare Our will and pleasure as follows:—

Commence-
ment and
revocation.

1.—(1) These Instructions shall have effect from the first day of October, 1954.

Citation.

(2) The Instructions under the Royal Sign Manual and Signet given on the twenty-seventh day of November, 1951, to the Governor of Nigeria shall be revoked without prejudice to anything lawfully done thereunder.

(a)—1A. These Instructions may be cited as the Federation of Nigeria Royal Instructions, 1954.

Interpreta-
tion.

2.—(1) In these Instructions, unless it is otherwise expressly provided or required by the context—

“the Constitution Order” means the Nigeria (Constitution) Order in Council, 1954;

“the Offices Order” means the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954;

“the Privy Council” means the Privy Council established for the Federation;

“public office” means any office in the service of the Crown; and

“the Trusteeship Agreement” means the Trusteeship Agreement with respect to the Cameroons under United Kingdom Trusteeship that was approved by the General Assembly of the United Nations on the thirteenth day of December, 1946.

(2) Save as aforesaid, the provisions of section 2 of the Constitution Order shall apply for the purpose of interpreting these Instructions as they apply for the purpose of interpreting that Order.

Instruction
to be
observed by
Deputy
Governor-
General.

(b)3.—(1) Whenever an officer in the public service of the Federation is discharging any of the functions of the office of Governor-General or the office of High Commissioner for the Southern Cameroons under section 6 of the Offices Order, as amended, these Instructions, so far as they are applicable to any such function, shall be deemed to be addressed to that officer and shall be observed by him.

(a) Cl. 1A inserted, Additional Instructions of 18th July, 1958.

(b) Cl. 3 as subst., Additional Instructions of 8th February, 1960.

ROYAL INSTRUCTIONS TO THE GOVERNOR-GENERAL

(2) An officer in the public service of the Federation, while discharging any of the functions of the office of Governor-General or the office of High Commissioner for the Southern Cameroons under section 6 of the Offices Order, as amended, may if he thinks fit, apply to Us through a Secretary of State for instructions in any matter; but he shall forthwith transmit to the Governor-General or the High Commissioner, as the case may be, a copy of every despatch or other communication addressed to Us in that behalf."

4. The Governor-General shall forthwith communicate to the Council of Ministers and the Privy Council these Instructions and all such others as, from time to time, he finds it convenient for Our service to impart to them.

Instructions to be communicated to Council of Ministers and Privy Council.

(a)4A. The Governor-General shall not authorise an officer in the public service of the Federation to discharge any of the functions of the office of Governor-General under section 6 of the Offices Order during any period in which he expects to be absent from Nigeria or from any other cause prevented from or incapable of discharging the functions of that office unless in his opinion that period is likely to be of short duration.

Discharge of Governor-General's functions by Deputy Governor-General during absence or illness.

(5) *rev., Additional Instructions of the 8th February, 1960.*

(b)6. The Governor-General shall not dismiss the Prime Minister unless it appears to him that the Prime Minister no longer commands a majority in the House of Representatives.

Dismissal of Prime Minister.

(c)7.—(1) In the exercise of his power to make regulations regarding the Police Service Commission the Governor-General shall provide that—

Membership of Police Service Commission.

(a) the Police Service Commission shall consist of either two or four members in addition to the Chairman;

(b) a person shall not be qualified for appointment as a member of the Commission unless

(i) he is a person who is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from any such court; or

(ii) not being such a person, he is a person who is not a member of a Legislative House and does not hold and is not acting in any office of emolument under the Crown other than the office of member of the Public Service Commission of the Federation or member of the Public Service Commission of a Region or member of the Judicial Service Commission of a Region;

Provided that a person who is not an officer in the public service of the Federation may be appointed to be a member of the Commission other than the Chairman notwithstanding that he holds or is acting in an office of emolument under the Crown if the Governor-General is satisfied that he will be required to perform only part-time duties as a member of the Commission;

(a) Cl. 4A inserted, Additional Instructions of 1st April, 1958, and am Additional Instructions of the 8th February, 1960.

(b) Cl. 6 as subst., Additional Instructions of 30th August, 1957.

(c) Original cl. 7 rev., Additional Instructions of 30th August, 1957; new cl. 7 inserted, Additional Instructions of 1st April, 1958, and am. Additional Instructions of 11th March, 1959.

ROYAL INSTRUCTIONS TO THE GOVERNOR-GENERAL

(c) a member of the Commission shall vacate his office—

(i) if he resigns ;

(ii) at the expiration of five years from the date of his appointment or at such earlier date as may be specified in the Instrument by which he is appointed ;

(iii) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such ;

(d) the Inspector-General of Police of the Federation shall be entitled to state his views to the Commission on any matter referred to it by the Governor-General and the Commission shall convey those views to the Governor-General when it advises on that matter.

(2) If there are two members of the Police Service Commission in addition to the Chairman, the Governor-General shall consult the Council of Ministers before appointing one of those members and shall consult the Chief Justice of the Federation before appointing the other, and if there are four members of the Commission in addition to the Chairman, the Governor-General shall consult the Council of Ministers before appointing two of those members and the Chief Justice of the Federation before appointing the other two.

(3) Before terminating the appointment of a member of the Commission other than the Chairman the Governor-General shall consult the Council of Ministers, in the case of a member appointed after consultation with the Council, and shall consult the Chief Justice of the Federation, in the case of a member appointed after consultation with the Chief Justice.

Appointment
of senior
represent-
atives
overseas.

(a) 7A.—(1) The powers vested in the Governor-General by section 173 of the Constitution Order shall, in relation to the offices to which this clause applies, be exercised by him on the recommendation of the Prime Minister.

(2) This clause applies to the office of the Commissioner in the United Kingdom for the Government of the Federation and to the office of any person who is the senior representative of the Government of the Federation on the staff of any of Her Majesty's Ambassadors or High Commissioners overseas.

When
Council of
Ministers to
be consulted.

(b) 8.—(1) Nothing in this clause shall be construed as applying to any power conferred upon the Governor-General by the Constitution Order.

(2) In relation to matters to which the executive authority of the Federation extends, the Governor-General shall, subject to the provisions of clause 9 of these Instructions, consult with the Council of Ministers in the formulation of policy and in the exercise of all other powers conferred upon him, except—

(a) the powers conferred upon the Governor-General by sections 4A, 5, 6, 8 and 9 of the Offices Order ;

(b) any power conferred upon the Governor-General by these Instructions that he is by these Instructions directed or empowered to exercise in his discretion ;

(c) any power conferred upon the Governor-General (other than a power expressed to be conferred upon the Governor-General in Council) that, in his judgment—

(i) is a power pertaining to the administration of justice or is a judicial or quasi-judicial power ; or

(a) Cl. 7A inserted by Additional Instructions of 11th March, 1959.

(b) Cl. 8 as am., Additional Instructions of 1st April, 1958.

ROYAL INSTRUCTIONS TO THE GOVERNOR-GENERAL

(ii) is a power pertaining to the remission or mitigation of penalties, fees, duties or other charges ; or

(iii) relates to the appointment (including appointment on promotion or transfer) or dismissal of, or the exercise of disciplinary control over, any public officer or any officer of a corporation directly incorporated by law, or the grant of a pension, gratuity or other like benefit to any such officer or his widow, children, dependants or personal representatives ; or

(iv) relates to the appointment of any person for the execution of any law or the dismissal of such person (other than the chairman or a member of a corporation directly incorporated by law) ; or

(v) relates to external affairs, that is to say, such external relations as may from time to time be entrusted to the Federation by Our Government in the United Kingdom ; or

(vi) relates to aliens, including naturalisation of aliens, deportation or immigration into Nigeria ; or

(vii) *rev., Additional Instructions of the 8th February, 1960.*

(d) any other power conferred upon the Governor-General in respect of which it is provided by law, either expressly or by implication, that he shall not be obliged to consult with the Council of Ministers in the exercise thereof.

(3) The Governor-General shall, subject to the provisions of clause 9 of these Instructions, act in accordance with the advice of the Council of Ministers in any matter on which he is by this clause obliged to consult with the Council of Ministers.

(a)9.—(1) The Governor-General shall not be obliged to consult with the Council of Ministers in the exercise of any power conferred upon him (including any power so conferred by the Constitution Order) in any case—

When
Council need
not be
consulted.

(a) that is of such a nature that, in his judgment, Our service would sustain material prejudice by reason of his consulting the Council thereon ; or

(b) in which the matters to be decided are, in his judgment, too unimportant to require their advice ; or

(c) in which the matters to be decided are, in his judgment, too urgent to admit of the giving of their advice by the time within which it may be necessary for him to act.

In every case falling within sub-paragraph (c) of this paragraph the Governor-General shall, as soon as is practicable, communicate to the Council of Ministers the measures that he has adopted, with the reasons therefor.

(2) (a) If in any case in which he consults with the Council of Ministers, whether in pursuance of section 89 of the Constitution Order or of clause 8 of these Instructions or otherwise, the Governor-General considers it expedient in the interests of public faith, public order or good government (which expressions shall, without prejudice to their generality, include the responsibility of Nigeria as a territory within the British Commonwealth of Nations, and all matters pertaining to the creation or abolition of any public office or to the salary or other conditions of service of any public officer) that he should not act in accordance with the advice of the Council of Ministers, then he may act otherwise than in accordance with that advice.

(a) Cl. 9 as am., Additional Instructions of 18th July, 1958,

ROYAL INSTRUCTIONS TO THE GOVERNOR-GENERAL

(b) Whenever the Governor-General so acts otherwise than in accordance with the advice of the Council of Ministers—

(i) he shall report the matter to Us through a Secretary of State, at the first convenient opportunity, with the reasons for his action; and

(ii) any member of the Council of Ministers may require that there be recorded in the minutes of the Council any advice or opinion that he may give upon the question, with the reasons therefor.

(a)10.—(1) The Governor-General, acting in his discretion but subject to the provisions of the Constitution Order and of these Instructions, shall decide what business is to be proposed from time to time for transaction in the Council of Ministers.

(2) If the Prime Minister requests in writing that there should be submitted to the Council for their consideration any question relating to a matter on which the Governor-General is, by the Constitution Order or these Instructions, obliged to consult with the Council, then, subject to the provisions of paragraph (1) of clause 9 of these Instructions, the Governor-General shall submit such question to the Council for their consideration.

(b)11.—(1) In the making of laws the Federal Legislature shall observe, so far as is practicable, the following rules:—

(a) All laws shall be styled "Ordinances" and the words of enactment shall be "Enacted by the Legislature of the Federation of Nigeria".

(b) All Ordinances shall be distinguished by titles and shall be divided into successive sections consecutively numbered, and to every section there shall be annexed in the margin a short indication of its contents.

(c) All Ordinances shall be numbered consecutively in a separate series for each year commencing with the number one, so that—

(i) an Ordinance assented to by the Governor-General is included in the series for the year in which it is passed or deemed to have been passed by the House of Representatives and its position in such series is determined with reference to the day on which the Governor-General shall have given his assent thereto;

(ii) an Ordinance assented to by Us through a Secretary of State is included in the series for the year in which the Governor-General shall have signified Our assent thereto by Proclamation published in the Official Gazette of the Federation, and its position in such series is determined with reference to the day on which Our assent shall have been so signified.

(d) Copies of all Ordinances shall be printed, and shall bear the following:—

(i) in the case of an Ordinance assented to by the Governor-General, particulars of the day on which the Governor-General shall have given his assent thereto;

(ii) in the case of an Ordinance assented to by Us through a Secretary of State, particulars of the day on which the Governor-General shall have signified Our assent thereto by Proclamation, published in the Official Gazette of the Federation;

(iii) particulars of the day on which each Ordinance shall have come into operation, or, if that day shall not have been determined, a reference to any provision in the Ordinance whereby it may be determined.

(a) Cl. 10 as am., Additional Instructions of 30th August, 1957.

(b) Cl. 11 as am., Additional Instructions of 20th November, 1959.

Proposal of
business for
transaction
in Council of
Ministers.

Rules for the
enactment of
laws.

ROYAL INSTRUCTIONS TO THE GOVERNOR-GENERAL

(e) Matters having no proper relation to each other shall not be provided for by the same Ordinance; no Ordinance shall contain anything foreign to what the title of the Ordinance imports; and no provision having indefinite duration shall be included in any Ordinance expressed to have limited duration.

(2) The High Commissioner for the Southern Cameroons shall direct the Commissioner of the Cameroons and the Legislature of the Southern Cameroons to comply as nearly as may be with the provisions of paragraph (1) of this Clause and for that purpose that paragraph shall be construed as if—

(a) for rule (a) there were substituted the following rule:—

“(a) All laws shall be styled ‘Laws’ and the words of enactment shall be ‘enacted by the Legislature of the Southern Cameroons’.”;

(b) for the references in rules (b) to (e) to the Governor-General, the House of Representatives, Ordinances and the Official Gazette of the Federation there were substituted references to the Commissioner of the Cameroons, the House of Assembly of the Southern Cameroons, Laws and the Official Gazette of the Southern Cameroons, respectively.

(a)12. The Governor-General shall not, without having previously obtained Our Instructions through a Secretary of State, assent to any Bill passed by the House of Representatives within any of the following classes unless such Bill contains a clause suspending the operation thereof until the signification of Our pleasure thereon, that is to say—

Certain Bills
not to be
given assent
without
instructions.

(a) any Bill for the divorce of married persons;

(b) any Bill whereby any grant of land or money or other donation or gratuity may be made to himself;

(c) any Bill affecting the currency of Nigeria or relating to the issue of bank notes;

(d) any Bill establishing any banking association or altering the constitution, rights or duties of any banking association;

(e) any Bill imposing differential duties;

(f) any Bill the provisions of which appear to him to be inconsistent with obligations imposed upon Us by any treaty, convention or agreement with or other obligation towards or arrangement relating to any country or international or similar organisation outside Nigeria, including the Trusteeship Agreement;

(g) any Bill affecting the discipline or control of Our naval, military or air forces;

(h) any Bill whereby persons of any racial community may be subjected or made liable to disabilities or restrictions to which persons of other such communities are not subjected or made liable;

(j) any Bill empowering any court to enforce or apply any native law or custom that is repugnant to natural justice, equity or good conscience;

(k) any Bill of an extraordinary nature and importance whereby Our prerogative, or the rights or property of Our subjects not residing in Nigeria, or the trade or transport or communications of any part of Our dominions may be prejudiced;

ROYAL INSTRUCTIONS TO THE GOVERNOR-GENERAL

(I) any Bill containing provisions to which Our assent has once been refused or that have been disallowed by Us :

Provided that the Governor-General may, without such Instructions as aforesaid, and although the Bill contains no such clause as aforesaid, assent in Our name to any Bill falling within any of the classes described in this clause (except such a Bill as is described in sub-paragraph (f) of this clause), if he is satisfied that an urgent necessity exists requiring that the Bill be brought into immediate operation ; but in any such case he shall forthwith transmit to Us the Bill to which he has assented together with his reasons for so assenting.

Private Bills.

(a)13.—(1) Every Bill (not being a Government measure) intended to affect or benefit some particular person, association or corporate body shall contain a clause saving the rights of Us, all bodies politic and corporate, and all others except such as are mentioned in the Bill and those claiming by, from, or under them.

(2) No such Bill shall be introduced in the House of Representatives until due notice has been given by not less than three successive publications of the Bill in the Official Gazette of the Federation ; and the Governor-General shall not assent thereto in Our name unless it has been so published. A certificate, under the hand of the Governor-General, signifying that such publication has been made shall be transmitted to Us with the Bill or law.

Laws to be sent through Secretary of State.

(b)14.—(1) When any law has been enacted by the Federal Legislature, the Governor-General shall forthwith transmit to Us, through a Secretary of State, for the signification of Our pleasure, a transcript in duplicate of the law, duly authenticated under the Public Seal of the Federation, and by his own signature, together with an explanation of the reasons and occasion for the enactment of the law.

(2) Whenever the Governor-General has reserved any Bill for the signification of Our pleasure, he shall forthwith transmit to Us, through a Secretary of State, a transcript in duplicate of the Bill, duly authenticated under the Public Seal of the Federation and by his own signature, together with an explanation of the reasons and occasion for the passing of the Bill.

Laws to be published.

(c)15.—As soon as practicable after the commencement of each year the Governor-General shall cause a complete collection of all laws enacted by the Federal Legislature enacted during the preceding year to be published for general information.

Purchase of property by Governor-General.

16.—The Governor-General shall not, directly or indirectly, purchase for himself any land or building in Nigeria vested in Us without Our special permission given through a Secretary of State.

Appointments to be during pleasure.

17. Every appointment made by, or on behalf of, the Governor-General of any person to any office or employment shall, unless it is otherwise provided by law, be expressed to be during pleasure only.

Governor-General to administer oaths.

18.—The Governor-General, acting in his discretion, may, whenever he thinks fit, require any person in the public service to take the oath of allegiance, together with such other oaths as may be prescribed by any law enacted by the Federal Legislature or having effect as if it had been so enacted.

(a) Cl. 13 as am., Additional Instructions of 1st April, 1958.

(b) Cl. 14 as am., Additional Instructions of 30th August, 1957 and 1st April, 1958.

(c) Cl. 15 as am., Additional Instructions of 1st April, 1958.

ROYAL INSTRUCTIONS TO THE GOVERNOR-GENERAL

19.—(1) Subject to the provisions of these Instructions, the Privy Council shall consist of such number of Official Members, and such number of Appointed Members, as the Governor-General, acting in his discretion, may from time to time appoint by Instrument under the Public Seal of the Federation:

Constitution
of Privy
Council.

Provided that the total number of members of the Privy Council shall not at any time be less than four.

(2) (a) No person shall be appointed as an Official Member of the Privy Council unless he is an officer in the public service of the Federation.

(b) No officer in the public service of the Federation shall be appointed as an Appointed Member of the Privy Council.

(3) An Official Member of the Privy Council may be appointed either by name or by reference to his office.

20.—(1) The members of the Privy Council shall hold office during Our pleasure:

Tenure of
seats in
Privy
Council.

Provided that every Official Member of the Privy Council who is appointed by name, and every Appointed Member of the Privy Council, shall in any case vacate his seat in the said Council at the end of three years from the date of the Instrument by which he is appointed, or at such earlier date as may be provided by such Instrument, or before either such date if—

(a) being an Official Member, he ceases to be an officer in the public service of the Federation; or

(b) being an Appointed Member, he is appointed permanently to any office in the public service of the Federation; or

(c) he absents himself from Nigeria without written permission given by the Governor-General acting in his discretion.

(2) An Official Member of the Privy Council who is appointed by name, or an Appointed Member of the Privy Council, may, by writing under his hand addressed to the Governor-General, resign his seat in the Council and upon receipt of such resignation by the Governor-General the seat of such member shall become vacant:

Provided that an Official Member shall not so resign his seat without permission given by the Governor-General acting in his discretion.

(3) If any Appointed Member of the Privy Council is appointed temporarily to any public office or to act in any such office he shall not sit in, or take any other part in the proceedings of, the Privy Council so long as he continues to hold, or to act in, that office.

(4) Any question that may arise as to the right of any person to be or remain a member of the Privy Council shall be determined by the Governor-General acting in his discretion.

21.—(1) The Privy Council shall not be summoned except by the authority of the Governor-General acting in his discretion.

Summoning
and quorum.

(2) No business except that of adjournment shall be transacted in the Privy Council if objection is taken by any member present that there are less than three members present besides the Governor-General or member presiding.

ROYAL INSTRUCTIONS TO THE GOVERNOR-GENERAL

(3) Any proceedings in the Privy Council shall be valid notwithstanding that some person who was not entitled so to do sat in the Council or took part in the proceedings.

Governor-General to attend and preside.

22.—The Governor-General shall, so far as it is practicable, attend and preside at all meetings of the Privy Council, and in his absence such member as the Governor-General, acting in his discretion, may appoint.

Power of pardon.

(a) 23.—(1) Subject to the provisions of paragraph (2) of this clause, the Governor-General, acting in his discretion, may consult with the Privy Council in the exercise of the powers conferred upon him by section 9 of the Offices Order but he shall not in any such case be obliged to act in accordance with the advice of the Privy Council.

(2) (a) Whenever any offender has been condemned by any civil court in Nigeria to suffer death for any offence to which section 9 of the Offices Order applies, the Governor-General shall cause a written report of the case of that offender from the judge who tried the case, together with such other information derived from the record of the case or elsewhere as the Governor-General may require, to be taken into consideration at a meeting of the Privy Council.

(b) The Governor-General shall not pardon or reprieve any such offender unless it appears expedient to him so to do upon receiving the advice of the Privy Council thereon; but he is to decide either to extend or to withhold a pardon or reprieve according to his own deliberate judgment, whether the members of the Privy Council concur therein or otherwise; entering, nevertheless, in the minutes of the Privy Council, his reasons, in case he should decide any such question in opposition to the judgment of the majority of the members thereof.

Governor-General's absence.

24.—Except in the circumstances in which he is not regarded as absent from Nigeria for the purposes of section 5 of the Offices Order, the Governor-General shall not absent himself from Nigeria without having first obtained leave from Us for so doing through a Secretary of State.

Directions to Commissioner of Cameroons.

(a) 25.—(1) The High Commissioner for the Southern Cameroons shall give the following directions to the Commissioner of the Cameroons:—

1. (a) In relation to matters to which the executive authority of the Southern Cameroons extends, the Commissioner of the Cameroons shall, subject to the provisions of paragraph 2 of these directions, consult with the Executive Council of the Southern Cameroons in the formulation of policy and in the exercise of all other powers conferred upon him, except—

(i) any power conferred upon the Commissioner in respect of which it is provided by law, either expressly or by implication, that he shall not be obliged to consult with the Executive Council in the exercise thereof; or

(ii) any power that the Commissioner is directed by the High Commissioner for the Southern Cameroons to exercise without consulting with the Executive Council.

(b) Nothing in the preceding sub-paragraph shall be construed as applying to any power conferred upon the Commissioner by the Constitution Order.

(a) Cl. 23 as am., Additional Instructions of 18th July, 1958.

(a) Cl. 25 as am., Additional Instructions of 1st April, 1958, 18th July, 1958, and 20th November, 1959.

ROYAL INSTRUCTIONS TO THE GOVERNOR-GENERAL

(c) The Commissioner of the Cameroons shall comply with the requirement of Clauses 12 (but not taking into account paragraphs (c), (d) or (g) thereof), 13, 14 and 15 of these Instructions as if references therein to the Governor-General, the House of Representatives, the Federal Legislature, the Official Gazette of the Federation and the Public Seal of the Federation were references to the Commissioner of the Cameroons, the House of Assembly of the Southern Cameroons, the Legislature of the Southern Cameroons, the Official Gazette of the Southern Cameroons and the Public Seal of the Southern Cameroons, respectively:

Provided that any Bill or certificate required to be transmitted to Us under Clauses 12, 13 or 14 or any request for instructions under Clause 12 or permission under Clause 16 shall be forwarded by the Commissioner of the Cameroons to the High Commissioner for the Southern Cameroons for transmission to Us.

2. The Commissioner shall not be obliged to consult with the Executive Council in the exercise of any power conferred upon him (including any power so conferred by the Constitution Order) in any case—

(a) that is of such a nature that, in his judgment, Our service would sustain material prejudice by reason of his consulting the Council thereon; or

(b) in which the matters to be decided are, in his judgment, too unimportant to require their advice; or

(c) in which the matters to be decided are, in his judgment, too urgent to admit of the giving of their advice by the time within which it may be necessary for him to act.

In every case falling within sub-paragraph (c) of this paragraph the Commissioner shall, as soon as practicable, communicate to the Executive Council the measures that he has adopted, with the reasons therefor.

3. (a) The Commissioner shall decide what business is to be proposed from time to time for transaction in the Executive Council.

(b) If the Premier requests in writing that there shall be submitted to the Council for their consideration any question relating to a matter on which the Commissioner is, by paragraph 1 of these directions, obliged to consult with the Executive Council, then, subject to the provisions of paragraph 2 of these directions, the Commissioner shall submit such question to the Council for their consideration.

4. The Commissioner shall, subject to the provisions of paragraph 5 of these directions, act in accordance with the advice of the Executive Council on any matter on which he is by those directions obliged to consult with the Executive Council.

5. (a) If in any case in which he consults with the Executive Council in pursuance of section 125 of the Constitution Order or paragraph 1 of these directions, the Commissioner considers it expedient in the interests of public faith, public order or good government (which expressions shall without prejudice to their generality include the responsibility of Nigeria as a territory within the British Commonwealth of Nations, and all matters pertaining to the creation and abolition of any public office or to the salary or other conditions of service of any public officer) that he should not act in accordance with the advice of the Executive Council, then he may act otherwise than in accordance with that advice.

ROYAL INSTRUCTIONS TO THE GOVERNOR-GENERAL

(b) Whenever the Commissioner so acts otherwise than in accordance with the advice of the Executive Council—

(i) he shall report the matter to the High Commissioner for the Southern Cameroons at the first convenient opportunity, with the reasons for his action ; and

(ii) any member of the Executive Council may require that there be recorded in the minutes of the Council any advice or opinion that he may give on the question, with the reasons therefor.

6. The Commissioner shall not authorise the Deputy Commissioner to discharge any of the functions of Commissioner under section 9B of the Offices Order during any period in which he expects to be absent from Nigeria or from any other cause prevented from or incapable of discharging the functions of that office unless in his opinion that period is likely to be of short duration.

(2) If the Commissioner of the Cameroons makes a report to the Governor-General in pursuance of paragraph 5 of the directions set out in this clause, the Governor-General shall report the matter to Us through a Secretary of State at the first convenient opportunity.

Dismissal of
Premier.

(a)26. The High Commissioner for the Southern Cameroons shall not dismiss the Premier of the Southern Cameroons unless it appears to him that the Premier no longer enjoys the confidence of the House of Assembly of the Southern Cameroons.

Application
of clause 23
to Southern
Cameroons.

(a)27. Clause 23 of these Instructions shall apply in relation to the Southern Cameroons as it applies in relation to the Federation and for that purpose it shall be construed as if references therein to the Governor-General and section 9 of the Offices Order were references to the High Commissioner for the Southern Cameroons and section 9c of the Offices Order, respectively, and as if the words "acting in his discretion" were deleted from paragraph (1) of Clause 23.

GIVEN at Our Court at Saint James's, this third day of September, in the Third year of Our Reign.

(a) Cl. 26, inserted, Additional Instructions of 1st April, 1958.

(a) Cl. 27 as subst., Additional Instructions of 30th November, 1959.

ROYAL INSTRUCTIONS TO THE GOVERNORS

L.N. 24 of 1959

(Reprinted with all amendments)

NIGERIA

INSTRUCTIONS passed under the Royal Sign Manual and Signet to the Governors of the Northern, Western and Eastern Regions of Nigeria.

**These Instructions are printed as amended by Additional Instructions bearing date the 8th August, 1957, the 1st April, 1958, the 18th July, 1958, and the 11th March, 1959.*

3rd September, 1954.

ELIZABETH R.

INSTRUCTIONS to Our Governors of the Northern, Western and Eastern Regions of Nigeria or other Officer for the time being Administering the Government of any of the said Regions.

We do hereby direct and enjoin and declare Our will and pleasure as follows :—

1.—(1) These Instructions shall have effect from the first day of October, 1954.

Commence-
ment and
revocation.

(2) The Instructions under the Royal Sign Manual and Signet given on the twenty-seventh day of November, 1951, to the Lieutenant-Governors of the Northern, Western and Eastern Regions of Nigeria shall be revoked without prejudice to anything lawfully done thereunder.

(a)1A. These Instructions may be cited as the Regions of Nigeria Royal Instructions, 1954.

Citation.

(b)2.—(1) In these Instructions, unless it is otherwise expressly provided or required by the context—

Interpreta-
tion.

“the Advisory Committee” means the Advisory Committee on the Prerogative of Mercy established for the Region ;

“the Constitution Order” means the Nigeria (Constitution) Order in Council, 1954 ;

“the Offices Order” means the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954 ;

“public office” means any office in the service of the Crown ;

“the Regional Minister” means the Regional Minister of the Region for the time being designated under subsection (3) of section 18 of the Offices Order ; and

“the Trusteeship Agreement” means the Trusteeship Agreement with respect to the Cameroons under the United Kingdom Trusteeship that was approved by the General Assembly of the United Nations on the thirteenth day of December, 1946.

(2) Save as aforesaid, the provisions of section 2 of the Constitution Order shall apply for the purpose of interpreting these Instructions as they apply for the purpose of interpreting that Order.

(b)3. (1) Whenever any person is discharging any of the functions of the office of Governor of a Region for and on behalf of the Governor under section 15 of the Offices Order, these Instructions, so far as they are applicable to any such function, shall be deemed to be addressed to that person and shall be observed by him.

Instructions
to be obser-
ved by
Deputies to
Governors.

(a) Cl. 1A inserted, Additional Instructions of 18th July, 1958.

(b) Cl. 2 as am., Additional Instructions of the 11th March, 1959.

(b) Cl. 3 as subst., Additional Instructions of 8th August, 1957.

* For additional instructions not incorporated in these Instructions see clauses 11-13 of the Instructions of the 8th August, 1957.

ROYAL INSTRUCTIONS TO THE GOVERNORS

(2) Any such person may, if he thinks fit, apply to Us through a Secretary of State for Instructions in any matter ; but he shall forthwith transmit to the Governor a copy of every despatch or other communication addressed to Us in that behalf.

Instructions to be communicated to Executive Council and Privy Council.

4. The Governor shall forthwith communicate to the Executive Council and the Privy Council these Instructions and all such others as, from time to time, he finds it convenient for Our service to impart to them.

Discharge of Governor's functions by Deputy Governor during absence or illness of Governor.

(a)4A. The Governor shall not authorise the Deputy Governor to discharge any of the functions of the office of Governor under section 15 of the Offices Order during any period in which he expects to be absent from Nigeria or from any other cause prevented from or incapable of discharging the functions of that office unless in his opinion that period is likely to be of short duration.

Appointment of Speaker of Eastern House of Assembly.

(b)5.—(1) [*Deleted by Instructions of the 11th March, 1959*]

(2) Before appointing a person to be Speaker of the Eastern House of Assembly, the Governor shall consult with those members of that House who appear to him to be the leaders of the parties represented in that House.

Dismissal of Premier.

(c)6.—(1) The Governor shall not dismiss the Premier of a Region unless it appears to him that the Premier no longer commands a majority in the House of Assembly of the Region.

(2) The Governor shall dismiss the Premier of a Region if a vote of no confidence in the Government of the Region is carried in the House of Assembly of the Region and the Premier does not within three days either resign or recommend a dissolution of the Legislative Houses of the Region.

Appointment of members of Public Service Commission in Regions.

(d)6A. Whenever the Governor of a Region has occasion to appoint a person to be a member of the Public Service Commission of the Region (other than a member who will be required to perform only part-time duties), he shall appoint that person to serve for a period of five years unless he is satisfied that there are special reasons making it desirable for that person to be appointed for a shorter period.

When Executive Council to be consulted.

(e)7.—(1) Nothing in this clause shall be construed as applying to any power conferred upon the Governor by the Constitution Order.

(2) In relation to matters to which the executive authority of the Region extends, the Governor shall, subject to the provisions of clause 8 of these Instructions, consult with the Executive Council in the formulation of policy and the exercise of all other powers conferred upon him, except—

(a) the powers conferred on him by sections 13, 14, 15 and 18 of the Offices Order and the power to make appointments conferred upon him by section 17 of that Order ;

(a) Cl. 4A inserted, Additional Instructions of 1st April, 1958.

(b) Cl. 5 as am., Additional Instructions of 18th July, 1958, 11th March, 1959.

(c) Cl. 6 as subst., Additional Instructions of 8th August, 1957.

(d) Cl. 6A inserted, Additional Instructions of 1st April, 1958, am., 11th March, 1959.

(e) Cl. 7 as am., Additional Instructions of 1st April, 1958, am., 11th March, 1959.

ROYAL INSTRUCTIONS TO THE GOVERNORS

(b) any power conferred upon the Governor by these Instructions or any Order of Her Majesty in Council that he is by these Instructions directed or empowered to exercise in his discretion or on the recommendation of or after consultation with any person or authority other than the Executive Council ;

(c) any power conferred upon the Governor (other than a power expressed to be conferred upon the Governor in Council) that, in his judgment—

(i) is a power pertaining to the administration of justice or is a quasi-judicial power ; or

(ii) is a power pertaining to the remission or mitigation of penalties, fees, duties or other charges ;

(d) any other power conferred upon the Government in respect of which it is provided by law, either expressly or by implication, that he shall not be obliged to consult with the Executive Council in the exercise thereof.

(3) The Governor shall, subject to the provisions of clause 8 of these Instructions, act in accordance with the advice of the Executive Council in any matter on which he is by this clause obliged to consult with the Executive Council.

(4) Where by these Instructions or any Order of Her Majesty in Council the Governor is directed to exercise a power on the recommendation of any person or any authority other than the Executive Council he shall exercise that power in accordance with that recommendation.

(5) Where by these Instructions or any Order of Her Majesty in Council the Governor is directed to exercise a power after consultation with any person or with any authority other than the Executive Council he shall not be obliged to act in accordance with the advice of that person or authority.

(a) 8. (1) [*Deleted by Instructions of the 11th March, 1959*].

(2)—(a) If in any case in which he consults with the Executive Council, whether in pursuance of section 105 of the Constitution Order or of clause 7 of these Instructions or otherwise, the Governor considers it expedient in the interests of public faith, public order or good government (which expressions shall, without prejudice to their generality, include the responsibility of Nigeria as a territory within the British Commonwealth of Nations, and all matters pertaining to the creation or abolition of any public office or to the salary or other conditions of service of any public officer) that he should not act in accordance with the advice of the Executive Council, then he may act otherwise than in accordance with that advice :

When
Council need
not be
consulted.

Provided that the Governor shall not act otherwise than in accordance with that advice unless he is satisfied that it is necessary or expedient so to do in the interest of the peace, order and good government of such part of the Cameroons as is comprised in the Northern Region.

(b) Whenever the Governor so acts otherwise than in accordance with the advice of the Executive Council—

(i) he shall report the matter to Us through a Secretary of State, at the first convenient opportunity, with the reasons for his action ; and

ROYAL INSTRUCTIONS TO THE GOVERNORS

- (ii) any member of the Executive Council may require that there be recorded in the minutes of the Council any advice or opinion that he may give upon the question, with the reasons therefor.

[9 revoked by Instructions of the 11th March, 1959]

Rules for the
enactment of
laws.

10. In the making of laws the Legislature of the Region shall observe, so far as is practicable, the following rules:—

(a) All laws shall be styled "Laws".

(b) The words of enactment shall be—

(i) in the case of the Northern Region, "Enacted by the Legislature of the Northern Region of Nigeria";

(ii) in the case of the Western Region, "Enacted by the Legislature of the Western Region of Nigeria"; and

(iii) in the case of the Eastern Region, "Enacted by the Legislature of the Eastern Region of Nigeria".

(c) All Laws shall be distinguished by titles and shall be divided into successive sections consecutively numbered, and to every section there shall be annexed in the margin a short indication of its contents.

(d) All Laws shall be numbered consecutively in a separate series for each year commencing with the number one, so that—

(i) a Law assented to by the Governor is included in the series for the year in which it is passed or deemed to have been passed by the Legislative Houses of the Region and its position in such series is determined with reference to the day on which the Governor shall have given his assent thereto;

(ii) a Law assented to by Us through a Secretary of State is included in the series for the year in which the Governor shall have signified Our assent thereto by Proclamation published in the Official Gazette of the Region, and its position in such series is determined with reference to the day on which Our assent shall have been so signified.

(e) Copies of all Laws shall be printed, and shall bear the following:—

(i) in the case of a Law assented to by the Governor, particulars of the day on which the Governor shall have given his assent thereto;

(ii) in the case of a Law assented to by Us through a Secretary of State, particulars of the day on which the Governor shall have signified Our assent thereto by Proclamation published in the Official Gazette of the Region;

(iii) particulars of the day on which each Law shall have come into operation, or, if that day shall not have been determined, a reference to any provision in the Law whereby it may be determined.

(f) Matters having no proper relation to each other shall not be provided for by the same Law; no Law shall contain anything foreign to what the title of the Law imports; and no provision having indefinite duration shall be included in any Law expressed to have limited duration.

[11 revoked by Instructions of the 11th March, 1959].

ROYAL INSTRUCTIONS TO THE GOVERNORS

12.—(1) Every Bill (not being a Government measure) intended to affect or benefit some particular person, association or corporate body shall contain a clause saving the rights of Us, all bodies politic and corporate, and all others except such as are mentioned in the Bill and those claiming by, from, or under them.

Private Bills

(2) No such Bill shall be introduced in a Legislative House of the Region until due notice has been given by not less than three successive publications of the Bill in the Official Gazette of the Region; and the Governor shall not assent thereto in Our name unless it has been so published. A certificate, under the hand of the Governor, signifying that such publication has been made shall be transmitted to Us with the Bill or law.

(a)13.—(1) When any law has been enacted by the Legislature of a Region, the Governor shall forthwith transmit to Us, through a Secretary of State, for the signification of Our pleasure, a transcript in duplicate of the law, duly authenticated under the Public Seal of the Region and by his own signature.

Laws to be sent through Secretary of State.

(2) Whenever the Governor of a Region has reserved any Bill for the signification of Our pleasure, he shall forthwith transmit to Us, through a Secretary of State, a transcript in duplicate of the Bill, duly authenticated under the Public Seal of the Region and by his own signature, together with an explanation of the reasons and occasion for the passing of the Bill.

(3) Whenever the transcript of any law that appears to Us to contain any such provision as is referred to in paragraph (a), (b), (c) or (d) of subsection (1A) of section 66 of the Constitution Order has been transmitted to Us in pursuance of paragraph (1) of this clause, the Governor shall, if so requested by a Secretary of State, transmit to Us, through a Secretary of State, an explanation of the reasons and occasion for the enactment of the law.

14. As soon as practicable after the commencement of each year the Governor shall cause a complete collection of all laws enacted by the Legislature of the Region during the preceding year to be published for general information.

Laws to be published.

15. The Governor shall not, directly or indirectly, purchase for himself any land or building in Nigeria vested in Us without Our special permission given through a Secretary of State.

Purchase of property by Governor.

16. Every appointment made by, or on behalf of the Governor of any person to any office or employment shall, unless it is otherwise provided by law, be expressed to be during pleasure only.

Appointments to be during pleasure.

17. The Governor, acting in his discretion, may, whenever he thinks fit, require any person in the public service to take the oath of allegiance, together with such other oaths as may be prescribed by any law enacted by the Legislature of the Region or having effect as if it had been so enacted.

Governor to administer oaths.

(b)18.—(1) The members of the Advisory Committee shall be—

Constitution of Advisory Committee.

(a) the Regional Minister, who shall be Chairman;

(b) the Attorney-General of the Region;

(c) not less than five and not more than seven other members, who shall be appointed by the Governor on the recommendation of the Premier.

(a) Cl. 13 as am., Additional Instructions of 8th August, 1957, and 11th March, 1959

(b) Cl. 18 inserted by Additional Instructions of the 11th March, 1959.

ROYAL INSTRUCTIONS TO THE GOVERNORS

(2) The number of members who shall be appointed under sub-paragraph (c) of paragraph (1) of this clause shall, subject to the provisions of that paragraph, be such as the Governor may on the recommendation of the Premier prescribe, and at least one of those members shall be a person who is qualified to practise as a medical practitioner in Nigeria.

(3) A person shall not be qualified for appointment under sub-paragraph (c) of paragraph (1) of this clause if he is a member of a Legislative House.

Tenure of
office of
member of
Advisory
Committee.

19.—(1) The office of a member of the Advisory Committee appointed under sub-paragraph (c) of paragraph (1) of clause 18 of these Instructions shall become vacant—

- (a) at the expiration of three years from the date of his appointment ;
- (b) if he resigns his office by writing under his hand addressed to the Governor ;
- (c) if he becomes a member of a Legislative House ; or
- (d) if the Governor, acting on the recommendation of the Premier, directs that he shall be removed from office for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(2) Any question whether any person is a member of the Advisory Committee shall be referred to, and determined by, the Governor, acting in his discretion.

Summoning
of Advisory
Committee
and quorum.

20.—(1) The Advisory Committee shall not be summoned except by the authority of the Chairman.

(2) No business except that of adjournment shall be transacted in the Advisory Committee if there are less than four members present besides the Chairman or other member presiding.

(3) Any proceedings of the Advisory Committee shall be valid notwithstanding that some person who was not entitled to do so took part in the proceedings.

(4) The Director of Public Prosecutions of the Region may, if so requested by the Chairman or other member presiding, attend any meeting of the Advisory Committee and (save for the purposes of voting on any matter) may take part in the proceedings.

Presiding in
Advisory
Committee
and voting.

21.—(1) There shall preside at meetings of the Advisory Committee—

- (a) the Chairman ;
- (b) in the absence of the Chairman, the Attorney-General of the Region and
- (c) in the absence of the Chairman and the Attorney-General, such other member of the Committee as the Governor, acting on the recommendation of the Premier, may appoint.

(2) Where any matter is dependent upon the decision of the Advisory Committee, any decision shall be regarded as the decision of the Advisory Committee if the majority of the votes of the members present and voting are cast in favour thereof.

ROYAL INSTRUCTIONS TO THE GOVERNORS

22.—(1) Subject to the provisions of paragraph (2) of this clause, the Regional Minister may consult with the Advisory Committee before making any recommendation to the Governor relating to the exercise of any power conferred on the Governor by section 18 of the Offices Order, but he shall not be obliged to act in accordance with the advice of the Advisory Committee.

Functions
of Advisory
Committee.

(2) (a) Whenever any offender has been condemned by any civil court in Nigeria to suffer death for any offence to which section 18 of the Offices Order applies, the Regional Minister shall cause a written report of the case of that offender from the judge who tried the case, together with such other information derived from the record of the case or elsewhere as the Regional Minister may require, to be taken into consideration at a meeting of the Advisory Committee.

(b) The Regional Minister shall not recommend to the Governor that he should pardon or reprieve any such offender unless it appears expedient to the Regional Minister so to do upon receiving the advice of the Advisory Committee thereon; but he is to decide whether to make such a recommendation to the Governor in his own deliberate judgment, whether the members of the Advisory Committee concur therein or otherwise.

(3) Any advice tendered by the Advisory Committee to the Regional Minister shall be recorded in the minutes of the Advisory Committee; and if the Regional Minister makes any recommendation to the Governor that is not in accordance with the advice of the Advisory Committee, he shall cause his reasons for so doing to be recorded in the minutes of the Advisory Committee and shall submit to the Governor copies of all minutes of the Advisory Committee relating to the matter when he makes his recommendation.

23. Except in circumstances in which he is not regarded as absent from Nigeria for the purposes of section 14 of the Offices Order, the Governor shall not absent himself from Nigeria without having first obtained leave from Us for so doing through a Secretary of State.

Governor's
absence.

Given at Our Court at Saint Jame's, this third day of September, in the Third year of Our Reign.

ROYAL INSTRUCTIONS TO THE GOVERNORS

(Remaining effective provisions reprinted

NIGERIA

ADDITIONAL INSTRUCTIONS PASSED UNDER THE ROYAL SIGN MANUAL AND SIGNET TO THE GOVERNORS OF THE NORTHERN, WESTERN AND EASTERN REGIONS OF NIGERIA.

[These Additional Instructions are printed as amended by Additional Instructions bearing date the 1st April, 1958.]

Dated 8th August, 1957.

ELIZABETH R.

ADDITIONAL INSTRUCTIONS TO OUR GOVERNORS OF THE NORTHERN, WESTERN AND EASTERN REGIONS OF NIGERIA OR OTHER OFFICER FOR THE TIME BEING ADMINISTERING THE GOVERNMENT OF ANY OF THE SAID REGIONS.

We do hereby direct and enjoin and declare Our will and pleasure as follows :—

1. These Instructions shall be construed as one with the Instructions under our Sign Manual and Signet to the Governors of the Northern, Western and Eastern Regions of Nigeria bearing date the third day of September, 1954 (hereinafter called "the principal Instructions").

2. *[Clause 2 substitutes new Clause 3 in Instructions of 3rd September, 1954.]*

3. *[Clause 3 substitutes new Clause 6 in Instructions of 3rd September, 1954]*

4. *[Clause 4 amends Instructions of 3rd September, 1954, Clause 7.]*

5. *[Clause 5 amends Instructions of 3rd September, 1954, Clause 8 (2) (a).]*

6. *[Clauses 6, 7, 8 rev., Additional Instructions of 1st April, 1958.]*

9. *[Clause 9 amends Instructions of 3rd September, 1954, Clause 13.]*

10. *[Clause 10 rev., Additional Instructions of 1st April, 1958.]*

(a)11. The Governor of a Region shall, in the exercise of his power to dissolve the Legislative Houses of the Region, act on the recommendation of the Premier of the Region :

Provided that—

(a) if the Premier recommends a dissolution and the Governor, acting in his discretion, considers that the government of the Region can be carried on without a dissolution and that a dissolution would not be in the interests of the Region, he may refuse to dissolve the Legislative Houses of the Region ;

(a) Cl. 11 & 12 as am. by Additional Instructions of the 11th March, 1959.

Con-
struction

Exercise of
power to
dissolve
Legislative
Houses of
Western and
Eastern
Regions.

ROYAL INSTRUCTIONS TO THE GOVERNORS

(b) if a vote of no confidence in the Government of the Region is passed by the House of Assembly of the Region and the Premier does not within three days either resign or recommend a dissolution, the Governor, acting in his discretion, may dissolve the Legislative Houses of the Region ;

(c) if the Governor, acting in his discretion, is satisfied that the House of Assembly of the Region has been unable to deal with a motion of no confidence in the Government of the Region within a reasonable time by reason of an adjournment of the House due to lack of a quorum, he may, acting in his discretion, dissolve the Legislative Houses of the Region ;

(d) if the office of Premier is vacant and the Governor, acting in his discretion, is satisfied that no person who commands a majority in the House of Assembly can be found within a reasonable time, he may, acting in his discretion, dissolve the Legislative Houses of the Region.

12. The Governor of a Region, acting in his discretion, may summon a meeting of the House of Assembly of the Region if he is satisfied that notice of a motion of no confidence in the Government of the Region has been given and that the House is not otherwise likely to meet within a reasonable time after the giving of the notice.

Summoning
meetings of
Houses of
Assembly of
Western and
Eastern
Regions.

[Cl. 13 deleted by Additional Instructions of the 11th March, 1959]

Given at our Court at Saint James's this eighth day of August, in the Sixth year of Our Reign.

RETIREMENT BENEFITS
STATUTORY INSTRUMENTS

(*Reprinted with all amendments*)

1958 No. 1553

WEST AFRICA

The Nigeria (Retirement Benefits)

Order in Council, 1958

This O is printed as am. by S.I. 1960/439

Made 11th September, 1958

Laid before Parliament 17th September, 1958

Coming into Operation 18th September, 1958

At the Court at Balmoral, the 11th day of September, 1958

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and
commence-
ment.

1.—(1) This Order may be cited as the Nigeria (Retirement Benefits) Order in Council, 1958.

(2) This Order shall come into operation on the eighteenth day of September, 1958.

Interpre-
tation.

(d) 2.—(1) The provisions of section 2 of the Nigeria (Constitution) Order in Council, 1954(b), as amended(c), shall apply for the purpose of interpreting this Order as they apply for the purpose of interpreting that Order.

(2) The provisions of subsection (4A) of section 2, and subsections (2), (3) and (4) of section 89 of the Nigeria (Constitution) Order in Council, 1954, as amended, shall apply in relation to this Order as they apply in relation to that Order, and for that purpose references to that Order shall be construed as if they were references to this Order.

Provisions
of First
Schedule to
have effect
in relation
to public
services of
Federation
and
Southern
Cameroons.

(e) 3.—(1) The provisions contained in the First Schedule to this Order shall have effect in relation to the public service of the Federation and the public service of the Southern Cameroons

(2) An officer in the public service of the Federation or the public service of the Northern Region who retired after the twenty-ninth day of August, 1957, and before the commencement of this Order and who would have been eligible to retire under the First Schedule to this Order if the provisions of that Schedule had been in force at the date of his retirement, may be granted such benefits as could have been granted to him if those provisions had been in force at that date and he had retired thereunder.

(a) 53 & 54 Vict. c.37.

(b) S.I. 1954/1146 (1954 II, p.2829).

(c) S.I. 1955/432, 1956/836, 1957/1363, 1958/429, 1287 (1955 II, p.3163; 1956 II, p.2953).

(d) S.2 as am. 1960/439.

(e) S.3 as am 1960/439.

RETIREMENT BENEFITS

(a) 4.—(1) The provisions contained in the Second Schedule to this Order shall have effect in relation to the public service of the Northern Region, the public service of the Western Region and the public service of the Eastern Region.

Provisions of Second Schedule to have effect in relation to public services of Regions.

(2) If any officer in the public service of the Western Region or the public service of the Eastern Region who is not an entitled officer for the purposes of the Second Schedule to this Order is an entitled officer for the purposes of the interim scheme he shall be deemed to be an entitled officer for the purposes of that Schedule.

(3) Where any officer in the public service of the Western Region or the public service of the Eastern Region has before the commencement of this Order in pursuance of the interim scheme applied for or been granted permission to serve in the public service of the Region for any period with rights similar to the special rights for which provision is made in the Second Schedule to this Order, or given notice of his intention to retire from that public service at any time, he shall be deemed to have applied for or been granted permission to serve in that public service for that period with special rights or to have given notice of his intention to retire from that public service at that time, as the case may be, in pursuance of the Second Schedule to this Order.

(4) Any benefits granted in pursuance of the interim scheme to officers in the public service of the Western Region or the public service of the Eastern Region on their retirement or transfer or to any other person on the death of any such officer shall be deemed to have been granted in pursuance of the Second Schedule to this Order, whether or not those benefits differ from the benefits that may be granted in pursuance of that Schedule :

Provided that where the benefits granted upon the retirement, transfer or death of any officer would have been greater if the provisions of the Second Schedule had been in force at the date of such retirement, transfer or death and they had been granted in pursuance of those provisions, those benefits shall be recalculated and regrantd in accordance with those provisions as if those provisions had been in force on that date, and any sums paid or payable to that officer or any other person shall be adjusted accordingly.

(5) For the purposes of this section "the interim scheme" in relation to the public service of the Western Region means the compensation scheme published by the government of that Region on the sixth day of August, 1957, and in relation to the public service of the Eastern Region means the compensation scheme published by the government of that Region on the nineteenth day of August, 1957.

(b) 5.—(1) Where any additional allowance or additional gratuity is granted under this Order to any officer in the public service of a Region, then—

Financial responsibility for additional allowance, etc.

(a) in the case of an officer whose whole service that qualifies for pension has been in Nigeria, the cost of such allowance or gratuity shall be shared by the Federation and each Region in the public service of which that officer has served, so that the Federation shall pay such amount of the allowance or gratuity as is proportionate to the aggregate amount of the pensionable emoluments received by the officer in respect of his service in the public service of the Federation and each such Region shall pay such amount of the allowance or gratuity as is proportionate to the aggregate amount of the pensionable emoluments received by the officer in respect of his service in the public service of that Region ; and

RETIREMENT BENEFITS

(b) in the case of any other officer, such allowance or gratuity shall be paid by the Region in the public service of which the officer is serving at the time when he retires:

(2) For the purposes of this section service in the former public service of Nigeria shall be deemed to be service in the public service of the Federation.

(3) Any sum that is payable under this section by the Federation shall be a charge on the Consolidated Revenue Fund of the Federation and any sum that is so payable by a Region shall be a charge on the Consolidated Revenue Fund of the Region, and every sum so charged shall be statutory expenditure for the purposes of section 154B of the Nigeria (Constitution) Order in Council, 1954, as amended.

(4) In this section "Region" includes the Southern Cameroons.

(a) 6.—(1) In this section—

"pensions law" means a law that governs the grant of pensions, gratuities and other like benefits;

"dependants" in relation to any person means the widow, children, dependants and personal representatives of that person.

(2) Subject to the provisions of this Order, any pensions law enacted by any legislature in Nigeria that applied immediately before the commencement of this Order in relation to any person in respect of his service in the former public service of Nigeria, the public service of the Federation or the public service of a Region or in relation to the dependants of any such person in respect of any such service shall continue to apply in relation to that person or to those dependants as the case may be.

(3) Any law enacted by the Federal Legislature may be applied in relation to any person mentioned in subsection (2) of this section in respect of his service in the former public service of Nigeria or the public service of the Federation and in relation to his dependants in respect of any such service instead of the pensions law that applies by virtue of that subsection if the law enacted by the Federal Legislature is not less favourable to that person or his dependants, as the case may be, than that pensions law.

(4) Any law enacted by the Legislature of a Region may be applied in relation to any person mentioned in subsection (2) of this section in respect of his service in the public service of that Region and in relation to the dependants of any such person in respect of any such service instead of the pensions law that applies by virtue of that subsection if the law enacted by the Legislature of the Region is not less favourable to that person or his dependants, as the case may be than that pensions law.

(5) Subject to the provisions of this Order, any pension, gratuity or other like benefit that may be granted to any person who is appointed to the public service of the Federation or the public service of a Region after the commencement of this Order or to the dependants of any such person shall be governed by the law in force on the date on which that person is first appointed to a pensionable office in that public service or by any law made thereafter that is not less favourable to that person or his dependants, as the case may be, and is applicable in his or their case.

(6) Where any person is entitled to exercise an option whether one of two or more laws shall apply in his case, the law specified by him in exercising the option shall, for the purposes of this section, be deemed to be more favourable than the other law or laws.

(7) For the purposes of this section, references to a pension law enacted by any legislature in Nigeria include references to any instrument made in pursuance of any such law.

(a) S.6, as am 1960/439.

RETIREMENT BENEFITS

(a) FIRST SCHEDULE

Section 3.

RETIREMENT BENEFITS FOR CERTAIN OFFICERS IN THE PUBLIC SERVICE OF
THE FEDERATION AND THE SOUTHERN CAMEROONS

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

Interpre-
tation.

“appropriate law” in relation to an officer in the public service of the Federation means the law that governs the grant of pensions, gratuities and other like benefits in respect of the service of that officer in the former public service of Nigeria or the public service of the Federation or the public service of a Region ; and (to the extent to which they are applicable to that officer) includes the Overseas Superannuation Scheme Regulations ;

“existing overseas officer” in relation to the public service of the Federation means an overseas officer in that public service—

(a) who was before the thirtieth day of August, 1957, appointed or selected for appointment as the substantive holder of an office in the public service of the Federation or the public service of the Northern Region, being a pensionable office for the purposes of the appropriate law ;

(b) who has been, since he was appointed as such or since the twenty-ninth day of August, 1957, whichever is the later, the substantive holder of such an office or of an office in the public service of the Southern Cameroons, being such a pensionable office ; and

(c) in the case of an officer whose appointment is subject to confirmation, who has been confirmed in his appointment, and includes any other person who is declared by a Secretary of State, with the concurrence of the Governor-General, to be an existing overseas officer ;

“future overseas officer” in relation to the public service of the Federation means an overseas officer in that public service—

(a) who was after the twenty-ninth day of August, 1957, selected for appointment and appointed as the substantive holder of an office in that public service, being a pensionable office for the purposes of the appropriate law ; and

(b) in the case of an officer whose appointment is subject to confirmation, who has been confirmed in his appointment ;

“overseas officer” means an officer in the public service of the Federation who is, either individually or as a member of a class, declared by the Governor-General, acting in his discretion, to be an overseas officer ;

“pensionable emoluments” in relation to an officer in the public service of the Federation means emoluments that may be taken into account for the purpose of computing the pension of that officer under the appropriate law ;

“pensionable service” in relation to an officer in the public service of the Federation means the aggregate amount of service that may be taken into account for the purpose of computing the pension of that officer under the appropriate law ;

“Region” includes the Southern Cameroons.

RETIREMENT BENEFITS

"substantive holder" in relation to any office includes a person serving in that office on probation but does not include a person (other than a person serving under a probationary agreement) serving in that office for a specified term under a contract.

(2) Where a person has been gazetted as the substantive holder of any office with effect from a date earlier than the date of the gazette, he shall for the purposes of this Schedule be deemed to have become the substantive holder of that office on that earlier date.

(3) Where an officer in the public service of the United Kingdom was on any date appointed or selected for appointment as the holder of an office in the public service of the Federation and for any period thereafter was entitled to revert to the public service of the United Kingdom he shall not for the purposes of this Schedule be regarded as having been appointed to be the substantive holder of an office in that public service or as having been selected for appointment as such, as the case may be, on that date, but shall for those purposes be regarded as having been so appointed or selected on the date on which he ceased to be entitled so to revert if on that date he was the holder of an office in that public service.

(4) A person who was before the commencement of this Order declared by the Governor-General to be an overseas officer shall for the purposes of this Schedule be deemed to be an overseas officer.

(5) Where under the appropriate law an officer in the public service of the Federation may be granted two or more pensions references in this Schedule to the pension that may under the appropriate law be granted to that officer shall include references to both or all of those pensions.

(6) Any question concerning the interpretation of this Schedule may be referred to and determined by a Secretary of State, whose decision thereon shall be final.

Existing and certain future overseas officers may retire at any time.

2.—(1) Subject to the provisions of sub-paragraph (4) of this paragraph, an existing overseas officer in the public service of the Federation may, after giving four months' notice in writing to the Governor-General or such shorter notice as the Governor-General, acting in his discretion, may allow, retire at any time.

(2) Subject to the provisions of sub-paragraph (4) of this paragraph, a future overseas officer in the public service of the Federation may, after giving six months' notice to the Governor-General or such shorter notice as the Governor-General, acting in his discretion, may allow, retire at any time if he has completed ten years' service, being service that may be taken into account in determining whether he is eligible for the grant of a pension or gratuity under the appropriate law, of which the three years immediately before his retirement were served—

- (a) in the public service of the Federation ;
- (b) in the public service of one or more Regions ; or
- (c) partly in the public service of the Federation and partly in the public service of one or more Regions :

Provided that nothing in this sub-paragraph shall prevent an officer from retiring without having served the three years immediately before his retirement in the manner specified as aforesaid if he is entitled to do so under the appropriate law.

RETIREMENT BENEFITS

(3) An officer who has given notice of his intention to retire under this paragraph on any date may, with the permission of the Governor-General, acting in his discretion, withdraw the notice at any time before that date.

(4) No officer in the public service of the Federation shall retire under this paragraph without the permission of the Governor-General, acting in his discretion :

Provided that the Governor-General shall not withhold his permission unless proceedings for the officer's dismissal are being taken or about to be taken.

(5) An existing overseas officer in the public service of the Federation who retires with the permission of the Governor-General, acting in his discretion, by reason of injury or ill-health shall be deemed to have retired under sub-paragraph (1) of this paragraph.

3.—(1) If an existing overseas officer in the public service of the Federation retires under paragraph 2 of this Schedule he may be granted at his option either—

Pensions,
etc., for
existing and
future
overseas
officers.

(a) such pension as may under the appropriate law be granted to him ;
or

(b) a reduced pension equal to three quarters of that pension together with a gratuity equal to one quarter of the annual amount of that pension multiplied by twelve and one half ; or

(c) a gratuity of one quarter of the aggregate amount of his pensionable emoluments during his service in the former public service of Nigeria, the public service of the Federation and the public service of any Region.

(2) If a future overseas officer in the public service of the Federation retires under paragraph 2 of this Schedule he may be granted such pension, gratuity or other benefit as may under the appropriate law be granted to him.

(3) For the purposes of this paragraph an officer shall be deemed to be eligible for the grant of a pension under the appropriate law—

(a) notwithstanding that he may have retired before attaining the age specified in the appropriate law as qualifying him for the grant of a pension ;
and

(b) notwithstanding that he may not have completed at the date of his retirement the period of qualifying service required by the appropriate law to render him eligible for the grant of a pension.

(4) References in this paragraph to the pension that may under the appropriate law be granted to an officer include, in the case of an officer who retires on account of injury or ill-health, references to any additional pension that may be granted under the appropriate law to that officer in respect of retirement on the ground of injury or ill-health.

(5) The foregoing provisions of this paragraph shall, in their application to an officer who may be granted a pension under the Overseas Superannuation Scheme Regulations, have effect as if the references to such pension as may under the appropriate law be granted to him did not include references to any pension that may under those regulations or under any law be granted to him in respect of service that may be taken into account for the purpose of computing his pension under those regulations.

4. If an existing overseas officer in the public service of the Federation retires under paragraph 2 of this Schedule he may be granted at his option

Additional
benefits.

RETIREMENT BENEFITS

and in addition to the benefits that may be granted to him under paragraph 3 of this Schedule either—

(a) an additional allowance which shall be calculated at the annual rate of one one hundred and eightieth part of the officer's pensionable emoluments at the date of his retirement for each complete period of one year of pensionable service :

Provided that the allowance shall not exceed such annual sum as would, if it were added to such pension as could be granted to him under head (a) of sub-paragraph (1) of paragraph 3 of this Schedule, make an annual sum equal to the pension for which he would have been eligible under that law if he had continued to hold the office held by him on the date of his retirement until he had reached the age of fifty-five years, or, in the case of a judge of the High Court of Lagos, sixty-two years, or, in the case of a judge of the Federal Supreme Court, sixty-five years, and had then retired, having been granted all increments of salary for which he would have been eligible by that date ; or

(b) a reduced additional allowance, which shall be calculated at the annual rate of three quarters of that additional allowance together with a gratuity equal to one quarter of the annual amount of that additional allowance multiplied by twelve and one half ; or

(c) an additional gratuity equal to one sixteenth part of the aggregate amount of his pensionable emoluments during the whole of his pensionable service :

Provided that the additional gratuity shall be subject to a reduction proportionate to the reduction to which, if the officer had been granted an additional allowance, his additional allowance would have been subject by virtue of the proviso to sub-paragraph (a) of this paragraph.

Abolition of
office, etc.

5.—(1) Where an existing overseas officer in the public service of the Federation retires in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of the part of the public service to which he belongs by which greater efficiency or economy may be effected, he shall, if he gives notice in writing that he so desires to the Governor-General within six months after the date of his retirement or such longer period after that date as the Governor-General, acting in his discretion, may allow, be deemed to have retired under sub-paragraph (1) of paragraph 2 of this Schedule :

Provided that an officer who is deemed to have retired under that paragraph shall not be granted any additional benefits for which he may be eligible under the appropriate law by virtue of his having retired in consequence of the abolition of his office or for the purpose of facilitating such improvements.

Exercise of
options

6.—(1) Any option exercisable by an officer in the public service of the Federation for the purposes of this Schedule—

(a) shall be exercisable on or before the date of the officer's retirement :

Provided that the Governor-General, acting in his discretion, may, if he thinks fit, and subject or not to conditions, extend the period for the exercise of the option ;

(b) shall be irrevocable after the end of the period within which it must be exercised ;

(c) shall be exercised by notice in writing to the Governor-General ; and

(d) shall be deemed to have been exercised on the date on which such notice is received.

RETIREMENT BENEFITS

7. Where an officer in the public service of the Federation retires under paragraph 2 of this Schedule, the provisions of the appropriate law—

Application of appropriate law.

(a) shall subject to the provisions of this Order apply in relation to the grant of any pension or gratuity under this Schedule and to any pension or gratuity granted thereunder as they apply in relation to the grant of a pension or gratuity and to any pension or gratuity granted, under the appropriate law; and

(b) shall, subject as aforesaid, apply in relation to the grant of any additional allowance under this Schedule and to any additional allowance granted thereunder as they apply in relation to the grant of a pension, and to any pension granted, under the appropriate law.

8. Any gratuity granted under paragraph 3 or paragraph 4 of this Schedule shall be exempt from tax under any law enacted by the Legislature of the Federation, or a Region, relating to the taxation of incomes or imposing any other form of taxation.

Exemption from tax.

9.—(1) If an officer in the public service of the Federation who is not an overseas officer can show to the satisfaction of the appropriate authority that his career in the public service has been prejudiced by the provisions of the Nigeria (Constitution) Order in Council, 1954, as amended, or that, because of those provisions, he has reasonable grounds for anxiety about his career in the public service, the foregoing provisions of this Schedule (other than sub-paragraph (2) of paragraph 2 and sub-paragraph (2) of paragraph 3) shall apply in relation to him as they apply in relation to an overseas officer.

Application of Schedule to officers who are not overseas officers.

(2) In this paragraph "the appropriate authority" in relation to an officer in the public service of the Federation means—

(a) in the case of an officer who was selected for appointment to the public service by a Secretary of State or whose appointment to an office in the public service was approved by a Secretary of State, a Secretary of State; and

(b) in the case of any other officer in the public Service of the Federation, the Governor-General, acting in his discretion.

10. The foregoing provisions of this Schedule shall apply in relation to officers in the public service of the Southern Cameroons as they apply in relation to officers in the public service of the Federation, and for that purpose shall be construed as if—

Application of Schedule to officers in public service of Southern Cameroons.

(a) references to the Federation (other than the reference in paragraph (a) of the definition of "existing overseas officer" in sub-paragraph (1) of paragraph 1 of this Schedule) included, and references to a Region did not include, references to the Southern Cameroons; and

(b) references to the Governor-General (other than the reference in sub-paragraph (4) of paragraph 1) were references to the Commissioner of the Cameroons.

SECOND SCHEDULE

RETIREMENT BENEFITS FOR CERTAIN OFFICERS IN THE PUBLIC SERVICE OF THE REGIONS

Section 4.

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

"appropriate law" in relation to any officer in the public service of a Region means the law that governs the grant of pensions, gratuities and other like benefits in respect of the service of that officer in the former

Interpretation.

RETIREMENT BENEFITS

public service of Nigeria, the public service of the Federation or the public service of a Region and (to the extent to which they are applicable to that officer) includes the Overseas Superannuation Scheme Regulations ;

"entitled officer" in relation to the public service of the Northern Region means an overseas officer in that public service—

(a) who was before the first day of September, 1957, appointed or selected for appointment as the substantive holder of an office in the public service of the Federation or the public service of the Northern Region, being a pensionable office for the purposes of the appropriate law ;

(b) who has been, since he was appointed as such or since the thirty-first day of August, 1957, whichever is the later, the substantive holder of such an office or of an office in the public service of the Southern Cameroons, being such a pensionable office ; and

(c) in the case of an officer whose appointment is subject to confirmation, who has been confirmed in his appointment,

and includes any other person who is declared by a Secretary of State, with the concurrence of the Governor, to be an entitled officer ;

"entitled officer" in relation to the public service of the Western Region or the public service of the Eastern Region means an existing overseas officer in that public service—

(a) who was before the first day of October, 1956, appointed or selected for appointment as the substantive holder of an office in that public service, being a pensionable office for the purposes of the appropriate law ; and

(b) who has been since he was appointed as such or since the thirtieth day of September, 1956, whichever is the later, the substantive holder of an office in that public service,

and includes any other person who is declared by a Secretary of State, with the concurrence of the Governor, to be an entitled officer ;

"existing overseas officer" in relation to the public service of the Western Region or the public service of the Eastern Region means an overseas officer in that public service—

(a) who was on or before the first day of October, 1954, appointed or selected for appointment as the substantive holder of an office in the former public service of Nigeria, the public service of the Federation or the public service of a Region, being a pensionable office for the purposes of the appropriate law ;

(b) who has been, since he was appointed as such or since the thirtieth day of September, 1954, whichever is the later, the substantive holder of an office in the public service of the Federation or the public service of a Region ; and

(c) in the case of an officer whose appointment is subject to confirmation, who has been confirmed in his appointment, and includes any other person who is declared by a Secretary of State, with the concurrence of the Governor, to be an existing overseas officer ;

"future overseas officer" in relation to the public service of the Western Region or the public service of the Eastern Region means an overseas officer in that public service—

RETIREMENT BENEFITS

(a) who was after the first day of October, 1954, selected for appointment and appointed as the substantive holder of an office in that public service, being a pensionable office for the purposes of the appropriate law; and

(b) in the case of an officer whose appointment is subject to confirmations, who has been confirmed in his appointment;

"future overseas officer" in relation to the public service of the Northern Region means an overseas officer in that public service—

(a) who was after the thirty-first day of August, 1957, selected for appointment and appointed as the substantive holder of an office in that public service, being a pensionable office for the purposes of the appropriate law; and

(b) in the case of an officer whose appointment is subject to confirmation, who has been confirmed in his appointment;

"operative period" in relation to an entitled officer in the public service of a Region means the period for which he is permitted to serve in that public service with special rights;

"overseas officer" means an officer in the public service of a Region who is, either individually or as a member of a class, declared by the Governor to be an overseas officer;

"pensionable emoluments" in relation to an officer means emoluments that may be taken into account in computing the pension of that officer under the appropriate law;

"pensionable service" means in relation to an officer in the public service of a Region the aggregate amount of service that may be taken into account for the purpose of computing the pension of that officer under the appropriate law;

"substantive holder" in relation to any office includes a person serving in that office on probation but does not include a person (other than a person serving under a probationary agreement) serving in that office for a specified term under a contract.

(2) Where a person has been gazetted as the substantive holder of any office with effect from a date earlier than the date of the gazette, he shall for the purposes of this Schedule be deemed to have become the substantive holder of that office on that earlier date.

(3) Where an officer in the public service of the United Kingdom was on any date appointed or selected for appointment as the holder of an office in the public service of the Western Region or the public service of the Eastern Region and for any period thereafter was entitled to revert to the public service of the United Kingdom he shall not for the purposes of this Schedule be regarded as having been appointed to be the substantive holder of an office in that public service or as having been selected for appointment as such, as the case may be, on that date, but shall for those purposes be regarded as having been so appointed or selected on the date on which he ceased to be entitled so to revert if on that date he was the holder of an office in that public service.

(4) A person who was before the commencement of this Order declared by the Governor-General to be an overseas officer shall for the purposes of this Schedule be deemed to be an overseas officer.

RETIREMENT BENEFITS

(5) Where under the appropriate law an officer in the public service of a Region may be granted two or more pensions references in this Schedule to the pension that may under the appropriate law be granted to that officer shall include references to both or all of those pensions.

(6) Any question concerning the interpretation of this Schedule may be referred to and determined by a Secretary of State, whose decision thereon shall be final.

Permission to serve with special rights.

2.—(1) Any entitled officer in the public service of a Region may apply to the Governor for permission to serve with special rights in that public service for such period as the officer may desire.

(2) The Governor, acting on the recommendation of the Public Service Commission of the Region, may grant to any entitled officer in the public service of a Region who applies for permission to serve with special rights in that public service for any period, permission to serve with such rights for that period, or if the officer consents, for a lesser period.

Variation of operative period.

3.—(1) Where an entitled officer in the public service of a Region has been granted permission to serve with special rights in that public service for any period the Governor, acting on the recommendation of the Public Service Commission of the Region, may vary that period.

(2) No variation of the period in respect of which special rights are granted to an entitled officer shall be made without the consent of the officer.

Public Service Commission to consult.

4.—(1) The Public Service Commission of the Western Region or the Eastern Region shall—

(a) consult from time to time with the appropriate authority as to the classes of officers in the public service of the Region to whom permission to serve with special rights in that public service should be granted ;

(b) consult with the appropriate authority before recommending any variation of an operative period in accordance with paragraph 3 of this Schedule.

(2) For the purposes of this paragraph the appropriate authority shall be—

(a) in relation to the Western Region, the Director of Recruitment of the Region ;

(b) in relation to the Eastern Region, the Nigerianisation Committee established by the government of the Region or such other officer or authority of the Region as the Governor may designate.

Existing and certain future overseas officers may retire at any time.

5.—(1) Subject to the provisions of sub-paragraph (4) of this paragraph, an entitled officer in the public service of the Northern Region or an existing overseas officer in the public service of the Western Region or the public service of the Eastern Region may, after giving four months' notice in writing to the Governor or such shorter notice as the Governor, acting in his discretion, may allow, retire at any time.

(2) Subject to the provisions of sub-paragraph (4) of this paragraph, a future overseas officer in the public service of a Region may, after giving six months' notice to the Governor or such shorter notice as the Governor, acting in his discretion may allow, retire at any time if he has completed ten years' service, being service that may be taken into account in determining whether he is eligible for the grant of a pension or gratuity under the appropriate law, of which the three years immediately before his retirement were served—

(a) in the public service of the Federation ;

(b) in the public service of one or more Regions ; or

RETIREMENT BENEFITS

(c) partly in the public service of the Federation and partly in the public service of one or more Regions :

Provided that nothing in this sub-paragraph shall prevent an officer from retiring without having served the three years immediately before his retirement in the manner specified as aforesaid if he is entitled to do so under the appropriate law.

(3) An officer who has given notice of his intention to retire under this paragraph on any date may, with the permission of the Governor, acting on the recommendation of the Public Service Commission of the Region, withdraw the notice at any time before that date.

(4) No officer in the public service of a Region shall retire under this paragraph without the permission of the Governor, acting in his discretion :

Provided that the Governor shall not withhold his permission unless proceedings for the officer's dismissal are being taken or about to be taken.

(5) An entitled officer in the public service of the Northern Region or an existing overseas officer in the public service of the Western Region or the public service of the Eastern Region who retires with the permission of the Governor, acting in his discretion, by reason of injury or ill-health shall be deemed to have retired under sub-paragraph (1) of this paragraph.

6.—(1) If an entitled officer in the public service of the Northern Region or an existing overseas officer in the public service of the Western Region or the public service of the Eastern Region retires under paragraph 5 of this Schedule he may be granted at his option either—

Pensions,
etc., for
existing
overseas
officers.

(a) such pension as may under the appropriate law be granted to him ; or

(b) a reduced pension equal to three-quarters of that pension together with a gratuity equal to one quarter of the amount of that pension multiplied—

(i) in the case of an entitled officer, by the factor set out in Table I of the Annex to this Schedule that is appropriate to the age of the officer on his birthday last preceding the date of his retirement ; and

(ii) in any other case, by twelve and one half ; or

(c) a gratuity of one quarter of the aggregate amount of his pensionable emoluments during his service in the former public service of Nigeria, the public service of the Federation and the public service of any Region ; or

(ca) in the case of an entitled officer in the public service of the Northern Region whose pension under the appropriate law would not exceed two hundred and fifty pounds per annum, a gratuity equal to the whole or any part of the annual amount of the pension multiplied by the factor set in Table I of the Annex to this Schedule that is appropriate to the age of that officer at the date of his retirement together with a reduced pension equal to the remaining part (if any) of that pension ; or

(cb) in the case of an entitled officer in the public service of the Northern Region whose pension under the appropriate law would exceed two hundred and fifty pounds per annum, a gratuity equal to any part of the annual amount of the pension (not being a sum exceeding two hundred and fifty pounds) multiplied by the factor set out in Table I of the Annex to this Schedule that is appropriate to the age of that officer at the date of his retirement together with a reduced pension equal to the remaining part of that pension ; or

(d) in the case of an entitled officer in the public service of the Western Region or the public service of the Eastern Region whose pension under the appropriate law would not exceed two hundred and fifty pounds per

RETIREMENT BENEFITS

annum, a gratuity equal to the annual amount of the pension multiplied by the factor set out in Table I of the Annex to this Schedule that is appropriate to the age of that officer at the date of his retirement; or

(e) in the case of an entitled officer in the public service of the Western Region or the public service of the Eastern Region whose pension under the appropriate law would exceed two hundred and fifty pounds per annum, a gratuity equal to the sum of two hundred and fifty pounds multiplied by the factor set out in Table I of the Annex to this Schedule that is appropriate to the age of that officer at the date of his retirement.

(2) If a future overseas officer in the public service of a Region retires under paragraph 5 of this Schedule he may be granted such pension, gratuity or other benefit as may under the appropriate law be granted to him.

(3) For the purposes of this paragraph an officer shall be deemed to be eligible for the grant of a pension under the appropriate law—

(a) notwithstanding that he may have retired before attaining the age specified in the appropriate law as qualifying him for the grant of a pension; and

(b) notwithstanding that he may not have completed at the date of his retirement the period of qualifying service required by the appropriate law to render him eligible for the grant of a pension.

(4) References in this paragraph to the pension that may under the appropriate law be granted to an officer include, in the case of an officer who retires on account of injury or ill-health, references to any additional pension that may be granted under the appropriate law to that officer in respect of retirement on the ground of injury or ill-health.

(5) The foregoing provisions of this paragraph shall, in their application to an officer who may be granted a pension under the Overseas Superannuation Scheme Regulations, have effect as if the references to such pension as may under the appropriate law be granted to him did not include references to any pension that may under those regulations or under any law be granted to him in respect of service that may be taken into account for the purpose of computing his pension under those regulations.

7. If an existing overseas officer in the public service of the Western Region or the public service of the Eastern Region who has been transferred to that public service under section 185 of the Nigeria (Constitution) Order in Council, 1954, and who is not an entitled officer retires under paragraph 5 of this Schedule he may be granted additional benefits in addition to the benefits that may be granted under paragraph 6 of this Schedule.

8. If an entitled officer in the public service of a Region (not being an officer who has been granted permission to serve with special rights) retires under paragraph 5 of this Schedule he may be granted at his option and in addition to the benefits that may be granted to him under paragraph 6 of this Schedule either—

(a) additional benefits; or

(b) compensation to be calculated as at the date of his retirement.

9.—(1) If an entitled officer in the public service of a Region who has been granted permission to serve with special rights—

(a) retires under paragraph 5 of this Schedule at the end of the operative period or upon such date within six months before or after the end of that period as the Governor, acting on the recommendation of the Public Service Commission of the Region, may allow; or

Benefits for existing overseas officers other than entitled officers.

Benefits for entitled officers without special rights.

Benefits for entitled officers with special rights.

RETIREMENT BENEFITS

(b) retires under paragraph 5 of this Schedule before the end of the operative period on the ground of injury or ill-health, or, in the case of an officer in the public service of the Northern Region, on such other ground as the Governor, acting on the recommendation of the Public Service Commission of the Region, may approve,

he may be granted at his option and in addition to the benefits that may be granted to him under paragraph 6 of this Schedule either—

(i) additional benefits ; or

(ii) compensation to be calculated as at the date within the operative period (not being a date later than the date of his retirement) that is most advantageous to him ; or

(c) being an officer in the public service of the Northern Region who has been granted permission to serve with special rights for more than three years, retires under paragraph 5 of this Schedule before the end of the operative period but after the expiration of a period of three years from the beginning of the operative period.

(2) If an entitled officer in the public service of a Region who has been granted permission to serve with special rights retires under paragraph 5 of this Schedule before the end of the operative period otherwise than in the circumstances described in sub-paragraph (1) of this paragraph he may be granted at his option and in addition to the benefits that may be granted to him under paragraph 6 of this Schedule either—

(i) additional benefits ; or

(ii) compensation to be calculated as at the date of his retirement.

10.—(1) If an entitled officer dies while he is a member of the public service of the Western Region or the public service of the Eastern Region, the Governor, acting in his discretion, may direct that there shall be paid to the personal representatives of that officer or, if he shall think fit, to any member of the family of that officer either—

Benefits payable on death of entitled officer.

(a) a sum equal to the compensation which would have been granted to the officer under paragraph 8 or paragraph 9 of this Schedule had he retired under paragraph 5 of this Schedule on the day of his death ; or

(b) a sum equal to the gratuity that would have been payable under the appropriate law,

whichever is the greater :

Provided that the Governor, acting in his discretion, may direct that such sum shall be divided among any two or more of the members of the family of the officer in such proportions as he may think fit.

(2) Where an entitled officer in the public service of the Western Region or the public service of the Eastern Region who has been granted permission to serve with special rights—

(a) dies within the operative period ; or

(b) in the case of an officer who has been granted permission by the Governor under sub-paragraph (1) of paragraph 9 of this Schedule to retire on a date within six months after the end of the operative period, dies between the end of the operative period and that date,

he shall be deemed for the purposes of this paragraph to have been eligible for compensation to be calculated as at the date within the operative period (not being a date after the date of his death) that is most advantageous.

RETIREMENT BENEFITS

(3) For the purposes of this paragraph "member of the family" in relation to an entitled officer means his wife or husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, adopted son, adopted daughter, brother, sister, half-brother or half-sister.

(4) The foregoing provisions of this paragraph shall apply in relation to the public service of the Northern Region as they apply in relation to the public service of the Western Region and the public service of the Eastern Region and for that purpose sub-paragraph (1) shall have effect as if—

(a) the word "either" were deleted;

(b) the word "or" after the word "death" in head (a) were deleted and the word "and" were substituted; and

(c) the words "whichever is the greater" were deleted.

Additional
benefits.

11. Where an officer in the public service of a Region is granted additional benefits under paragraph 7, paragraph 8 or paragraph 9 of this Schedule he shall receive at his option either—

(a) an additional allowance which shall be calculated at the annual rate of one one hundred and eightieth part of the officer's pensionable emoluments at the date of his retirement for each complete period of one year of pensionable service:

Provided that the allowance shall not exceed such annual sum as would if it were added to such pension as could be granted to him under head (a) of sub-paragraph (1) of paragraph 6 of this Schedule, make an annual sum equal to the pension for which he would have been eligible under that head if he had continued to hold the office held by him on the date of his retirement until he had reached the age of fifty-five years; or, in the case of a judge of the High Court of a Region, sixty-two years, and had then retired having been granted all increments of salary for which he would have been eligible by that date; or

(b) a reduced additional allowance, which shall be calculated at the annual rate of three quarters of that additional allowance together with a gratuity equal to one quarter of the annual amount of that additional allowance multiplied—

(i) in the case of an entitled officer, by the factor set out in Table I of the Annex to this Schedule that is appropriate to the age of that officer at the date of his retirement; and

(ii) in any other case, by twelve and one half; or

(c) an additional gratuity equal to one sixteenth part of the aggregate amount of his pensionable emoluments during the whole of his pensionable service:

Provided that the additional gratuity shall be subject to a reduction proportionate to the reduction to which, if the officer had received an additional allowance, his additional allowance would have been subject by virtue of the proviso to sub-paragraph (a) of this paragraph; or

(d) in the case of an entitled officer in the public service of the Northern Region whose pension under the appropriate law would not exceed two hundred and fifty pounds per annum, an additional gratuity equal to the whole or any part of the annual amount of the additional allowance that could be granted to him under sub-paragraph (a) of this paragraph (not being a sum which, if it were added to that pension, would make an annual sum exceeding two hundred and fifty pounds) multiplied by the factor set

RETIREMENT BENEFITS

out in Table I of the Annex to this Schedule that is appropriate to the age of that officer at the date of his retirement together with a reduced additional allowance equal to the remaining part (if any) of that additional allowance.

12.—(1) Where an entitled officer in the public service of a Region is granted compensation to be calculated at any date under paragraph 8 or paragraph 9 of this Schedule the amount of that compensation shall be calculated by multiplying the amount of the officer's annual emoluments by the factor relevant to that officer and the resulting amount, or nine thousand pounds, whichever is the less, shall be the amount to which he is entitled.

Calculation
of compen-
sation.

(2) The factor relevant to an entitled officer shall be the factor in the appropriate Table opposite to the age of the officer at the date to be taken for calculation set out in the column that relates to the years of pensionable service completed by the officer on that date.

(3) (a) The appropriate table for entitled officers in the public service of the Western Region or the public service of the Eastern Region other than judges of the High Court of the Region shall be Table II of the Annex to this Schedule.

(aa) The appropriate table for entitled officers in the public service of the Northern Region other than judges of the High Court of the Region shall be Table IIA of the Annex to this Schedule.

(b) The appropriate table for entitled officers in the public service of a Region who are judges of the High Court of the Region shall be Table III of the Annex to this Schedule.

(4) For the purposes of this paragraph "annual emoluments" means in relation to an entitled officer in the public service of a Region the annual pensionable emoluments payable to that officer at the date to be taken for calculation :

Provided that in relation to an officer in the public service of the Western Region or the public service of the Eastern Region who was transferred after the seventh day of August, 1957, to an office in that public service in which they were payable to him immediately after his transfer pensionable emoluments higher than those payable to him immediately before his transfer or in relation to an officer in the public service of the Northern Region who after the fourteenth day of March, 1959, was transferred to such an office in that public service, "annual emoluments" means—

(a) one-third of the aggregate amount of his pensionable emoluments in respect of the period of three years ending on the date to be taken for calculation ; or

(b) the annual pensionable emoluments payable to him immediately before his transfer ; or

(c) the annual pensionable emoluments that he would have been entitled to receive at the date to be taken for calculation if he had continued to hold the office that he was holding on the seventh day of August, 1957, or the fourteenth day of March, 1959, as the case may be, having been granted all increments of salary for which he would have been eligible by that date, whichever is the greatest.

"pensionable service" means in relation to an entitled officer in the public service of the Western Region or the public service of the Eastern Region the aggregate amount of service that may be counted in full for the purpose of computing the pension of that officer under the appropriate law.

RETIREMENT BENEFITS

Provided that in the case of an entitled officer in the public service of the Northern Region half of any service that may be counted as to half for the purpose of computing the pension of that officer under the appropriate law shall be deemed to be pensionable service.

(5) In determining the emoluments of an officer for the purposes of this paragraph, no account shall be taken of any revision of salaries carried out after the commencement of this Order, and accordingly, notwithstanding any such revision, those emoluments shall be calculated by reference to the rates and scales of salary in force at the commencement of this Order.

Special
benefits for
transferred
officers.

13.—(1) An entitled officer in the public service of a Region who is transferred from an office in the public service of the Region to an office in a service outside Nigeria that is other public service for the purposes of the appropriate law in which there are payable to him immediately after his transfer annual pensionable emoluments that are less than the annual pensionable emoluments payable to him immediately before his transfer may be granted—

(a) a sum equal to five times the difference between the annual pensionable emoluments payable to him immediately before his transfer and those payable to him immediately after his transfer.

(b) a sum equal to the compensation to which he would have been entitled had he retired under paragraph 5 of this Schedule at that date, whichever is the less.

(2) The grant of benefits under this paragraph shall be without prejudice to the grant of a pension, gratuity or other like benefit under the appropriate law.

Abolition of
office, etc.

14.—(1) This paragraph applies to any officer in the public service of a Region—

(a) who retires in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of the part of the public service to which he belongs by which greater economy or efficiency may be effected; and

(b) in the case of an officer whose appointment is subject to confirmation, who has been confirmed in his appointment.

(2) An officer to whom this paragraph applies who is eligible for the grant of a pension under the appropriate law may be granted at his option and in addition to that pension or any other benefit for which he may be eligible under that law in lieu of that pension either—

(a) such additional benefits as may be granted to him under the appropriate law; or

(b) an additional pension at the annual rate of one sixtieth of his pensionable emoluments for each completed period of three years' pensionable service:

Provided that an additional pension granted under this paragraph—

(i) shall not exceed ten sixtieths; and

(ii) shall not exceed such annual sum as is equal to the difference between such pension as could be granted to him under the appropriate law and the pension for which he would have been eligible if he had continued to hold the office held by him at the date of his retirement

RETIREMENT BENEFITS

until he had reached the age of fifty-five years or, in the case of a judge of the High Court of the Region, sixty-two years and had then retired, having been granted all increments of salary for which he would have been eligible by that date ; or

(c) a reduced additional pension equal to three quarters of that additional pension together with a gratuity equal to one quarter of that additional pension multiplied by twelve and one half.

(3) An officer to whom this paragraph applies who at the date of his retirement was the holder of a pensionable office for the purposes of the appropriate law but who had not completed at that date the period of qualifying service required by the appropriate law to render him eligible for the grant of a pension may be granted at his option either—

(a) such benefits as may be granted to him under the appropriate law ; or

(b) a gratuity at the rate of one month's pensionable emoluments for each completed six months of pensionable service ; or

(c) a pension equal to the pension that could have been granted to him under the appropriate law if that law had not required him to have been in qualifying service for any period to render him eligible for the grant of a pension ; or

(d) a reduced pension equal to three quarters of that pension together with a gratuity equal to one quarter of that pension multiplied by twelve and one half.

(4) If an officer to whom this paragraph applies who was at the date of his retirement—

(a) an entitled officers in the public service of the Northern Region or an existing overseas officer in the public service of the Western Region or the public service of the Eastern Region ; or

(b) a future overseas officer in the public service of the Eastern Region who was appointed or selected for appointment as the substantive holder of an office in that public service, being a pensionable office for the purposes of the appropriate law, before the eighth day of August, 1957,

gives notice in writing that he so desires to the Governor within six months of the date of his retirement or within such longer period after that date as the Governor, acting in his discretion, may allow, he shall be deemed to have retired under paragraph 5 of this Schedule and the provisions of this Schedule shall apply accordingly, and, in the case of an officer in the public service of the Eastern Region who is not an entitled officer, he shall for that purpose be deemed to be an entitled officer ;

Provided that an officer who is deemed to have retired under that paragraph shall not be granted any benefits under the foregoing provisions of this paragraph.

15. Any option exercisable by an officer in the public service of a Region for the purposes of this Schedule—

(a) shall be exercisable on or before the date of the officer's retirement :

Provided that the Governor, acting in his discretion, may, if he thinks fit, and subject or not to conditions, extend the period for the exercise of the option ;

Exercise of options.

RETIREMENT BENEFITS

(b) shall be irrevocable after the end of the period within which it must be exercised ;

(c) shall be exercised by notice in writing to the Governor ; and

(d) shall be deemed to have been exercised on the date on which such notice is received.

Application
of
appropriate
law.

16. Where any officer in the public service of a Region retires under paragraph 5 of this Schedule the provisions of the appropriate law—

(a) shall, subject to the provisions of this Order, apply in relation to the grant of any pension or gratuity under this Schedule and to any pension or gratuity granted thereunder as they apply in relation to the grant of a pension or gratuity, and to any pension or gratuity granted, under the appropriate law ; and

(b) shall, subject as aforesaid, apply in relation to the grant of any additional allowance under this Schedule and to any additional allowance granted thereunder as they apply in relation to the grant of a pension, and to any pension granted, under the appropriate law.

Exemption
from tax.

17. Any sum granted by way of compensation under paragraph 7, paragraph 8 or paragraph 9 of this Schedule, any sum granted under paragraph 10 of this Schedule, any gratuity granted under paragraph 6, paragraph 11 or paragraph 14 of this Schedule and any sum paid upon the transfer of an officer under paragraph 13 of this Schedule shall be exempt from tax under any law enacted by the Legislature of the Federation, any Region or the Southern Cameroons relating to the taxation of incomes or imposing any other form of taxation.

Application
of
Schedule to
officers who
are not
overseas
officers.

18.—(1) This paragraph applies to an officer in the public service of the Western Region or the public service of the Eastern Region—

(a) who was on or before the first day of October, 1954, appointed or selected for appointment as the substantive holder of an office in the former public service of Nigeria or the public service of the Federation or the public service of a Region, being a pensionable office for the purposes of the appropriate law ;

(b) who is not an overseas officer ; and

(c) in the case of an officer whose appointment is subject to confirmation who has been confirmed in his appointment,

and to any other officer in that public service, not being an overseas officer, to whom this section is declared by the appropriate authority, with the concurrence of the Governor, to be applicable.

(2) If an officer to whom this section applies can shew to the satisfaction of the appropriate authority that his career in the public service has been prejudiced by the provisions of the Nigeria (Constitution) Order in Council, 1954, as amended, or that, because of those provisions, he has reasonable grounds for anxiety about his career in the public service, the provisions of this Schedule that otherwise would apply only in relation to overseas officers shall apply in relation to him as if he were an overseas officer.

(3) In this paragraph "the appropriate authority" in relation to an officer in the public service of the Western Region or the public service of the Eastern Region means—

RETIREMENT BENEFITS

(a) in the case of an officer who was selected for or offered appointment to the public service of the Region by a Secretary of State or whose appointment to an office in the public service of the Region was approved by a Secretary of State, a Secretary of State;

(b) in the case of an officer not falling within the foregoing provisions of this sub-paragraph who holds an office to which section 180E of the Nigeria (Constitution) Order in Council, 1954, as amended, applies, the Governor acting on the recommendation of the Judicial Service Commission of the Region; and

(c) in any other case, the Governor acting on the recommendation of the Public Service Commission of the Region.

(4) The foregoing provisions of this paragraph shall apply in relation to the public service of the Northern Region as they apply in relation to the public service of the Western Region and the public service of the Eastern Region, and for that purpose sub-paragraph (1) shall have effect as if the words "the first day of October, 1954," in head (a) were deleted and the words "the thirty-first day of August, 1957," were substituted.

ANNEX TO THE SECOND SCHEDULE

TABLE I

Paragraphs 6 and 11

<i>Age of officer</i>	<i>Factor</i>	<i>Age of officer</i>	<i>Factor</i>
29 and under	.. 16.50	41	14.82
30 .. ..	.. 16.44	42	14.64
31 .. ..	.. 16.31	43	14.46
32 .. ..	.. 16.18	44	14.26
33 .. ..	.. 16.05	45	14.07
34 .. ..	.. 15.91	46	13.86
35 .. ..	.. 15.77	47	13.65
36 .. ..	.. 15.62	48	13.43
37 .. ..	.. 15.47	49	13.20
38 .. ..	.. 15.32	50	12.96
39 .. ..	.. 15.16	51	12.72
40 .. ..	.. 14.99	52 and over	12.50

RETIREMENT BENEFITS

TABLE II

Paragraph 12

[illegible]

RETIREMENT BENEFITS

Paragraph 12

TABLE IIa

[illegible]

RETIREMENT BENEFITS

TABLE III

<i>Age of officer</i>				<i>Factor where length of service is 10 years or more</i>				<i>Age of officer</i>				<i>Paragraph 12 Factor where length of service is 10 years or more</i>			
37	..	..	..	2.82	50	..	..	..	3.31	51	..	..	..	3.11	
38	..	..	..	3.22	52	..	..	..	2.91	53	..	..	..	2.71	
39	..	..	..	3.56	54	..	..	..	2.51						
40	..	..	..	3.83											
41	..	..	..	4.01											
42	..	..	..	4.10	55	..	..	..	2.31	56	..	..	..	2.11	
43	..	..	..	4.12	57	..	..	..	1.88	58	..	..	..	1.58	
44	..	..	..	4.07	59	..	..	..	1.25	60	..	..	..	0.75	
45	..	..	..	3.97	61	..	..	..	0.25	62 or more	..	..	..	Nil	
46	..	..	..	3.85											
47	..	..	..	3.73											
48	..	..	..	3.61											
49	..	..	..	3.47											

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes provision for special retirement benefits for officers in the public services of the Western and Eastern Regions of Nigeria in accordance with the recommendations of the Nigeria Constitutional Conference held in London in May and June, 1957, and makes fresh provision for the retirement benefits of officers in the public services of the Federation of Nigeria and the Northern Region of Nigeria.

STATUTORY INSTRUMENTS

(Remaining effective provisions)

1960 No. 439

WEST AFRICA

The Nigeria (Retirement Benefits) (Amendment)

Order in Council, 1960

Made 16th March, 1960

Laid before Parliament 22nd March, 1960

Coming into Operation 23rd March, 1960

At the Court at Buckingham Palace, the 16th day of March, 1960

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Nigeria (Retirement Benefits) (Amendment) Order in Council, 1960, and shall be construed as one with the Nigeria (Retirement Benefits) Order in Council, 1958(b), (hereinafter called "the principal Order").

(2) The principal Order and this Order may be cited together as the Nigeria (Retirement Benefits) Orders in Council, 1958 and 1960.

(3) This Order shall come into operation on the twenty-third day of March, 1960.

[S.2—8 amend S.I 1958/1523]

9.—(1) In this section—

"pensions law" means a law that governs the grant of pensions, gratuities and other like benefits;

"dependants" in relation to any person means the widow, children, dependants and personal representatives of that person.

(2) Subject to the provisions of the principal Order and this Order, any pensions law enacted by any legislature in Nigeria that applied immediately before the commencement of this Order in relation to any person in respect of his service in the public service of the Southern Cameroons or in relation to the dependants of any such person in respect of any such service shall continue to apply in relation to that person or to those dependants, as the case may be.

(3) A law enacted by the Legislature of the Southern Cameroons may be applied in relation to any person mentioned in subsection (2) of this section in respect of his service in the public service of the Southern Cameroons instead of the pensions law that applies by virtue of that subsection if the law enacted by the Legislature of the Southern Cameroons is not less favourable to that person or his dependants, as the case may be, than that pensions law.

(4) Subject to the provisions of the principal Order and this Order, any pension, gratuity or other like benefit that may be granted to any person who is appointed to the public service of the Southern Cameroons after the commencement of this Order or to the dependants of any such person shall be governed by the law in force on the date on which that person is first

Citation,
construction
and
commence-
ment.

Application
of pensions
laws.

(a) 53 & 54 Vict. c. 37.

(b) S.I. 1958/1523.

appointed to a pensionable office in that public service or by any law made thereafter that is not less favourable to that person or his dependants, as the case may be, and is applicable in his or her case.

Transitional provisions.

(5) For the purposes of this section references to a pensions law enacted by any legislature in Nigeria include references to any instrument made in pursuance of any such law.

10.—(1) An officer in the public service of the Northern Region who retired after the fourteenth day of March, 1959, and before the commencement of this Order may be granted such benefits as could have been granted to him if this Order had come into operation on the fifteenth day of March, 1959.

(2) An officer in the public service of the Southern Cameroons who retired after the thirty-first day of January, 1960, and before the commencement of this Order may be granted such benefits as could have been granted to him if this Order had come into operation on the first day of February, 1960.

(3) The benefits payable under the principal Order, as amended by this Order, to an officer in the public service of the Northern Region who retired between the fourteenth day of March, 1959, and the commencement of this Order or who retires after the commencement of this Order, having given notice of his intention to do so before the first day of November, 1959, shall be calculated either as at the fifteenth day of March, 1959, or the date of his retirement, whichever is more advantageous to him, and the provisions of paragraph 8 of the Second Schedule to the principal Order shall have effect accordingly.

(4) Any person who immediately before the commencement of this Order was an existing overseas officer in the public service of the Federation or the public service of a Region, as the case may be, for the purposes of the principal Order but who is not such an officer for the purposes of the principal Order, as amended by this Order, shall be deemed to be such an officer for those purposes.

W. G. AGNEW

Section 7

FIRST SCHEDULE

Amends First Schedule to S.I. 1958/1523

Section 8

SECOND SCHEDULE

Amends Second Schedule to S.I. 1958/1523

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to explain its general purport.)

This Order amends the provisions of the Nigeria (Retirement Benefits) Order in Council, 1958, relating to the Northern Region of Nigeria and the Southern Cameroons. It also amends certain definitions in the Schedules to the Order.