

EMERGENCY POWERS ACT, 1961

Assented to in Her Majesty's name this 17th day of April, 1961.

NNAMDI AZIKIWE,
Governor-General

(L.S.)



ARRANGEMENT OF SECTIONS

Section

1. Short title, application and commencement.
2. Interpretation.
3. Regulations.

4. Orders and rules under the regulations.
5. Regulations, orders and rules to be approved by Parliament.
6. Inconsistency.
7. Presumption of authenticity.

1961, No. 1

AN ACT FOR THE MAINTENANCE AND SECURING OF PEACE, ORDER AND GOOD GOVERNMENT DURING PERIODS OF EMERGENCY.

Title.

[30th March, 1961]

Commencement.

Enactment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows—

1. (1) This Act may be cited as the Emergency Powers Act, 1961, and shall be of Federal application.

Short title, application and commencement.

(2) This Act shall be deemed to have come into operation on the 30th March, 1961.

Interpretation.

2. In this Act—

“law” includes any Act, Law or Ordinance and any subsidiary legislation made under any Act, Law or Ordinance ;

“period of emergency” has the same meaning as it has in section 65 of the Constitution of the Federation, that is to say any period during which—

(a) the Federation is at war ; or

(b) there is in force a resolution passed by each House of Parliament declaring that a state of public emergency exists ; or

(c) there is in force a resolution of each House of Parliament supported by 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.

Regulations.

3. (1) During a period of emergency, the Governor-General in Council may make such regulations as appear to him to be necessary or expedient for the purpose of maintaining and securing peace, order and good government in Nigeria or any part thereof.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the regulations may, so far as appears to the Governor-General in Council to be necessary or expedient for any of the purposes mentioned in that subsection—

(a) make provision for the detention of persons and the deportation and exclusion of persons from Nigeria or any part thereof ;

(b) authorise—

(i) the taking of possession or control on behalf of the Government of the Federation, of any property or undertaking ;

(ii) the acquisition on behalf of the Government of the Federation of any property other than land ;

(c) authorise the entering and search of any premises ;

(d) provide for amending any law, for suspending the operation of any law, and for applying any law with or without modification ;

(e) provide for charging, in respect of the grant or issue of any licence, permit, certificate or other document for the purposes of the regulations, such fee as may be prescribed by or under the regulations ;

(f) provide for payment of compensation and remuneration to persons affected by the regulations ;

(g) provide for the apprehension, trial and punishment of persons offending against the regulations ;

(h) provide for maintaining such supplies and services as are, in the opinion of the Governor-General in Council, essential to the life of the community :

Provided that nothing in this subsection shall authorise the making of provision for the trial of persons by military courts.

(3) The payment of any compensation or remuneration under the provisions of such regulations shall be a charge upon the Consolidated Revenue Fund of the Federation.

(4) Regulations made under this subsection shall apply to the whole of Nigeria or to such part or parts thereof as may be specified in the regulations.

4. Regulations made under section 3 may provide for empowering such authorities or persons as may be specified in the regulations to make orders and rules for any of the purposes for which the regulations are authorised by this Act to be made, and may contain such incidental and supplementary provisions as appear to the Governor-General in Council to be necessary or expedient for the purposes of the regulations.

Orders
and rules
under the
regulations.

5. (1) Every regulation made under section 3 and every order or rule made in pursuance of such a regulation shall, without prejudice to the validity of anything lawfully done thereunder, cease to have effect at the expiration of a period of two months from the date upon which it came into operation unless, before the expiration of that period, it has been approved by resolutions passed by both Houses of Parliament.

Regulations,
orders and
rules to be
approved by
Parliament.

(2) Any such regulation, order or rule may, without prejudice to the validity of anything lawfully done thereunder, at any time be amended or revoked by resolutions passed by both Houses of Parliament.

6. Every regulation made under section 3 and every order or rule made in pursuance of such a regulation shall have effect notwithstanding anything inconsistent therewith contained in any law; and any provision of a law which is inconsistent with any such regulation, order or rule shall, whether that provision has or has not been amended, modified or suspended in its operation under this Act, to the extent of such inconsistency have no effect so long as such regulation, order or rule remains in force.

Inconsist-
ency.

7. Every document purporting to be an instrument made or issued by the Governor-General in Council or other authority or person in pursuance of this Act, or of any regulation made under section 3, and to be signed by or on behalf of the Governor-General in Council or such other authority or person, shall be received in evidence, and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Governor-General in Council or that authority or person.

Presumption
of
authenticity.

This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the Parliaments

SUPPLEMENTARY APPROPRIATION (1959-60) ACT, 1961

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Assented to in Her Majesty's name this 13th day of May, 1961.

NNAMDI AZIKIWE,
Governor-General

(L.S.)



ARRANGEMENT OF SECTIONS

Section

1. Short title.

2. Additional expenditure for 1959-60
legalised.

1961, No. 2

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

Title.

[18th May, 1961]

WHEREAS by the Appropriation (1959-60) Ordinance, 1959 (hereinafter referred to as the Appropriation Ordinance) a sum of Thirty-Seven Million, Six Hundred and Forty-Seven Thousand, One Hundred and Sixty Pounds was provided for the service of the Federation of Nigeria for the year which ended on the 31st day of March, 1960, to be applied and expended in the manner therein described for the services set forth in the Schedule to that Ordinance:

Commence-
ment.

Preamble.
No. 14 of
1959.

No. 17 of
1959.

AND WHEREAS by the Supplementary Appropriation (1959-60) Ordinance, 1959 (hereinafter referred to as the First Supplementary Appropriation Ordinance) a further sum of Three Million, One Hundred and Seventy-Four Thousand, Seven Hundred and Fifty Pounds was provided in addition to the sum provided by the Appropriation Ordinance for the services set forth in the First Schedule to the First Supplementary Appropriation Ordinance :

No. 1 of
1960.

AND WHEREAS by the Supplementary Appropriation (1959-60) (No. 2) Ordinance, 1960 (hereinafter referred to as the Second Supplementary Appropriation Ordinance) a further sum of One Million, Two Hundred and Thirty Thousand, Nine Hundred and Thirty Pounds was provided in addition to the sums provided by the Appropriation Ordinance and the First Supplementary Appropriation Ordinance for the services set forth in the First Schedule to the Second Supplementary Appropriation Ordinance :

No. 24 of
1960.

AND WHEREAS by the Supplementary Appropriation (1959-60) (No. 3) Ordinance, 1960 (hereinafter referred to as the Third Supplementary Appropriation Ordinance) a further sum of Eighty-Three Thousand Pounds was provided in addition to the sums provided in the Appropriation Ordinance and the First and Second Supplementary Appropriation Ordinances for the services set forth in the First Schedule to the Third Supplementary Appropriation Ordinance.

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

NOW THEREFORE, BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows—

Short title.

1. This Act may be cited as the Supplementary Appropriation (1959-60) Act, 1961.

**Additional
expendi-
ture for
1959-60
legalised.**

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

SCHEDULE

<i>Heads</i>	<i>Amount</i>
	<i>£</i>
23 Military	140,547
25 Police	27,181
30 Ministry of Education	41,002
37 Pensions and Gratuities	232,876
39 Ministry of Health	79,526
57 Legal	4,982
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	£526,114

This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

B. ADE MANUWA,
Clerk of the Parliaments

Assented to in Her Majesty's name this 13th day of May, 1961.

NNAMDI AZIKIWE,
Governor-General

(L.S.)



ARRANGEMENT OF SECTIONS

Section	
1. Short title.	3. Appropriation of £52,987,260 Schedule.
2. Expenditure of £52,987,260 authorised out of the Consolidated Revenue Fund.	4. Balance unissued to lapse.

1961, No. 4

AN ACT TO APPROPRIATE THE SUM OF FIFTY-TWO MILLION, NINE HUNDRED AND EIGHTY-SEVEN THOUSAND, TWO HUNDRED AND SIXTY POUNDS TO THE SERVICE OF THE YEAR ENDING ON THE THIRTY-FIRST DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND SIXTY-TWO

Title.

[18th May, 1961]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows—

Enactment.

1. This Act may be cited as the Appropriation (1961-62) Act, 1961.

Short title.

Expenditure
of
£52,987,260
authorised
out of the
Consolidated
Revenue
Fund.
Schedule.

Appropriation
of
£52,987,260
Schedule.

Balance
unissued to
lapse.

2. The Accountant-General of the Federation may, on the warrant of the Minister of Finance, pay out of the Consolidated Revenue Fund of the Federation of Nigeria during the year ending on the 31st day of March, 1962, any sums not exceeding in the whole the sum of Fifty-Two Million, Nine Hundred and Eight Seven Thousand, Two Hundred and Sixty Pounds, being the total of the amounts set forth opposite Heads 21 to 63 in the Schedule.

3. The said sum of Fifty-Two Million, Nine Hundred and Eighty Seven Thousand, Two Hundred and Sixty Pounds, shall be appropriated to the purposes and in the manner expressed in the Schedule.

4. The moneys granted by this Act are intended for the services in respect of which moneys will become payable within the year ending 31st day of March, 1962, and any balance thereof unissued at the end of the month of March of that year shall lapse and not be available for making payments in any subsequent month.

SCHEDULE

<i>Head</i>	<i>Amount</i>
	£
21. State House	71,850
22. Cabinet Office	326,430
23. Police	4,687,410
24. Ministry of Commerce and Industry	503,120
25. Marketing and Exports	505,550
26. Ministry of Communications	5,983,540
27. Ministry of Defence	49,740
28. Royal Nigerian Army	4,200,930
29. Royal Nigerian Navy	565,490
30. Ministry of Economic Development	313,010
31. Agriculture (Research)	239,920
32. Fisheries Service	53,110
33. Forestry (Research)	102,690
34. Statistics	209,800
35. Veterinary (Research)	226,370
36. Ministry of Education	3,257,570
37. Antiquities	54,240
38. National Archives	46,900
39. Ministry of Establishments and Service Matters	464,850
40. Pensions and Gratuities	526,150
41. Ministry of Finance	2,126,970
42. Customs and Excise	672,400
43. Inland Revenue	225,290
44. Ministry of Foreign Affairs and Commonwealth Relations	1,188,970
45. Ministry of Health	3,169,690
46. Ministry of Information	2,174,750
47. Ministry of Internal Affairs	153,060
48. Prisons	1,293,050
49. Ministry of Justice	164,810
50. Ministry of Labour	510,970
<i>Carried forward</i>	<u>4,068,630</u>

SCHEDULE—continued

	<i>Brought forward</i>	..	..	..	..	..	£	4,068,630
51.	Ministry of Lagos Affairs	..	..	..	..	..		1,080,360
52.	Ministry of Mines and Power	..	..	..	..	..		386,830
53.	Ministry of Transport and Aviation	..	..	..	..	..		920,670
54.	Coastal Agency	..	..	..	..	..		135,700
55.	Inland Waterways	..	..	..	..	..		681,700
56.	Ministry of Works and Surveys	..	..	..	..	..		5,835,250
57.	Audit	..	..	..	..	..		93,690
58.	Electoral Commission	..	..	..	..	..		53,410
59.	Judicial	..	..	..	..	..		[151,260
60.	Parliament	..	..	..	..	..		661,310
61.	Public Service Commission	..	..	..	..	..		67,770
62.	Contributions to the Development Fund	..	..	..	..	..		7,980,680
63.	Non-Statutory Appropriations of Revenue	..	..	..	..	..		870,000
	Total	..	..	..	..	..	£	<u>52,987,260</u>

This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

B. ADE MANUWA,
Clerk of the Parliaments