

LAGOS STOCK EXCHANGE ACT, 1961

Assented to in Her Majesty's name this 6th day of June, 1961.

NNAMDI AZIKIWE,
Governor-General

(L.S.)



ARRANGEMENT OF SECTIONS

Section

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| <ol style="list-style-type: none"> 1. Short title, application and commencement. 2. Interpretation. 3. Exclusive right of Exchange members to carry on business of stockbroking. | <ol style="list-style-type: none"> 4. Offence to carry on unauthorised business of stockbroking. 5. Reports to be made quarterly. 6. Notification of rejection of applicant for membership of Exchange. 7. Central Bank of Nigeria may deal in Government securities. |
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1961, No. 14

AN ACT TO PROHIBIT THE CARRYING ON OF THE BUSINESS OF STOCKBROKING IN RELATION TO STOCK, SHARES AND OTHER SECURITIES GRANTED A QUOTATION BY THE LAGOS STOCK EXCHANGE EXCEPT BY MEMBERS OF THE EXCHANGE, AND TO PROVIDE FOR THE MAKING OF CERTAIN REPORTS AND STATEMENTS ON THE ACTIVITIES OF THE EXCHANGE BY THE CHAIRMAN THEREOF.

[By notice, see section 1 (2)]

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—

Commence-
ment.

1. (1) This Act may be cited as the Lagos Stock Exchange Act, 1961, and shall be of Federal application.

Short title,
application
and
commence-
ment.

(2) This Act shall come into operation on a day to be appointed by the Minister by notice in the Gazette.

Interpre-
tation.

2. In this Act, unless the context otherwise requires—

“the Articles of Association” means the Articles of Association of the Exchange.

“the Chairman of the Exchange” means the person who, in accordance with the Articles of Association, is for the time being the Chairman of the Exchange;

“the Exchange” means the Lagos Stock Exchange, a company of that name registered under the provisions of the Companies Ordinance;

“member of the Exchange” means any individual person, firm or corporate body who, in accordance with the Articles of Association, is a member or founder member of the Exchange;

“the Minister” means the Minister of the Federation charged with responsibility for matters relating to finance;

“stockbroking” includes stockjobbing.

Exclusive
right of
Exchange
members to
carry on
business of
stockbroking.

3. The business of stockbroking in Nigeria in relation to stocks, shares and other securities for the time being granted a quotation by the Exchange shall be undertaken only by members of the Exchange.

Offence to
carry on
unautho-
rised
business of
stockbroking.

4. Any person who, not being a member of the Exchange, on behalf of any other person sells or offers for sale or purchases or offers to purchase any stock, share or other security for the time being granted a quotation by the Exchange shall be guilty of an offence and liable on conviction—

(a) in the case of an individual person, to a fine not exceeding one thousand pounds or imprisonment for a term not exceeding two years, or to both such fine and imprisonment;

(b) in the case of a corporate body, to a fine of five thousand pounds.

Reports to
be made
quarterly.

5. (1) The Chairman of the Exchange shall, as soon as possible after the end of each quarter of each year, that is to say, the 31st March, the 30th June, the 30th September, and the 31st December, forward to the Governor of the Central Bank of Nigeria a written report on the activities of the Exchange during the previous quarter.

(2) The Governor of the Central Bank of Nigeria shall forward to the Minister every written report received by him in accordance with subsection (1), and shall also submit such written comments thereon as he may wish to make.

Notification
of rejection
of applicant
for member-
ship of
Exchange.

6. Where the application of any person to be admitted to membership of the Exchange is rejected by the Council of the Exchange in accordance with the Articles of Association, the Chairman of the Exchange shall forthwith forward to the Minister through the Governor of the Central Bank of Nigeria a written statement informing him of such rejection and of the reasons therefor.

Central Bank
of Nigeria
may deal in
Government
securities.

7. Notwithstanding anything contained in this Act, the Central Bank of Nigeria, whether or not it is a member of the Exchange, may, either on its own behalf or on behalf of another person, sell or offer for sale or purchase or offer to purchase stocks and other securities of the Government of the Federation, whether or not they are for the time being granted a quotation by the Exchange.

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 6th day of June, 1961.

NNAMDI AZIKIWE,
Governor-General

(L.S.)



ARRANGEMENT OF SECTIONS

Section

1. Short title, etc.
2. Interpretation.

3. Certain pensions increased.
4. Special provisions as to pensions in Western Nigeria.

1961, No. 15

AN ACT TO PROVIDE FOR AN INCREASE IN THE RATE OF CERTAIN PENSIONS AND FOR OTHER PURPOSES CONNECTED THEREWITH

[See section 3]

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—

1. (1) This Act may be cited as the Pensions (Special Provisions) Act, 1961, and shall be read together with and form part of the Pensions Ordinance and the Pensions (Increase) Ordinance.

Short title,
etc.

Cap. 147 (A).
Cap. 147 (B).

(2) This Act shall have Federal application.

Interpreta-
tion.

Cap. 147 (B).

2. (1) In this Act, unless the context otherwise requires—

“expatriate officer” has the meaning assigned by the Pensions (Increase) Ordinance ;

“pension” means the yearly amount of the pension granted to an officer or other person at the date of his retirement or the yearly amount of the pension as reduced by commutation under the Pensions Regulations as the case may be, inclusive in either case of increases payable before the coming into force of this Act, and includes any annual allowance in the nature of pension ;

“the effective date” means the 31st day of August, 1959.

(2) For the purposes of this Act—

(a) where a pension in payment at the effective date indicated a fraction of a pound, the increase shall be calculated as if the fraction were a whole pound ; and

(b) if a pension is reduced by commutation, the increase shall not be calculated on the hypothetical unreduced pension.

Certain
pensions
increased.

Cap. 147 (B)

3. (1) Subject to the provisions of this Act, there shall be payable to every person in receipt of a pension granted under any of the Ordinances mentioned in the First Schedule to the Pensions (Increase) Ordinance an increase in his pension, calculated—

(a) at the rate of $12\frac{1}{2}$ per cent of the pension in payment at the effective date of a pensioner who, but for his retirement as an expatriate officer before the 1st day of October, 1954 would have been in receipt of a salary corresponding to Group 7 or above at the passing of this Act ;

(b) at the rate of $12\frac{1}{2}$ per cent of the pension in payment at the effective date in the case of any pensioner who, but for his retirement at any time after the 30th day of September, 1954 and before the 1st day of September, 1959, would have been in receipt of a salary corresponding to Group 7 or above at the passing of this Act ; and

(c) at the rate of 15 per cent of his pension before the coming into operation of this Act in any other case.

Cap. 147 (B).
Cap. 119.

(2) There shall, for the purposes only of this Act, be deemed to be added to the First Schedule to the Pensions (Increase) Ordinance a reference to the Military Pensions Ordinance, and the provisions of this section shall as the case may require, apply to any pension payable under the Military Pensions Ordinance on completion of the prescribed period of service.

(3) For the purposes of this section where an increase at a percentage rate would operate so as to exceed the sum of £150, the maximum annual amount of the increase shall be limited to £150.

Special
provisions as
to pensions
in Western
Nigeria.

4. Nothing in this Act shall be construed so as to authorise an increase in the Federal portion of a pension payable in respect to service partly in the Federal Territory and partly in Western Nigeria where the officer or other person otherwise entitled retired from service in Western Nigeria after the 31st day of March, 1959 and before the 1st day of September, 1959.

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

ELECTORAL (TRANSITIONAL PROVISIONS) ACT, 1961

A 61

Assented to in Her Majesty's name this 6th day of June, 1961.

NNAMDI AZIKIWE,
Governor-General

(L.S.)



ARRANGEMENT OF SECTIONS

Section

1. Short title, etc.
2. Interpretation.

3. Regulations.
4. Federal electoral register.
5. Duration of Act, etc.

1961, No. 16

AN ACT TO MAKE TEMPORARY PROVISION FOR ELECTION OF MEMBERS OF
THE HOUSE OF REPRESENTATIVES.

[See section 1]

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—

1. (1) This Act may be cited as the Electoral (Transitional Provi-
sions) Act, 1961, and shall apply throughout Nigeria.

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

Short title,
etc.

Interpreta-
tion.

2. (1) In this Act and in regulations made or deemed to have been made under this Act as the case may be, and unless the context otherwise requires,—

L.N.117/
1958.

“the Regulations” means the Elections (House of Representatives) Regulations, 1958 made under the Nigeria (Electoral Provisions) Order in Council, 1958 as from time to time amended before the passing of this Act.

(2) References in the Regulations—

(a) to a constituency shall be construed as references to a constituency under the Constitution of the Federation ;

(b) to the Electoral Commission shall be construed as references to the Electoral Commission for the Federation under the Constitution of the Federation ;

(c) to a British subject or British protected person as one of the qualifications as an elector shall be read and construed as references to citizens of Nigeria ; and

(d) to the first register and the preliminary list for the purposes of any qualifying date shall include references to any other register and preliminary list compiled for the purposes of voting at any other election of members of the House of Representatives.

Regulations.

3. (1) The Governor-General in Council may make regulations under this Act for any purpose for which regulations for the conduct of elections are necessary or expedient for giving full effect to the provisions of this Act.

(2) Subject to the provisions of this Act—

L.N. 117/
1958.

(a) the Elections (House of Representatives) Regulations, 1958 made under the Nigeria (Electoral Provisions) Order in Council, 1958 of the United Kingdom to the extent to which they have not been amended or revoked shall, on the passing of this Act and notwithstanding any other Act or rule of law, be deemed to have been made under this Act ; and

L.N. 247/
1959.

(b) the Federal Legislative Houses (Disputed Seats) Regulations, 1959 made under the Nigeria (Constitution) Orders in Council, 1954 to 1959 of the United Kingdom shall continue in force and for the avoidance of doubts be deemed to have been made under this Act and have effect where not inconsistent with the provisions of the Constitution of the Federation.

Federal
electoral
register.

4. (1) Subject to the provisions of this section, where pursuant to regulations made or deemed to be made under this Act a Federal electoral register has been compiled for use in any constituency, the Electoral Commission may, for the same or any other constituency, direct the preparation of a new Federal electoral register for use at any Federal election, or may direct the use of any existing Federal electoral register with any supplementary electoral register.

(2) If for any Federal election the existing Federal electoral register is to be used for the purposes of any election, the Federal electoral register shall together with any supplementary list of voters be displayed in such manner as the Electoral Commission may prescribe in every

registration area of a constituency for not less than 7 days ; and any person may during that period object to the inclusion of the name of a voter on the grounds that the voter is not a citizen of Nigeria.

(3) For the purposes of this section, where any form is prescribed for use in the preparation of a preliminary list the form may be used with such modifications as are necessary to provide for any supplementary list and every applicant for inclusion in the Federal electoral register shall if required by a registrar in addition to any other information prescribed disclose whether he is already registered in any other registration area of a constituency.

5. This Act shall continue in operation until the 31st day of December, 1962 and if not sooner replaced or extended shall then expire :

Duration of
Act, etc.

Provided that the expiry of this Act shall not affect any right, obligation or penalty accrued or incurred during the continuance of this Act, and any investigation, legal proceeding or remedy in respect of any such right or obligation may thereafter be instituted continued or enforced, and such penalty may be imposed as if this Act had not expired.

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 6th day of June, 1961.

NNAMDI AZIKIWE,
Governor-General

(L.S.)



ARRANGEMENT OF SECTIONS

Section

1. Short title, commencement and application.
2. Interpretation.
3. Appointment of officers.
4. Performance of functions of registrar by assistant registrars.
5. Registrars.
6. Firms and persons to be registered.
7. Manner and particulars of registration.
8. Signing of statement.
9. Registration of changes in firm.

10. Certificates of registration.
11. Removal of names from register.
12. Refusal of registration in certain cases.
13. Searches.
14. Copies of entries in registers.
15. Publication of true name.
16. Disability of persons in default.
17. Offences and penalties.
18. Regulations.
19. Validity of previous registration.
20. Repeal.

1961, No. 17

AN ACT TO MAKE NEW PROVISION FOR THE REGISTRATION OF FIRMS AND PERSONS CARRYING ON BUSINESS UNDER BUSINESS NAMES AND FOR PURPOSES CONNECTED THEREWITH.

[By Notice, see section 1]

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—

Short title,
commence-
ment and
application.

1. (1) This Act may be cited as the Registration of Business Names Act, 1961, and shall come into operation on a day to be appointed by the Governor-General by notice in the Gazette.

(2) This Act shall be of Federal application.

Interpreta-
tion.

2. (1) In this Act, unless the context otherwise requires—

“business” includes any trade, industry and profession and any occupation carried on for profit ;

“business name” means the name or style under which any business is carried on whether in partnership or otherwise ;

“assistant registrar” means an Assistant Registrar of Business Names appointed under section 3 ;

“firm” means an unincorporated body of two or more individuals or one or more individuals and one or more corporations, or two or more corporations, who or which have entered into partnership with one another with a view to carrying on business for profit ;

“forename” when used with a surname includes any country or native name ;

“initials” includes any recognised abbreviation of a forename ;

“minister” means the Minister charged with responsibility relating to the registration of Business Names ;

“minor” means a person who has not attained the age of twenty-one years ;

“Registrar” means the Registrar of Business Names ;

“show card” means a card containing or exhibiting articles dealt with, or samples or representations thereof.

(2) The registration of a business name under this Act shall not be construed as authorising the use of that name if apart from such registration the use thereof could be prohibited.

Appoint-
ment of
officers.

3. There may from time to time be appointed a fit person to be Registrar of Business Names and such other persons to be Assistant Registrars or other officers as may be necessary for the administration of this Act.

Perform-
ance of
functions
of registrar
by assistant
registrars.

4. For the purposes of the registration under this Act of the business name of a firm or individual whose principal place of business is in a Region or of the application of this Act to such a firm or individual registered under this Act, any assistant registrar may, subject to such written directions as the registrar may give, perform any act or discharge any duty which the registrar may lawfully perform or discharge or is required by this Act to perform or discharge, and, subject as aforesaid, any reference in this Act to the registrar shall accordingly be deemed to include a reference to an assistant registrar.

Registers.

5. The registrar, and such assistant registrars as the registrar may require to do so, shall keep a register in the required form in which shall be entered such matters as are required by this Act or any regulations made thereunder to be entered therein.

6. Every—

(a) firm having a place of business in Nigeria and carrying on business under a business name which does not consist of the true surnames of all partners without any addition other than the true forenames of the individual partners or the initials of such forenames ;

(b) individual having a place of business in Nigeria and carrying on business under a business name which does not consist of his true surname without any addition other than his true forenames or the initials thereof ;

(c) individual or firm having a place of business in Nigeria who or a member of which has either before or after the coming into operation of this Act changed his name, except in the case of a woman in consequence of marriage,

Firms and persons to be registered.

shall be registered in the manner directed by this Act :

Provided that—

(i) where the addition merely indicates that the business is carried on in succession to a former owner of the business that addition shall not of itself render registration necessary ; and

(ii) where two or more individual partners have the same surname the addition of an "s" at the end of that surname shall not of itself render registration necessary ; and

(iii) where the business is carried on by a receiver or manager appointed by any court, registration shall not be necessary.

7. (1) Every firm or individual required under this Act to be registered shall, within twenty-eight days after the firm or individual commences the business in respect of which registration is required or within three months of the coming into operation of this Act, furnish to the registrar at the register office for the area in which the principal place of business of the firm or individual is situated a statement in writing in the prescribed form, signed as required by section 8 and containing the following particulars—

Manner and particulars of registration.

(a) the business name or, if the business is carried on under two or more business names, each of those business names ;

(b) the general nature of the business ;

(c) the full postal address of the principal place of business ;

(d) the full postal address of every other place of business ;

(e) where the registration to be effected is that of a firm—

(i) the present forenames and surname, any former forenames or surname, the nationality and, if that nationality is not the nationality of origin, the nationality of origin, the age, the sex, the usual residence and any other business occupation of each of the individuals who are partners ;

(ii) the corporate name and registered office of such corporation which is a partner ;

(f) where the registration to be effected is that of an individual, the present forenames and surname, any former forenames or surname, the nationality and, if that nationality is not the nationality of origin, the nationality of origin, the age, the sex, the usual residence and any other business occupation of the individual ;

(g) where the registration to be effected is that of an individual who is a married woman or of a firm in which a married woman is a partner, the forenames and surname of her husband;

(h) the date of commencement of the business whether before or after the coming into operation of this Act.

(2) Where the registration to be effected is that of a firm or individual carrying on business on behalf of another individual, firm or corporation whether as nominee or trustee, the statement required by subsection (1) to be furnished shall contain the following particulars in addition to the particulars required by that subsection—

(a) the present forenames and surname, any former forenames or surname, the nationality and, if that nationality is not the nationality of origin, the nationality of origin and the usual residence of each individual on whose behalf the business is carried on;

(b) The name of each firm or corporation on whose behalf the business is carried on.

(3) Where the registration to be effected is that of a firm or individual carrying on business as general agent for any concern carrying on business outside Nigeria and not having a place of business in Nigeria, the statement required by subsection (1) to be furnished shall, in addition to the particulars required by that subsection, state the name and full postal address of each such concern:

Provided that in the case of a firm or individual carrying on business as general agent for three or more such concerns, it shall be sufficient to state the fact that the business is so carried on and the countries in which the concerns carry on business.

(4) On receipt of a statement furnished by a firm or individual in accordance with this section, the registrar shall, subject to the provisions of any regulations made under this Act, enter the name of the firm or individual in the register and file the statement.

Signing of
statement.

8. (1) A statement furnished in accordance with section 7 shall—

(a) in the case of a statement furnished by an individual, be signed by him;

(b) in the case of a statement furnished by a firm, be signed by each individual who is a partner and by a director or the secretary of each corporation which is a partner:

Provided that, if the statement is accompanied by a statutory declaration made by any person to the effect that he is a partner of the firm or is a director or the secretary of a corporation which is a partner of the firm the statement may be signed by that person alone.

(2) A statement furnished in accordance with section 7 by an individual who is a minor or by a firm of which one of the partners is a minor shall, in addition to the requirements of subsection (1), be signed by a magistrate, legal practitioner or police officer of or above the rank of Assistant Superintendent of Police.

Registration
of changes
in firm.

9. Whenever a change is made or occurs in any of the particulars required by section 7 to be furnished in respect of any firm or individual registered under that section other than particulars as to the age of an individual the firm or individual shall within twenty-eight days after

such change notify such change to the registrar at the register office at which the firm or person is registered in writing signed as provided in section 8.

10. (1) On the registration of any firm or individual under this Act, the registrar shall issue a certificate in the prescribed form.

Certificates
of registra-
tion.

(2) On the registration of any change in the particulars registered in respect of any firm or individual the registrar may in his discretion either amend the certificate previously issued or issue a fresh certificate.

(3) A certificate issued under this section shall be sent by registered post or delivered to the firm or individual registering, who shall thereupon exhibit and thereafter maintain the same in a conspicuous position at the principal place of the business so registered :

Provided that—

(a) where a fresh certificate has been issued under subsection (2), the provisions of this subsection shall apply to such fresh certificate only and not to the certificate originally issued ; and

(b) where any certificate has been lost or destroyed or rendered illegible, a copy of such certificate certified by the registrar may be exhibited in place of the original.

(4) Where a firm or individual registered under this Act has more than one place of business, the original certificate shall be exhibited and maintained as required by subsection (3) at the principal place of business and a copy of the certificate certified by the registrar shall be exhibited and thereafter maintained in a conspicuous position in each of the other places of business.

11. (1) If any firm or individual registered under this Act ceases to carry on business, it shall be the duty of the partners in the firm at the time when it ceased to carry on business or of the individual or if he is dead his personal representative, within three months after the business has ceased to be carried on, to send by post or deliver to the registrar a notice, stating that the firm or individual has ceased to carry on business.

Removal of
names from
register.

(2) On receipt of such a notice as aforesaid the registrar may remove the firm or individual from the register.

(3) Where the registrar has reasonable cause to believe that any firm or individual registered under this Act is not carrying on business he may send to the firm or individual by registered post a notice that, unless an answer is received to such notice within two months from the date thereof, the firm or individual may be removed from the register.

(4) If the registrar either receives an answer from the firm or individual to the effect that the firm or individual is not carrying on business or does not within two months from the date of the notice receive an answer, he may remove the firm or individual from the register.

12. (1) Where any business name under which the business of a firm or individual is carried on—

Refusal of
registration
in certain
cases.

(a) contains the words "Imperial", "Royal", "Crown", "National", "Empire", "Government", "Municipal", "Federal" or any other word which imports or suggests that the business enjoys the patronage

of Her Majesty or of any other member of the Royal Family, or of the Governor-General or a Regional Governor, or of the Government of any part of Her Majesty's dominions or protectorates or any trust territory, or imports any connection with any municipality or other local authority; or

(b) contains the word "co-operative" or its equivalent in any other language or any abbreviation thereof; or

(c) contains the words "Chamber of Commerce", "Building Society", "Guarantee", "Trust", "Investment", "Bank", "Insurance" or any word of similar connotation; or

(d) is identical with or similar to a name by which any firm or individual is registered under this Act or any company is registered under the Companies Ordinance,

Cap. 37

and the registrar is of opinion that registration would be likely to mislead the public, then the registrar shall, unless the consent of the Minister has been first obtained by the firm or individual, refuse to register the business name or, as the case may be, cancel the registration thereof.

(2) Where any business name under which the business of a firm or individual is carried on—

(a) contains any word which, in the opinion of the registrar, is likely to mislead the public as to the nationality, race or religion of the persons by whom the business is wholly or mainly owned or controlled; or

(b) is, in the opinion of the registrar, deceptive or objectionable in that it contains a reference direct or otherwise to any personage, practice or institution, or is otherwise unsuitable as a business name, then the registrar shall refuse to register the business name, or, as the case may be, cancel the registration thereof, but any person aggrieved by a decision of the registrar under this subsection may, within one month of such refusal or cancellation, appeal to the Minister whose decision shall be final.

(3) The registrar shall refuse to register an individual or firm under this Act if the age of the individual or of any individual who is a partner is stated in the statement furnished under section 7 to be less than eighteen years.

Searches.

13. The registrar shall allow searches to be made at all reasonable times in any register book, register or file of registered documents in his possession.

Copies of entries in registers.

14. (1) The registrar shall upon request give a certified copy of any entry in any register book, register or filed document in his possession.

(2) Every such certified copy shall be received in evidence, without any further or other proof, in all legal proceedings, civil or criminal.

Publication of true name.

15. (1) Every individual or firm required by this Act to be registered shall in all trade catalogues, trade circulars, show cards and business letters issued or sent by the individual or firm to any person have mentioned in legible characters—

(a) in the case of an individual, his present forenames or the initials thereof and present surname and any former forenames or surname and his nationality; and

(b) in the case of a firm the present forenames or the initials thereof, and present surname, and any former forenames or surnames and the nationality of all the partners in the firm or in the case of a corporation being a partner, the corporate name.

(2) Where the individual referred to in subsection (1) is a married woman the words "wife of" followed by the forenames and surname of her husband shall be included in addition to her own name.

(3) Where the individual referred to in subsection (1) is a minor, the words "a minor" shall be added, in brackets, after his name.

16. Where any firm or individual required under this Act to furnish a statement of particulars or of any change in particulars makes default in so doing the rights of such defaulter under or arising out of any contract made or entered into by or on behalf of such defaulter in relation to the business in respect of which particulars were required at any time while he is in default shall not be enforceable by action or other legal proceedings either in the business name or otherwise :

Disability
of persons
in default.

Provided that—

(a) the defaulter may apply to a High Court in which any such contract would otherwise be enforceable for relief against the disability imposed by this section, and a High Court in which any such contract would otherwise be enforceable on being satisfied that the default was accidental, or due to inadvertence, or some other sufficient cause, or that on other grounds it is just and equitable to grant relief, may grant such relief either generally as regards all contracts enforceable by the court or as respects any particular contract and on such conditions as the court may impose ;

(b) nothing herein contained shall prejudice the rights of any other parties as against the defaulter in respect of such contract as aforesaid ;

(c) if any action or proceeding shall be commenced by any other party against the defaulter to enforce the rights of such party in respect of such contract, nothing herein contained shall preclude the defaulter from enforcing in that action or proceeding by way of counterclaim, set-off or otherwise, such rights as he may have against that party in respect of such contract.

17. (1) If any firm or individual required under this Act to be registered—

Offences
and penal-
ties.

(a) fails to comply with the provisions of section 7 ; or

(b) fails to comply with the provisions of section 9 ;

(c) fails to comply with the provisions of subsection (3) or subsection (4) of section 10 ;

(d) carries on business under a business name, registration of which has been refused or cancelled under section 12,

every partner in the firm or the individual shall be guilty of an offence and liable on conviction to a fine of ten pounds for every day during which the default continues, and the court shall order a statement of the required particulars to be furnished to the registrar within such time as may be specified in the order.

(2) If any person whose duty it is under subsection (1) of section 11 to give notice that a firm or individual has ceased to carry on business fails to comply with the provisions of that subsection, he shall be guilty of an offence and liable on conviction to a fine of twenty-five pounds.

(3) If any firm or individual in issuing any trade catalogue, trade circular, show card or business letter fails to comply with the provisions of section 15, every partner in the firm or the individual shall be guilty of an offence and liable on conviction to a fine of twenty pounds.

(4) If any statement required to be furnished under this Act contains any matter which is false in any material particular to the knowledge of any person signing it, such person shall be guilty of an offence and liable on conviction to a fine of one hundred pounds or to imprisonment for six months, or to both such fine and imprisonment.

Regulations.

18. The Governor-General in Council may make regulations—

(a) for the governance and guidance of registrars and assistant registrars and of all persons acting under them ;

(b) prescribing the forms to be used for the purposes of this Act ;

(c) prescribing the fees to be taken by the officers by or before whom the acts for which the fees are payable are done ;

(d) generally for the conduct and regulation of registration under this Act and any matters incidental thereto.

Validity of
previous
registration.
Cap. 179.

19. Any firm which or individual who immediately before the coming into operation of this Act was registered under the Registration of Business Names Ordinance hereby repealed shall be deemed to be registered under and in accordance with this Act and the provisions of this Act shall apply in respect of such firm or individual accordingly, and any statement furnished under the said Ordinance hereby repealed shall be deemed to have been furnished under and in accordance with this Act.

Repeal.
Cap. 179.

20. The Registration of Business Names Ordinance is repealed.

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

**BORSTAL INSTITUTIONS AND REMAND CENTRES
(AMENDMENT) ACT, 1961**

A 73

Assented to in Her Majesty's name this 6th day of June, 1961.

NNAMDI AZIKIWE,
Governor-General

(L.S.)



ARRANGEMENT OF SECTIONS

Section

1. Short title, etc.

2. Section 3 of Ordinance amended.

1961, No. 18

**AN ACT TO AMEND THE BORSTAL INSTITUTIONS AND REMAND CENTRES
ORDINANCE, 1960.**

[By Notice.]

**Com-
mencement.**

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 Borstal Institutions and
Remand Centres (Amendment) Act, 1961, and shall be read as one with
the Borstal Institutions and Remand Centres Ordinance, 1960.

**Short title,
etc.
No. 32 of
1960.**

(2) The Act shall come into operation on a day to be appointed by the Minister by notice in the Gazette and shall have effect throughout the Federation.

Section 3
of Ordinance
amended.

2. Subsection (1) of section 3 of the Borstal Institutions and Remand Centres Ordinance, 1960 is amended by substituting for the word "within" the words "situated on land which has been set aside or acquired for the public purposes of".

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 Parliament

NIGER DELTA DEVELOPMENT BOARD ACT, 1961

A 75

Assented to in Her Majesty's name this 6th day of June 1961.

NNAMDI AZIKIWE,
Governor-General

(L.S.)



ARRANGEMENT OF SECTIONS

Section

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

PART I—CONSTITUTION OF THE BOARD

3. Establishment, functions and incorporation of the Board.
4. Membership of the Board.
5. Tenure of office.
6. Vacation of office.
7. Appointment of temporary Chairman.
8. Quorum at meetings.
9. Chairman.
10. Secretary.
11. Voting.
12. Validity of act or proceedings.
13. Remuneration of members.

PART II—POWERS OF THE BOARD

14. Common seal.
15. Power to enter into contracts.
16. Power to acquire and hold property.
17. Power to enter land.
18. Compensation for damage.
19. Transfer of property acquired by Government to the Board.

PART III—FINANCIAL PROVISIONS

20. Power to receive funds.
21. Power to borrow money.
22. Investment of moneys.
23. Estimates of revenue and expenditure.
24. Accounts and audit.

PART IV—GENERAL

25. Employment of servants and agents.
26. Discharge of functions of the Board by its servants.
27. Standing orders.
28. Powers of the Minister in relation to the Board.
29. Supply of copies of minutes.
30. Limitation of suits against the Board.
31. Service of documents.
32. Restriction on execution.
33. Representation of the Board at hearing of suits.
34. Annual report and returns.
35. Winding-up provisions.
36. Revocation and validation of past acts, etc.

AN ACT TO MAKE FURTHER PROVISION FOR THE NIGER DELTA DEVELOPMENT BOARD AND FOR OTHER PURPOSES CONNECTED THEREWITH.

[See section 1 (2)]

Commencement.

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 Niger Delta Development Board Act, 1961, and shall be of application in the area defined in subsection (6) of section 14 of the Nigeria (Constitution) Order in Council, 1960, as the Niger Delta.

Short title, application and commencement.

(2) This Act shall be deemed to have come into operation on the 1st day of April, 1961.

2. (1) In this Act, unless the context otherwise requires—

Interpretation.

“the Board” means the Niger Delta Development Board;

“the Minister” means the Federal Minister for the time being charged with responsibility in respect of the Board;

“the Niger Delta” has the same meaning as in subsection (6) of section 14 of the Constitution Order;

“suit” means a civil proceeding commenced by writ of summons or in such other manner as may be prescribed by rules of court and includes action but does not include a criminal proceeding.

(2) References in this Act to any other Act shall, unless the context otherwise requires, be read and construed as references to the Nigeria (Constitution) Order in Council, 1960.

PART I—CONSTITUTION OF THE BOARD

3. (1) For the purposes of this Act there shall continue to be a Board known as the Niger Delta Development Board which shall be a body corporate with perpetual succession and a common seal and shall have the powers conferred upon it by this Act or any other Act.

Establishment, functions and incorporation of the Board.

(2) The Board, in the exercise of its powers, may hold land and sue and be sued in its corporate name.

4. In addition to the members to be appointed under any other Act, namely, the Chairman and two members from Western and Eastern Nigeria, the Board shall consist of—

Membership of the Board.

(a) one person appointed by the Western Ijaw Divisional Council to represent the Western Ijaws; and

(b) to represent the Eastern Ijaws—

(i) three persons, that is to say, one person appointed in respect of each of the three administrative areas of Yenagoa Province, Degema Province and Ogoni Division of Port Harcourt Province by a majority of members of a committee consisting of all the County Councils of the area, present at a meeting of the said committee of which notice shall have been given to the Councils; and

(ii) one person appointed by a majority of members of a committee consisting of twelve persons, that is to say two representing the Kalabari County Council of Degema Province, two representing all the other County Councils of that Province and four each representing all the County Councils in each of the two other administrative areas of Yenagoa Province and Ogoni Division of Port Harcourt Province, present at a meeting of the committee of which notice shall have been given.

Tenure of office.

5. (1) The Chairman and other members of the Board shall hold office for a period of five years from the dates of their respective appointments.

(2) Any member of the Board whose term of office expires under the provision of this section shall be eligible for reappointment.

Vacation of office.

6. (1) A member of the Board may at any time by resignation under his hand addressed to the Minister resign his membership.

(2) If the Minister is satisfied that the Chairman or any other member of the Board—

(a) has been absent from two consecutive meetings of the Board without permission of the Board; or

(b) is incapacitated by physical or mental illness; or

(c) is otherwise unable or unfit to discharge the functions of a member,

the Minister may declare the office of the Chairman or such member vacant and that fact shall be notified in such manner as the Minister thinks fit, and thereupon the office shall become vacant.

Appointment of temporary Chairman.

7. (1) Subject to the provisions of this Act, the Governor-General may—

(a) appoint a person (in this section referred to as "temporary Chairman") to act in the place of the Chairman during the temporary incapacity from illness or other sufficient cause, or absence from Nigeria of the Chairman; and

(b) upon the death, resignation or termination of appointment of the Chairman, appoint a person to be temporary Chairman for such period not exceeding one year, as the Governor-General may determine.

(2) A person appointed to be a temporary Chairman shall, while the appointment subsists, be deemed for all purposes of this Act to be the Chairman.

Quorum at meetings.

8. The Chairman and three other members of the Board shall form a quorum at any meeting of the Board.

Chairman.

9. (1) The Chairman shall preside at all meetings of the Board and shall be responsible for the administration and the execution of the functions of the Board, but shall comply with such general directions in relation thereto as the Board may see fit to give.

(2) The Chairman may from time to time delegate to the secretary any of the powers conferred upon the Chairman by this Act or any other Act other than the power to preside at meetings of the Board.

10. (1) The secretary of the Board shall be appointed from amongst members of the public service of the Federation. Secretary.

(2) The secretary shall be the chief officer of the Board.

(3) The secretary shall be responsible for maintaining the records of the meetings of the Board and of any of its decisions, directions, instructions, authorisations and other like matters.

(4) Subject to any general instructions given by the Board, the secretary shall—

(a) exercise supervision and control over the acts of all servants of the Board in matters of executive administration and in matters concerning the accounts and records of the Board ; and

(b) dispose of all questions relating to the service of the servants of the Board and their pay, privileges and allowances.

(5) The Minister may appoint any officer of the Board to act for, and perform the duties of the secretary of the Board during the temporary incapacity from illness or other sufficient cause, or absence from Nigeria of the secretary or in the absence of an appointment of a secretary under subsection (1) of this section.

(6) A person appointed under subsection (5) of this section to act for and perform the duties of the secretary shall, while the appointment subsists, be deemed for all purposes of this Act to be the secretary.

11. (1) All questions at a meeting of the Board shall be determined by a majority of the votes of the members present and voting. Voting.

(2) The Chairman shall have an original vote, and also, if upon any question the votes are equally divided, a casting vote.

12. The validity of any act or proceedings of the Board shall not be affected by any vacancy among the members thereof, or by any defect in the appointment of a member thereof, or by reason that some person who was not entitled to do so took part therein. Validity of act or proceedings.

13. The Board shall pay to the members thereof any remuneration, fees, or allowances for expenses that may be determined by the Minister : Remuneration of members.

Provided that no remuneration, fees or allowances, except such allowances for expenses as may be expressly authorised by the Minister shall be paid to any person who holds an office of emolument under the Crown otherwise than as a member of the Board or as a member of a body corporate incorporated directly by any legislature in Nigeria.

PART II—POWERS OF THE BOARD

14. (1) The affixing of the common seal shall be authenticated by the signature of the Chairman or some other member of the Board authorised, either generally or specially, by the Board to act for that purpose and of the secretary or some other person authorised either generally or specially by the Board to act for that purpose. Authentication of affixing common seal.

(2) Every document purporting to be an order or other instrument issued by the Board and to be sealed with the seal of the Board authenticated in the manner provided by this section, or to be signed by the secretary, shall be received in evidence and be deemed to be such order or instrument without further proof, unless the contrary is shown.

Power to enter into contracts.

15. (1) The Board may enter into such contracts as may be necessary or expedient for the discharge of its functions.

(2) Any contract or instrument which if entered into or executed by a person not being a body corporate would not require to be under seal, may be entered into or executed on behalf of the Board by any person generally or specially authorised by it for that purpose.

Power to acquire and hold property.

16. Subject to the provisions of this Act, the Board may acquire and hold any movable and immovable property necessary or expedient for the discharge of its functions, and for such purposes may sell, mortgage, lease, or otherwise alienate or dispose of any property so acquired.

Power to enter land.

17. (1) For the discharge of its functions, the Board shall have power—

(a) to enter upon and survey and carry out investigations on any land in the Niger Delta ;

(b) to dig or bore under the subsoil of such land ;

(c) to clear any area of such land and to set out and mark any traces or boundaries on such land ; and

(d) to do all such other acts connected with the aforesaid functions :

Provided that the Board shall not enter into any building or upon any enclosed court or garden attached to a dwelling-house without previously giving the occupier at least seven days' notice of its intention to do so and such notice may be served either personally, or by delivery of the same at the place of abode of the person to be served, or by affixing the same in a conspicuous part of the premises.

Compensation for damage.

18. (1) In the exercise of the powers conferred by section 17 the Board shall do as little damage as may be, and the Board shall pay compensation for any damage done to any buildings, crops or economic trees.

(2) In case of dispute as to the amount of the compensation payable under this section, the amount of the compensation may be determined by a High Court having jurisdiction in respect of the place where the land is situate.

Transfer of property acquired by Government to the Board.

19. (1) All movable and immovable property supplied to the Board or acquired by the Government of the Federation on behalf of the Board for purposes of the functions of the Board shall, on the coming into operation of this Act, vest in the Board without further assurance than this subsection.

(2) All rights and obligations however created which immediately before the commencement of this Act were subsisting and in force and relate to any contracts entered into by the Government of the Federation on behalf of the Board or affect any property vested in the Board under this section shall, on the commencement of this Act, continue to be in full force and effect against or in favour of the Board as the case may be and be enforceable as fully and effectually as if, instead of the Government, the Board had been named therein or had been a party thereto.

PART III—FINANCIAL PROVISIONS

20. In the exercise of its functions under this Act the Board may—

Power to receive funds.

(a) receive all funds which may from time to time be appropriated by the Legislature of the Federation to the Board and apply and administer such funds in accordance with any terms and conditions which may be attached to the grant thereof and with the provisions of this Act; and

(b) receive all other moneys which may be obtained by or given to the Board or derived from any source not hereinbefore mentioned, and apply and administer such moneys exclusively in the discharge of its functions and in accordance with any terms and conditions upon which such moneys may have been obtained, given or derived.

21. The Board may, with the consent of, or in accordance with any general authority given by the Minister borrow by way of loan or by way of temporary overdraft such sums as the Board may from time to time require for meeting its obligations and discharging its functions.

Power to borrow money.

22. The Board may from time to time invest all or any portion of the moneys of the Board in such manner as may be approved by the Minister.

Investment of moneys.

23. (1) The Board shall cause to be prepared annually estimates of revenue and recurrent and capital expenditure of the Board for the ensuing financial year, and submit such estimates to the Minister by the 31st day of December of each year.

Estimates of revenue and expenditure.

(2) For the purposes of this section the financial year of the Board shall coincide with that of the Government of the Federation.

24. (1) The Board shall keep proper accounts and other records in relation thereto and shall prepare in respect of each financial year a statement of accounts in such form as the Minister may require.

Accounts and audit.

(2) The accounts of the Board shall be audited by the Director of Audit of the Federation.

(3) As soon as the accounts of the Board have been audited, the Board shall furnish a copy of the statement of accounts to the Minister, together with a copy of any report made by the Director of Audit of the Federation on the statement or on the accounts of the Board.

(4) The Minister shall lay a copy of every such statement of accounts and report before both Houses of Parliament.

PART IV—GENERAL

25. For the purposes of this Act and with the approval of the Minister, the Board may employ such servants and agents as the Board may from time to time deem necessary, upon such terms and conditions of service as the Board may determine.

Employment of servants and agents.

26. Where powers are conferred or duties imposed by or under this Act or any other Act on the Board, such powers or duties may be exercised or performed by or through any servant or agent of the Board authorised in that behalf by the Board.

Discharge of functions of the Board by its servants.

27. (1) Subject to the provisions of this Act the Board may from time to time make standing orders for the convening and conduct of its meetings, and for the keeping of minutes and the custody, production and inspection of such minutes.

Standing orders.

(2) A copy of standing orders when made shall be supplied to the Minister.

Powers of
the Minister
in relation
to the Board.

28. (1) The Minister may, after consultation with the Board, give to the Board directions of a general character as to the discharge by the Board of its functions in relation to matters appearing to the Minister to affect the public interest, and the Board shall give effect to any such directions.

(2) The Minister may, after consultation with the Board, give to the Board specific directions for the purposes of remedying any defect which may be disclosed in the general arrangements of the Board for the discharge of its functions under this Act or any other Act, and the Board shall give effect to any such directions.

(3) The Board shall afford to the Minister facilities for obtaining information with respect to the property and functions of the Board, and shall furnish him with information with respect thereto and afford to him facilities for the verification of information furnished, in such manner and at such times as he may require.

Supply of
copies of
minutes.

29. The Board shall as and when required supply to the Minister or the Governor of Western Nigeria or the Governor of Eastern Nigeria, as the case may be, copies of the minutes of any meeting of the Board or copies of other documents relating to the exercise of the functions of the Board.

Limitation of
suits against
the Board.

30. (1) No suit against the Board or any servant of the Board for anything done under any Act, or in the exercise of any public duty or authority, or for neglect or default in the administration of any such Act, or in the exercise of any such duty or authority shall lie or be instituted in any court unless it is commenced within twelve months next after the act, neglect or default complained of or in the case of a continuance of damage or injury, within twelve months next after the ceasing thereof.

(2) No suit shall be commenced against the Board until one month at least after written notice of intention to commence the same shall have been served upon the Board by the intending plaintiff or his agent; and such notice shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

Service of
documents.

31. The notice referred to in the last preceding section and any summons, notice or other documents required or authorised to be served upon the Board under the provisions of this Act or any other Act may, unless in any case there is express provision to the contrary, be served by delivering the same at the principal office of the Board or by sending it by registered post addressed to the secretary of the Board.

Restriction
on execution.

32. In any suit against the Board no execution or attachment or process in the nature thereof shall be issued against the Board, but any sums of money which may by the judgment of the court be awarded against the Board shall, subject to any directions given by the court where notice of appeal has been given by the Board in respect of the said judgment, be paid by the Board from the funds of the Board.

33. In any suit the Board may be represented in court as plaintiff or defendant, as the case may be, at any stage of the proceedings by any servant of the Board who shall satisfy the court that he is duly authorised in writing by the Board in that behalf.

Representation of the Board at hearing of suits.

34. (1) Subject to the provisions of this Act or any other Act, the Board shall, as soon as possible after the end of each financial year, report to the Minister and the Governors of both Western and Eastern Nigeria on the activities of the Board during the past financial year.

Annual report and returns.

(2) The Minister shall, as soon as may be after receipt of any annual report, lay a copy of the report before both Houses of Parliament.

(3) In addition to any other requirement under this section, the Board shall furnish to the Minister and to the Governors of both Eastern and Western Nigeria such financial and statistical returns as they may from time to time require.

35. (1) This Act shall cease to have effect on the 1st day of July, 1969, or such later date as may be prescribed by Parliament.

Winding-up provisions.

(2) On the expiry of this Act all movable and immovable property of the Board and the rights and obligations under any contract entered into by the Board and subsisting immediately before such expiry shall be transferred to and vest in the Government of the Federation without further assurance than this subsection.

36. (1) The Niger Delta Development Board Regulations, 1960, are hereby revoked.

Revocation of L.N. 57 of 1960, and validation of past acts, etc.

(2) Notwithstanding the provisions of subsection (1) of this section or of any other Act, and for the avoidance of doubts it is hereby declared that all acts, matters and things done or purported to have been done under any of the regulations revoked by this Act shall for all purposes be deemed to have been lawfully made and done and shall have effect accordingly.

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