

The following Bills, which will in due course be presented to Parliament for enactment, are published for general information.

NIGERIA CONSTITUTION FIRST AMENDMENT

EXPLANATORY MEMORANDUM

This Bill seeks to give legislative effect to the provisions of section 16 of the Nigeria (Constitution) Order in Council, 1960 so that the Northern Cameroons now known as Sardauna Province may be admitted to the Federation of Nigeria and for other purposes incidental thereto.

Provision is made in the Bill for such subjects as nationality and the restoration in the number of seats in Parliament to that obtaining heretofore.

T. O. ELIAS,
*Attorney-General of the Federation
and Minister of Justice*

NIGERIA CONSTITUTION FIRST AMENDMENT

ARRANGEMENT OF CLAUSES

Clause

1. Short title, etc.
2. Northern Cameroons to be part of the Federation of Nigeria.
3. Federal laws to apply.
4. Validation and indemnity.
5. Enactment amended.

SCHEDULES.

A BILL FOR

AN ACT TO MAKE PROVISION FOR THE NORTHERN CAMEROONS AS PART OF THE
FEDERATION OF NIGERIA AND FOR OTHER PURPOSES CONNECTED THEREWITH

[1st June, 1961]

Commence-
ment.

WHEREAS by a plebiscite of the people of the former trust territory of the Cameroons duly taken it was approved that the Northern portion known as the Northern Cameroons should achieve independence by joining the independent Federation of Nigeria :

Preamble.

5 AND WHEREAS to give effect to an agreement made thereafter between Her Majesty's Government in the United Kingdom and Her Majesty's Government of the Federation of Nigeria it is expedient and necessary under the provisions of subsection (1) of section 16 of the
10 Nigeria (Constitution) Order in Council, 1960 to alter the Constitution of the Federation to provide for the admission of the Northern Cameroons to the Federation of Nigeria and for other purposes connected therewith :

15 BE IT THEREFORE 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 Nigeria Constitution First Amendment Act, 1961, and shall be read as one with the Nigeria (Constitution) Order in Council, 1960 (hereinafter referred to as the Constitution Order).

Short title,
etc.
L.N. 159/
1960.

20 (2) This Act shall be deemed to have come into operation on the first day of June, 1961 and shall have effect throughout Nigeria.

25 2. The area described in the First Schedule to this Act (which consists of the territory known as Northern Cameroons) shall, on the coming into operation of this Act, form part of the Federation of Nigeria and be administered as part of Northern Nigeria.

Northern
Cameroons
to be part of
the Federa-
tion of
Nigeria.

Federal
laws to
apply.

3. (1) This Act shall not affect the law of the Northern Cameroons in force on the coming into operation of this Act where not inconsistent with this Act, but subject thereto the law of the Northern Cameroons shall become the same as the law in its Federal application in the rest of the Federation of Nigeria; and accordingly reference in any enactment passed or made after the commencement of the Constitution Order and before the commencement of this Act to the Federation of Nigeria shall include a reference to the Northern Cameroons.

(2) Nothing in this section shall affect the validity of any matter or thing done, suffered or undertaken before the commencement of this Act or any right, liability or penalty acquired, incurred or imposed under any other Act or written law in its application to the Northern Cameroons.

(3) References in any deed, agreement or contract to the Northern Cameroons as a trust territory shall, on the commencement of this Act be read and construed as references to the Northern Cameroons as part of the Federation of Nigeria.

Validation
and
indemnity.

L.N. 163/
1960.

4. (1) If, and so far as the proclamation published as Government Notice No. 1109 in the Gazette on the first day of June, 1961 was defective in consequence of failure to comply with the provisions of section 16 of the Constitution Order by the enactment of legislation or to continue in force the Northern Cameroons (Administration) Order in Council, 1960 that proclamation is hereby confirmed; and the proclamation shall be deemed to be as fully valid from the first day of June, 1961 as if it had been set out without omission and been re-enacted under this Act.

(2) For the removal of doubts the provisions of subsection (1) of this section shall have effect notwithstanding the failure to comply with any of the provisions of the Constitution Order and accordingly acts purporting to have been done under the proclamation or under the Northern Cameroons (Administration) Order in Council, 1960 as continued in force between the first day of June, 1961 and the passing of this Act are hereby validated and no action, suit or proceeding, civil or criminal, in respect of such acts shall lie or be taken in any court, and if commenced shall be abandoned.

(3) All persons who may be liable to penalties for contempt of court or otherwise by reason of action taken by them between the dates mentioned in subsection (2) of this section in purported exercise of any powers validated by this section, are indemnified.

Enactment
amended.

5. The enactment set out in the Second Schedule to this Act is amended to the extent therein set forth.

SCHEDULES

FIRST SCHEDULE

Section 2

L.N. 102/
1954.

That area of the Cameroons as defined in section 2 of the Nigeria (Constitution) Order in Council, 1954 that on the 30th day of September, 1960 was comprised in the Northern Region of Nigeria as established by section 3 of Nigeria (Constitution) Order in Council, 1954.

SECOND SCHEDULE

Section 5

ENACTMENT AMENDED

	Number or Reference	Enactment	Extent of Amendment
5	L.N. 159/ 1960	The Second Schedule to the Nigeria (Constitution) Order in Council, 1960.	(a) In subsection (2) of section 3 by the addition after the word "Nigeria" where it last occurs, of the words "and those parts of the Cameroons referred to in the Nigeria Constitution First Amendment Act, 1961";
10			(b) By inserting after section 12 a new section 12A as follows—
15			"Citizenship 12A (1) Subject to the provisions of in the case this section, the provisions of sections 7 of Northern to 12 (inclusive) of this Chapter shall, with Cameroons. all necessary modifications, extend and apply to every person who immediately before the coming into operation of the Nigeria Constitution First Amendment Act, 1961—
20			(a) is, or is deemed to be a citizen of the United Kingdom and Colonies or a British protected person by reason of his birth in or outside as the case may be the former trust territory of the Northern Cameroons; or
25			(b) being a woman is, or has been married to any such citizen or British protected person.
30			(2) Any reference in this Chapter to Nigeria shall as from the date of the coming into operation of the Nigeria Constitution First Amendment Act, 1961 include the Northern Cameroons.
35			(3) Any reference to a particular date in this Chapter shall so far as a person affected by subsection (1) of this section is concerned, be extended by a period of nine months from the particular date." ;
40			(c) In section 38 by substituting for the words "three hundred and five" the words "three hundred and twelve" ;
45			(d) In subsection (1) of section 154 by inserting immediately following the definition of "the Legislative Lists" the following new definition,— "the Northern Cameroons" means that area of the Cameroons as defined in section 2 of the Nigeria (Constitution) Order in Council, 1954 that on the thirtieth day of September, 1960 was comprised in the Northern Region of Nigeria as established by section 3 of the Nigeria (Constitution) Order in Council, 1954; .
50	L.N. 102/ 1954.		

EXPLANATORY MEMORANDUM

So that there may be no doubt in the future, it is necessary to provide that a commission and a tribunal or other body of enquiry under the Constitution Order are one and the same, and also that when the Prime Minister issues a commission his action shall not be the subject of judicial investigation.

Further, provision is made for Commissioners to have the power to compel production of evidence and penalties will be incurred for failure to give evidence. Again, the definition of contempt is amplified to control prejudicial press reports of proceedings of a commission.

T. O. ELIAS,
*Attorney-General of the Federation
and Minister of Justice*

COMMISSIONS AND TRIBUNALS OF ENQUIRY

ARRANGEMENT OF CLAUSES

Clause

1. Short title, etc.
2. Interpretation.
3. Power to issue Commissions of Enquiry.
4. New commissioners and alterations.
5. Commissions not affected by change of Prime Minister.
6. Oath of members.
7. Procedure.
8. Powers of commissioners with regard to the obtaining of evidence and conduct of proceedings.
9. Power for Chairman to issue summons, etc.
10. Form of summons and warrant.
11. Interpreters.
12. Use of evidence taken under this Act in judicial proceedings.
13. Penalty for threats to witnesses.
14. False evidence and false interpretation.
15. Penalty for failing to give evidence.
16. Appearance of counsel.
17. Definition of contempt.
18. Proceedings in respect of contempt generally.
19. Procedure in respect of contempt not in presence of commissioners.
20. Witnesses' fees and interpreters' remuneration.
21. Report.
22. Protection of commissioners.
23. Power to restrict power of commissioners.
24. Repeal.

SCHEDULE

A BILL FOR

AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO THE HOLDING OF COMMISSIONS OR TRIBUNALS OF ENQUIRY

Commence-
ment.

[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 :—

Short title,
etc.

1. (1) This Act may be cited as the Commissions and Tribunals of Enquiry Act, 1961. 5

(2) This Act shall apply throughout the Federation and shall be deemed to have come into operation on the twentieth day of July, 1961.

Interpreta-
tion.

2. (1) In this Act, "the Prime Minister" means the Prime Minister of the Federation.

(2) A commission of inquiry is a tribunal of enquiry and accordingly references in this Act to commissions of inquiry shall include references to any tribunal of enquiry or court of enquiry however established. 10

Power to
issue
commissions
of inquiry.

3. (1) The Prime Minister may, whenever he shall deem it desirable issue a Commission appointing one or more Commissioners, or any quorum of them that may therein be mentioned, to hold a Commission of Inquiry into any matter or thing within or affecting the general welfare of the Federal Territory, or into any matter or thing within Federal competence anywhere within the Federation, in respect of which in his opinion, an inquiry would be for the public welfare, or into the conduct of any chief or the management of any department of the public service. The Prime Minister may also appoint a secretary to the Commission who shall perform such duties as the Commissioners shall prescribe. 15
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(2) Each commission shall specify the subjects of inquiry, and may, in the discretion of the Prime Minister, if there is more than one commissioner, direct which commissioner shall be chairman, and direct where and when such inquiry shall be made and the report thereof rendered, and prescribe how such commission shall be executed. 25

(3) Such inquiry shall, subject to the powers of the commissioners under this Act, be held in public, unless the Prime Minister shall give a direction to the contrary, but the commissioners shall nevertheless be entitled to exclude any particular person for the preservation of order, for the due conduct of the inquiry, or for any other reason.

(4) The fact that a commission is issued under this section shall be sufficient proof of the proper exercise by the Prime Minister of his authority to do so; and neither the Commission itself nor any action of the Prime Minister in relation thereto shall be enquired into in any court of law.

4. In case any person appointed to act on a commission shall be or become unable to act, the Prime Minister may appoint another person in his place, and any such commission may be altered or revoked, as the Prime Minister may see fit.

5. No commission issued under this Act shall lapse by reason of, or be otherwise affected by the death, absence or removal of the Prime Minister issuing the same.

6. (1) Every commissioner appointed under this Act shall make and subscribe an oath that he will faithfully and impartially and to the best of his ability discharge the duties devolving upon him by virtue of such commission, and, if the inquiry should not be held in public, that he will not divulge the proceedings or the vote or opinion of any commissioner.

(2) Such oath may be taken before the Governor-General or before such person as the Governor-General may appoint, and shall be attached to the proceedings in the inquiry.

7. (1) The commissioners may make such rules for the conduct of the proceedings, the time and place of meeting and of adjournment as they may think fit, subject to the terms of their commission.

(2) The commissioners may in their discretion appoint suitable persons to assist in the preparation or presentation of evidence for the purposes of the commission.

(3) If the commissioners shall, in any case, be equally divided on any question that arises during the proceedings of the commission, the chairman of the commission shall have a second or casting vote.

8. Subject to the provisions of this section the commissioners shall have and may exercise all or any of the following powers, that is to say,—

(a) the power to procure all such evidence, written or oral, and to examine all such persons as witnesses as the commissioners may think it necessary or desirable to procure or examine;

(b) the power to require the evidence (whether written or oral) of any witness to be made on oath or declaration, such oath or declaration to be that which could be required of the witness if he were giving evidence in a magistrate's court;

(c) the power to summon any person in Nigeria to attend any meeting of the commissioners to give evidence or produce any document or other thing in his possession and to examine him as a witness or require him to produce any document or other thing in his possession, subject to all just exceptions;

New commissioners and alterations.

Commissions not affected by change of Prime Minister.

Oath of members.

Procedure.

Powers of commissioners with regard to the obtaining of evidence and conduct of proceedings.

(d) the power to issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails to do so, and does not excuse such failure to the satisfaction of the commissioners, and to order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his refusal to obey the summons, and also to fine such person a sum not exceeding five pounds, such fine to be recoverable in the same manner as a fine imposed by a magistrate's court; 5

(e) the power to admit any evidence, whether written or oral, which might be inadmissible in civil or criminal proceedings; 10

(f) the power to admit or exclude the public or any member of the public from any meeting of the commissioners;

(g) the power to admit or exclude the press from any meeting of the commissioners;

(h) the power to award any person who has attended any meeting of the commissioners, including any interpreter appointed under section 11 of this Act, such sum or sums as in the opinion of the commissioners may have been reasonably expended by him by reason of such attendance; 15

(i) the power to enter upon any land or premises personally or by any agent or agents duly authorised in writing by the commissioners for the purpose of obtaining evidence or information or of inspecting and taking copies of and safeguarding any documents required by, or which may be required by, or which may be of assistance to, the commissioners. 20 25

Power for chairman to issue summons, etc.

9. Where there are two or more commissioners appointed under this Act, the chairman shall have the power to issue on behalf of the commission all such summonses, subpoenas and other processes or make such necessary appointments under this Act as may be required, either before or during the inquiry, until the submission of the commissioner's report. 30

Form of summons and warrant.

10. (1) Summonses to witnesses may be as in Form A in the Schedule to this Act and shall be served by the police, or by such person as the commissioners may direct.

(2) A warrant to arrest a person who has failed to obey a summons to attend as a witness may be as in Form B in the Schedule to this Act and may be executed by any member of the police force. Where the person to be arrested is subject to the jurisdiction of a native or local authority such warrant may also be executed by any person authorised by a native or local authority to effect arrests. 35 40

Interpreters.

11. (1) The commissioners shall have the power to appoint any person, whether in the Government service or not, to act as interpreter in any matter brought before them and to translate any books, papers or writings produced to them.

(2) Any interpreter under this section shall take and subscribe the following oath, or, as the case may be, make and subscribe before the commissioners the following affirmation or declaration:— 45

"I, do swear (or solemnly affirm or declare) that I will faithfully perform the duties of interpreter, and will truly translate or explain all documents entrusted to me for such purpose to the best of my ability, and that 50

I will not except as authorised by the commissioners directly or indirectly reveal the contents of such documents as may be entrusted to me, nor the evidence given by witnesses which may have been interpreted by me."

- 5 12. No evidence taken under this Act shall be admissible against any person in any civil or criminal proceedings whatever, except in the case of a person charged under section 13 of this Act with giving false evidence before the commissioners.

Use of evidence taken under this Act in judicial proceedings.

- 10 13. (1) Any person who threatens, insults or injures any person for having given evidence, or on account of the evidence which he has given before the commissioners, shall be guilty of an offence and shall be liable upon summary conviction to imprisonment for two years.

Penalty for threats to witnesses.

- 15 (2) Any person who hinders or attempts to hinder any person from giving evidence before the commissioners or by threats deters or attempts to deter any person from giving such evidence, shall be guilty of an offence and shall be liable upon summary conviction to imprisonment for two years.

- 20 14. (1) Any person who gives false evidence before the commissioners, upon oath or declaration as provided for in this Act, shall be guilty of an offence and shall be liable upon summary conviction to imprisonment for two years.

False evidence and false interpretation.

- 25 (2) Any person who, being appointed by the commissioners to act as interpreter in any matter brought before them or to translate any documents produced to them, and having taken the oath or made the affirmation or declaration prescribed in subsection (2) of section 11 of this Act, shall wilfully give a false interpretation of any evidence or make an untrue translation of any such document, shall be guilty of an offence and shall be liable upon summary conviction to imprisonment for two years.

- 30 15. Notwithstanding any duty of secrecy laid upon him by any Act or law or otherwise howsoever, any person who being summoned to attend as a witness or produce a book, document or any other thing refuses or neglects to do so or to answer any question put to him by or with the concurrence of the commissioners shall be liable—

Penalty for failing to give evidence.

- 35 (a) to a fine of fifty pounds or to imprisonment for three months to be imposed by the commissioners and recoverable or enforceable in the same manner as a fine or imprisonment imposed by a magistrate's court; or

- 40 (b) on summary conviction to a fine of one hundred pounds or to imprisonment for six months:

- 45 Provided that no person shall be bound to incriminate himself and every witness shall, in respect of any evidence written by him for or given by him before the commissioners, be entitled to the same privileges to which he would have been entitled if giving evidence before a court of justice and no person shall be punished under both paragraph (a) and paragraph (b) of this section in respect of the same offence.

Appearance
of Counsel.

16. Any person whose conduct is the subject of inquiry under this Act or who is in any way implicated or concerned in the matter under inquiry shall be entitled to be represented by counsel at the whole of the inquiry, and any other person who may consider it desirable that he should be so represented may by leave of the commissioners be represented in manner aforesaid.

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Definition
of contempt.

17. The following shall be deemed to be an act of contempt within the meaning of this Act :—

(a) any act of disrespect and any insult or threat offered to the commissioners or any of them while sitting in commission ;

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(b) any act of disrespect and any insult or threat offered to a commissioner at any other time and place on account of his proceedings in his capacity as a commissioner ;

(c) any publication calculated to prejudice an inquiry.

Proceedings
in respect of
contempt
generally.

18. (1) Any person who commits an act of contempt, whether the act is or is not committed in the presence of the commissioners sitting in commission, shall be liable—

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(a) on summary conviction before a court of competent jurisdiction to a fine of one hundred pounds or to imprisonment for three months ; or

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(b) on the order of the commissioners to a fine of ten pounds :

Provided that no fine shall be imposed by the commissioners under this subsection until the commissioners shall have heard the offender in his defence.

(2) Any fine imposed by the commissioners under subsection (1) of this section shall be recoverable in the same manner as a fine imposed by a magistrate's court.

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(3) An appeal shall lie to the High Court within whose area of jurisdiction the act concerned was committed on a point of law and also on fact against an order of the commissioners under subsection (1) of this section as if such order were a decision of a magistrate against which an appeal lay.

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Procedure
in respect of
contempt
not in
presence of
commis-
sioners.

19. (1) Where an act of contempt is alleged to have been committed but not in the presence of the commissioners sitting in commission the commissioners may by summons in Form C or to the like effect in the Schedule to this Act require the offender to appear before them at a time and place to be specified in such summons, there to show cause why he should not be judged to have committed an act of contempt and be dealt with accordingly. The summons shall be served by the Police or by such other person as the commissioners may direct.

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(2) If any person who has been summoned in accordance with subsection (1) of this section fails to attend at the time and place specified in the summons, the commissioners may issue a warrant in Form D or to the like effect in the Schedule to this Act to compel the attendance of

such person and order such person to pay all costs which may have been occasioned in compelling his attendance and may also fine such person a sum of five pounds, such fine to be recoverable in the same manner as a fine imposed by a magistrate's court.

5 20. (1) Witnesses and other persons, other than interpreters, attending at the request of or upon summons by the commissioners shall, subject to any order made by the commissioners, be entitled to like expenses as if summoned to attend the High Court in a criminal trial.

Witnesses, fees and interpreters' remuneration.

10 (2) Interpreters shall receive such remuneration as the commissioners may direct.

(3) The payment to witnesses, other persons and to interpreters shall be made out of the public revenue.

15 21. The commissioners shall make and furnish to the Prime Minister a full report in writing of their proceedings, and shall record an opinion and reasons leading to their conclusions. Any commissioner dissenting from the conclusions, or any part thereof, shall note the reason for such dissent.

Report.

22. No commissioner shall be liable to any action or suit for any matter or thing done by him as such commissioner.

Protection of commissioners.

20 23. (1) When issuing any commission the Prime Minister, if he considers it advisable to do so, may direct that the commissioners shall not exercise all the powers conferred on them by this Act.

Power to restrict powers of commissioners.

(2) Any such directions shall be in writing and shall specify which powers the commissioners are not to exercise.

25 (3) On receipt of such directions the commissioners shall perform their duty as if the powers specified in such directions had not been conferred by this Act upon commissioners appointed under this Act.

30 24. The Commissions of Inquiry Ordinance is hereby repealed in so far as it relates to matters within the competence of the Parliament of the Federation.

Repeal. Cap. 36.

SCHEDULE

FORM A

Section 10 (1)

Commissions and Tribunals of Enquiry Act, 1961

(1961 No.)

(Nigeria)

SUMMONS TO WITNESS UNDER SECTION 10 OF THE COMMISSIONS AND TRIBUNALS OF ENQUIRY ACT, 1961

To A. B.

(name of person summoned, and his calling and residence, if known)

You are hereby summoned to appear before

(here name the commissioners)

appointed by the Prime Minister to enquire.....

(state briefly the subject of the enquiry)

at.....

(place)

upon the..... day of....., 19.....

at..... o'clock, and to give evidence
respecting such enquiry (if the person summoned is to produce any documents,
add) and you are required to bring with you.....

(specify the books and documents required)

Therefore fail not at your peril.

GIVEN under my hand this..... day of....., 19.....

Commissioner

FORM B

Section 10 (2)

Commissions and Tribunals of Enquiry Act, 1961
(1961 No.)

(Nigeria)

WARRANT OF ARREST

To P. C..... and any
member of the Police Force.

WHEREAS a summons under section 10 of the Commissions and Tribunals
of Enquiry Act, 1961, has been served upon one.....

(name of witness)

of.....

(address)

to attend and give evidence before the.....

(here name the commissioners)

appointed by the Prime Minister to enquire.....

(state briefly the subject of the enquiry)

at.....

(place)

upon the..... day of....., 19..... ;

AND WHEREAS the said.....

(name of witness)

has neglected to be or appear at the time and place as aforesaid and it has
been proved to me upon oath that the said summons has been duly served
upon the said.....

(name of witness)

and who has not excused such failure to my satisfaction [or that of one of the other commissioners (if there be more than one commissioner) appointed as aforesaid] :

I have to command you forthwith to apprehend the said.....

(name of witness)

and to bring him before me [or one of the other of the said commissioners (if there be more than one commissioner) appointed as aforesaid].

GIVEN under my hand at.....this day of....., 19.....

Commissioner

FORM C

Section 19 (1)

Commissions and Tribunals of Enquiry Act, 1961

(1961 No.)

(Nigeria)

SUMMONS UNDER SECTION 19 OF THE COMMISSIONS AND TRIBUNALS OF ENQUIRY ACT TO PERSON CHARGED WITH COMMITTING A CONTEMPT

To A. B.....

Name of person summoned)

of.....

(address)

You are hereby summoned to appear before the commissioners appointed by the Prime Minister to enquire into.....

(state briefly the subject of the enquiry)

at.....

(place)

upon the..... day of..... 19....., at..... o'clock to show cause why you should not be judged to have committed an act of contempt and dealt with accordingly in that you on the..... day of..... 19..... committed an act of contempt

(date of act of contempt)

against the said commissioners or one of them, namely, by.....

(state briefly the act of contempt complained of)

GIVEN under my hand this..... day of..... 19.....

Commissioner

FORM D

Section 19 (2)

Commissions and Tribunals of Enquiry Act, 1961

(1961 No.)

(Nigeria)

**WARRANT TO ARREST PERSON FAILING TO OBEY SUMMONS OF A
COMMISSIONER ISSUED UNDER SECTION 19 OF THE COMMISSIONS
AND TRIBUNALS OF ENQUIRY ACT, 1961**

To any member of the police; and in addition when the person to be arrested is a person subject to the jurisdiction of a native or local authority to any member of a native or local authority police force.

WHEREAS A. B.
(name of person to be arrested)

of
(address)

has failed to obey a summons dated 19
(date of summons)

issued under section 19 of the Commissions and Tribunals of Enquiry Act, 1961:

You are commanded forthwith to apprehend the said A. B.

.....
(name of person to be arrested)

and produce him before me, or some other commissioner appointed by the

Prime Minister with me, at
(place where person arrested is to be produced)

DATED this day of 19

.....
Commissioner

(Co.3/4)

NATIONAL BANK OF NIGERIA LIMITED
(COMMISSION OF INQUIRY RECALL)

EXPLANATORY MEMORANDUM

The object of this Bill is to provide for the recall of the Commission of Inquiry issued to enquire into certain operations of or relating to the National Bank of Nigeria Limited.

T. O. ELIAS,
*Attorney-General of the Federation
and Minister of Justice*

NATIONAL BANK OF NIGERIA LIMITED
(COMMISSION OF INQUIRY RECALL)

ARRANGEMENT OF CLAUSES

Clause

1. Short title, etc.
2. Cesser of effect of Commission of Inquiry.

A BILL

FOR

AN ACT TO MAKE OTHER PROVISION FOR A COMMISSION ISSUED TO INQUIRE INTO CERTAIN TRANSACTIONS OF THE NATIONAL BANK OF NIGERIA LIMITED AND OF ITS SUBSIDIARY COMPANIES AND OF OTHER MATTERS ANCILLARY THERETO

[See section 2]

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 :—

5 1. This Act may be cited as the National Bank of Nigeria Limited (Commission of Inquiry Recall) Act, 1961.

Short title,
etc.

10 2. The Commission of Inquiry issued under the Commissions of Inquiry Ordinance to enquire into the general business operations and financial policy of the bank therein described as the National Bank of Nigeria Ltd. and of its subsidiary companies during the period therein set forth and of other matters ancillary thereto is hereby recalled and shall on the passing of this Act cease to have effect.

Cesser of
effect of
Commission
of Inquiry.
Cap. 36.

EXPLANATORY MEMORANDUM

The object of this Bill is to ensure that the Director of Public Prosecutions acts subject to the directions of the Attorney-General of the Federation.

T. O. ELIAS,
*Attorney-General of the Federation
and Minister of Justice*

NIGERIA CONSTITUTION SECOND AMENDMENT

ARRANGEMENT OF CLAUSES

Clause

1. Short title, etc.
2. Control of Federal Director of Public Prosecutions.
3. Section 3 of Interpretation Ordinance amended.

A BILL FOR

AN ACT TO AMEND THE CONSTITUTION BY MAKING OTHER PROVISION FOR THE FEDERAL DIRECTOR OF PUBLIC PROSECUTIONS

[See section 1 (2)]

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 Nigeria Constitution Second Amendment Act, 1961, and shall be read as one with the Nigeria (Constitution) Order in Council, 1960.

Short title,
etc.
L.N. 159/
1960.

(2) This Act shall come into operation on a date to be fixed by the Governor-General by proclamation in the Gazette and shall have effect throughout Nigeria.

2. Section 97 of the Second Schedule to the Nigeria (Constitution) Order in Council, 1960 is amended,—

Control of
Federal
Director of
Public
Prosecutions.

(a) in subsection (5) by repealing the words “by paragraphs (b) and (c) of subsection (2) of this section shall be vested in him to the exclusion of any other person or authority” and substituting therefor the words—

“by this section shall be vested in him subject to the direction and control of the Attorney-General acting at his discretion”;

(b) by repealing subsection (6);

(c) by renumbering subsections (7) and (8) as subsections (6) and (7) respectively.

3. Section 3 of the Interpretation Ordinance is amended by repealing the proviso to the definition of “law officers”.

Section 3
of Interpre-
tation
Ordinance
amended.
Cap. 89.

REPUBLIC OF THE UNION OF SOUTH AFRICA

EXPLANATORY MEMORANDUM

As the Union of South Africa has left the Commonwealth and declared itself a sovereign independent Republic outside the Commonwealth with effect from 31st May, 1961, provision is now to be made for the recognition of that status. At the same time the status of nationals of South Africa requires determination in Nigeria, and clause 2 of the Bill makes provision for recognition of the status of the Union of South Africa. It also provides for nationals to be foreigners in relation to Nigeria, and because of this any ships or aircraft will likewise be deemed to be foreign and not Commonwealth in classification.

T. O. ELIAS,
*Attorney-General of the Federation
and Minister of Justice*

REPUBLIC OF THE UNION OF SOUTH AFRICA

ARRANGEMENT OF CLAUSES

Clause

1. Short title, etc.
2. Recognition and effect of the Union of South Africa ceasing to be a member of the Commonwealth.

A BILL

FOR

AN ACT TO MAKE PROVISION AS TO THE OPERATION OF THE LAW IN RELATION TO THE UNION OF SOUTH AFRICA, AND PERSONS AND THINGS IN ANY WAY BELONGING TO OR CONNECTED WITH THE UNION OF SOUTH AFRICA, IN VIEW OF THE UNION OF SOUTH AFRICA HAVING BECOME A REPUBLIC OUTSIDE OF THE COMMONWEALTH.

[31st May, 1961]

Commence-
ment.

WHEREAS on the 31st day of May, 1961 the Union of South Africa became a Republic outside of the Commonwealth :

5 BE IT THEREFORE 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 Republic of the Union of South Africa Act, 1961.

Short title,
etc.

(2) This Act shall be deemed to have come into operation on the thirty-first day of May, nineteen hundred and sixty-one.

10 2. (1) It is hereby recognised that the Union of South Africa ceased as from the 31st day of May, 1961 to be part of Her Majesty's dominions, and that the Union of South Africa is accordingly a foreign country for the purposes of Nigeria.

Recognition
and effect of
the Union of
South Africa
ceasing to be
a member of
the Common-
wealth.

15 (2) All law in force in Nigeria, whether by virtue of any Act or rule of law immediately before the coming into operation of this Act, and references in any Act passed or made before or after the coming into operation of this Act to foreigners; aliens, foreign countries, and foreign or foreign-built ships or aircraft, shall be construed accordingly.

20 (3) In this section, references to any Act other than this Act include the Nigeria (Constitution) Order in Council, 1960.

L.N. 159 of
1960.