

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

SUPPLEMENTARY APPROPRIATION (1961-62)

EXPLANATORY MEMORANDUM

This Bill makes supplementary provision for the service of the Federation of Nigeria for the year, 1961-62.

F. SAM. OKOTIE-EBOH,
Federal Minister of Finance

A BILL

FOR

AN ACT TO MAKE SUPPLEMENTARY PROVISION FOR THE SERVICE OF THE FEDERATION OF NIGERIA FOR THE YEAR ENDING ON THE THIRTY-FIRST DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND SIXTY-TWO ADDITIONALLY TO THAT MADE BY THE APPROPRIATION (1961-62) ACT, 1961.

[]

Commence-
ment.

Preamble.
1961 No. 4.

5 WHEREAS by the Appropriation (1961-62) Act, 1961 (hereinafter referred to as the Appropriation Act) a sum of Fifty-Two Million, Nine Hundred and Eighty-Seven Thousand, Two Hundred and Sixty Pounds was provided for the service of the Federation of Nigeria for the year ending on the 31st day of March, 1962 to be applied and expended in the manner set forth in the Schedule to that Act :

AND WHEREAS certain additional provision is required for the said year for the services set forth in the First Schedule to this Act :

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

Short title.

15 2. The sum of Two Million, Nine Hundred and Seventy-Five Thousand and Seventy Pounds set forth in the First Schedule hereto shall be appropriated for the services therein set forth in addition to the sum provided by the Appropriation Act as fully as though set forth in the Schedule to the Appropriation Act.

Supple-
mentary
Appropriation of
£2,975,070
First
Schedule.

Appropriation of £22,175 out of the Consolidated Revenue Fund into the Contingencies Fund. Second Schedule.

3. The Accountant-General of the Federation may, on the warrant of the Minister of Finance, pay out of the Consolidated Revenue Fund of the Federation of Nigeria the sum of Twenty-Two Thousand, One Hundred and Seventy-Five Pounds being the total of the sums withdrawn, as set forth in the Second Schedule hereto, from the Contingencies Fund and not already made good by previous appropriations from the Consolidated Revenue Fund, and the said sum of Twenty-Two Thousand, One Hundred and Seventy-Five Pounds shall be appropriated to the Contingencies Fund.

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FIRST SCHEDULE

(Section 2)

Head

	£
22. Cabinet Office	144,650
23. Police	199,030
24. Ministry of Commerce and Industry	88,000
25. Marketing and Exports	3,000
30. Ministry of Economic Development	47,700
36. Ministry of Education	115,810
39. Ministry of Establishments and Service Matters	27,800
40. Pensions and Gratuities	140,000
41. Ministry of Finance	95,300
44. Ministry of Foreign Affairs and Commonwealth Relations	225,610
45. Ministry of Health	38,190
46. Ministry of Information	51,310
47. Ministry of Internal Affairs	4,000
50. Ministry of Labour	32,560
53. Ministry of Transport and Aviation	61,250
59. Judicial	860
62. Contributions to the Development Fund	1,700,000
Total	£2,975,070

SECOND SCHEDULE

(Section 2)

Head

	£
40. Pensions and Gratuities	22,175

F11715/C. 1

EXPLANATORY MEMORANDUM

The present practice in Nigeria in respect of the writ of Habeas Corpus is that a British subject can sue this writ before every judge of the High Court if necessary. This procedure was changed in the United Kingdom last year; and the object of this Bill is to bring the procedure into line and make it clear that, where an application is made in the first instance to a High Court, an appeal shall in certain cases as outlined in the Bill, lie to the Federal Supreme Court. There can be no second application to a High Court in respect of the same person on the same grounds except on production of fresh evidence.

While the Constitution of the Federation provides certain safeguards against deprivation of personal liberty and the Federal Supreme Court has all necessary jurisdiction it is essential that writs of this nature must be dealt with speedily.

Clause 2 seeks to confer a right of appeal in proper case and *clause 3* prescribes the nature of the application and will allow for it to be heard as soon as possible.

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

ADMINISTRATION OF JUSTICE (HABEAS CORPUS)

ARRANGEMENT OF CLAUSES

Clause

1. Short title, etc.
2. Appeal from refusal of writ of habeas corpus.
3. Procedure on appeal.

A BILL FOR

AN ACT TO PROVIDE FOR AN APPEAL TO THE FEDERAL SUPREME COURT FROM ANY REFUSAL OF A WRIT OF HABEAS CORPUS.

[By notice, 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 Administration of Justice
5 Habeas Corpus) Act, 1961.

Short title,
etc.

(2) This Act shall apply throughout the Federation, and shall come into operation on a day to be appointed by the Governor-General by notice in the Gazette.

2. (1) Subject to the provisions of this Act, where a judge of the
10 appropriate High Court has refused an application for a writ of habeas corpus *ad subjiciendum* by or on behalf of any person confined or restrained of his liberty made on the grounds that the confinement or restraint is unlawful, or has ordered the release of a person confined
15 or restrained of his liberty, an appeal shall lie to the Federal Supreme Court from the refusal to make, or the making of the order, as the case may be.

Appeal from
refusal of
writ of
habeas
corpus.

(2) Nothing in this section shall authorise the making of an appeal in a criminal cause against the release of a person confined or restrained of his liberty.

20 (3) For the purposes of this section,—

(a) "the appropriate High Court" means the court having jurisdiction over either the person who is confined or restrained or over the person confining or restraining any other person ;

25 (b) the failure to hear an application and adjudicate thereon within a reasonable time shall be deemed to be a refusal to issue a writ.

3. An appeal under the Act shall be by way of rehearing of the application and shall take precedence over all other matters then pending before the Federal Supreme Court ; and where the question of reasonable time is in issue, the Federal Supreme Court shall have power in its
30 absolute discretion to determine the question in any particular case.

Procedure
on appeal.

CUSTOMS AND EXCISE MANAGEMENT (AMENDMENT)

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Customs and Excise Management Ordinance, 1958. Provision is made by *clause 2* for a general limitation of one year for the repayment of customs and excise duties and fees overpaid, a matter left unprovided for in the Ordinance.

As it is essential that the period during which an agent shall be liable as though he were the proprietor should be prescribed, *clause 3* seeks to meet that need.

Power is also to be conferred upon the Board of Customs and Excise to include a notional amount for insurance in the duty value of goods which are not insured, and rectifies an omission in the current laws, and this will be achieved by the provisions of *clause 4*.

F. S. OKOTIE-EEOH,
*Minister of Finance, Federation
of Nigeria*

CUSTOMS AND EXCISE MANAGEMENT (AMENDMENT)

ARRANGEMENT OF CLAUSES

Clause

1. Short title, etc.
2. Section 124 of the Ordinance replaced.
3. Section 136 of the Ordinance amended.
4. Paragraph 1 of the Second Schedule amended.

A BILL FOR

AN ACT TO AMEND THE CUSTOMS AND EXCISE MANAGEMENT ORDINANCE
AND FOR OTHER PURPOSES CONNECTED THEREWITH.

[]

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 :—

5 1. (1) This Act may be cited as the Customs and Excise Management (Amendment) Act, 1961, and shall be read as one with the Customs and Excise Management Ordinance (hereinafter referred to as the Ordinance).

Short title, etc.

(2) This Act shall apply throughout the Federation.

10 2. For section 124 of the Ordinance there is substituted the following new section—

Section 124 of the Ordinance replaced.

“Time limit of payment of drawback, etc. 124. All claims for drawback and applications for overpayments or refunds of import or export duty or fee shall be made within a period of one year reckoned—

(a) in the case of drawbacks, from the date of the exportation of the relative goods or the performance of the conditions on which drawback is allowed, as the case may be ;

(b) in the case of goods exported or put on board an aircraft or ship for use as stores, from the date of putting the same on board the exporting or using aircraft or ship ; and

(c) in the case of overpayments and other refunds of import or export duty or fee, from the date of the overpayment or the payment of the duty or fee, as the case may be.”

Section 136
of the
Ordinance
amended.

3. For the first proviso to section 136 of the Ordinance there is substituted the following—

“(1) the agent shall cease to be liable under this section after one year from the date any such duty became payable or any such act fell to be performed.”

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Paragraph 1
of Second
Schedule
amended.

4. For sub-paragraph (2) (b) of paragraph 1 of the Second Schedule to the Ordinance there is substituted the following :—

“(b) that the seller will bear freight, insurance, commission and all other costs, charges and expenses incidental to the sale and the delivery of the goods at the port or place of importation, but where the goods are not insured, the cost of insurance of such goods shall be estimated at an amount not less than one-half of one *per centum* of their value for duty, which in the opinion of the Board is equivalent to the cost of insurance had such goods been fully insured ; but”.

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(Bills 767)

CUSTOMS TARIFF (AMENDMENT)**EXPLANATORY MEMORANDUM**

This Bill seeks to amend the Customs Tariff Ordinance, 1958 so as to empower the Board of Customs and Excise to impose or levy duty on composite goods according to the parts and ingredients thereof, where the Board considers it equitable to do so.

F. S. OKOTIE-EEOH,
Minister of Finance,
Federation of Nigeria

CUSTOMS TARIFF (AMENDMENT)**ARRANGEMENT OF CLAUSES***Clause*

1. Short title, etc.
2. Section 12 of Ordinance amended.

A BILL

FOR

AN ACT TO AMEND THE CUSTOMS TARIFF ORDINANCE

[]

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 Customs Tariff (Amendment) Act, 1961, and shall be read as one with the Customs Tariff Ordinance, 1958.

Short title,
etc.
No. 60 of
1958.

(2) This Act shall have effect throughout the Federation.

2. Section 12 of the Customs Tariff Ordinance, 1958 is amended by inserting after the word "thereon" in subsection (2), the words, "unless the Board is satisfied that the imposition of the duty chargeable would be inequitable in any particular case".

Section 12
of
Ordinance
amended.