

L.N. 103 of 1961

MINERALS ORDINANCE (CAP. 121)

Minerals (Amendment) (No. 2) Regulations, 1961

Commencement : 17th August, 1961

In exercise of the powers conferred by section 118 of the Minerals Ordinance the Governor-General acting in accordance with the advice of the Council of Ministers, has made the following regulations :—

1. These regulations may be cited as the Minerals (Amendment) (No. 2) Regulations, 1961, and shall be of Federal application.

Citation and application.

2. The Second Schedule to the Minerals Regulations is amended by—

Amendment of the Second Schedule Vol. IX, p. 1522.

(a) the deletion from item 2 (holder of a mining right) of the fee of "£0-15s-0d" and the substitution therefor of the following fee—

"£1-0s-0d";

(b) the deletion from item 3 (a) (lessee of a mining lease in class A, B or C) of the fee of "£0-3s-0d" and the substitution therefor of the following fee—

"£0-5s-0d".

3. The Third Schedule to the Minerals Regulations is amended by the deletion of the table of fees and the substitution therefor of the following table—

Amendment of the Third Schedule Vol. IX, p. 1523.

"FEES"

	£	s	d
1. Prospecting Rights	7	0	0
2. Prospecting Rights for lignite only	1	0	0
3. For sanction to assign a mining lease or an exclusive prospecting licence or mining right or water licence or any right or interest thereunder	3	0	0
4. On surrender of an exclusive prospecting licence	5	0	0
5. On surrender of a part of a mining lease	Nil		
6. On surrender of whole of a mining lease	5	0	0
7. On surrender of a water licence	5	0	0
8. On renewal of an exclusive prospecting licence or mining right	2	0	0
9. On the renewal of a mining lease	10	0	0
10. For permission to lessee to dispose of minerals other than those specified in lease	5	0	0
11. For sanction to suspend mining operations on the areas of a mining right or mining lease or prospecting operations on an exclusive prospecting licence	10	0	0
12. For sanction to vary the number of persons employed for climatic reasons	1	0	0
13. For sanction to group or vary the grouping of exclusive prospecting licences or mining leases	1	0	0
14. For permission to the holder of a prospecting right or exclusive prospecting licence to remove, retain or dispose of minerals	0	5	0
15. For a licence to purchase minerals	10	0	0

	£	s	d
16. For the preparation of an exclusive prospecting licence or a mining right	3	0	0
17. For the preparation of a mining lease	3	0	0
18. For the preparation of a water licence	3	0	0
19. For a tributer's plastic tally	0	0	6
20. For a tributer's tally, other than plastic Sixpence will be refunded for each plastic tally returned to the Chief Inspector in usable condition, threepence for every other kind of tally returned in usable condition.	0	0	3
21. For inspection of a mining right application by a mines officer	5	0	0
22. The fee payable by an applicant for exemption from survey shall be	25	0	0
or in the case of a mining right for gold granted in accordance with the proviso to regulation 33 (1)	5	0	0
23. The fees payable upon withdrawal of an application shall be—			
(a) Upon withdrawal of an application after the grant of a temporary title in respect thereof:—			
(i) if for a mining right	25	0	0
(ii) if for a mining lease	40	0	0
(b) In any other case—			
(i) upon withdrawal of an application for a prospecting right, mining right, mining lease or water licence ..	8	0	0
(ii) upon withdrawal of an application for an exclusive prospecting licence	25	0	0
(c) The withdrawal fee may be deducted from any deposit made by the applicant, without prejudice to other remedies, civil or criminal.			

Revocation
of L.N. 27
of 1961.

4. The Minerals (Amendment) Regulations, 1961, are hereby revoked.

MADE at Lagos the 7th day of August, 1961.

ISA KOTO,
*Acting Deputy Secretary to the
Council of Ministers*

EXPLANATORY NOTE

These regulations substitute a new scale of fees for that set out in the Second and Third Schedules of the Minerals Regulations.

MMP1728/178

L.N. 104 of 1961

PENSIONS ORDINANCE (CHAPTER 147)

Pensions (Amendment) Regulations, 1961

Commencement : 1st September, 1959

In exercise of the powers conferred by section 3 of the Pensions Ordinance the Governor-General, acting in accordance with the advice of the Council of Ministers, has made the following regulations—

1. These regulations may be cited as the Pensions (Amendment) Regulations, 1961, and shall be deemed to have come into operation on the 1st September, 1959.

Citation and
commence-
ment.

2. Paragraph (2) (a) of regulation 9 of the Pensions Regulations (hereinafter referred to as the principal regulations) is amended by the insertion after the words "three years" of the following—

Amendment
of regulation
9.
Vol. V,
p. 2835.

"or lesser period".

3. Regulation 17 of the principal regulations is revoked and the following regulation is substituted therefor—

Replacement
of regulation
17.

"Emolu-
ments
to be taken
for com-
puting
pension or
gratuity.

17. (1) For the purpose of computing the amount of the pension or gratuity of an officer who has had a period of not less than three years' pensionable service before his retirement—

(a) in the case of an officer who has held the same office for a period of three years immediately preceding the date of his retirement, the annual pensionable emoluments enjoyed by him at that date in respect of that office shall be taken ;

(b) in the case of an officer who at any time during such period of three years has been transferred from one office to another, but whose pensionable emoluments have not been changed by reason of such transfer or transfers, otherwise than by the grant of any scale increment, the annual pensionable emoluments enjoyed by him at the date of his retirement in respect of the office then held by him shall be taken ;

(c) in other cases one-third of the aggregate pensionable emoluments enjoyed by the officer in respect of his service during the three years of his service immediately preceding the date of his retirement shall be taken :

Provided that—

(i) if such one-third is less than the highest annual pensionable emoluments enjoyed by him at the date of any transfer within such period of three years those annual pensionable emoluments shall be taken ; and

(ii) if such one-third is less than the annual pensionable emoluments which would have been enjoyed by him at the date of his retirement, if he had continued to hold any office from which he has been transferred at any time during such period of three years, and had received all scale increments which, in the opinion of the Governor-General, would have been granted to him, the annual pensionable emoluments which would have been so enjoyed shall be taken.

(2) For the purpose of determining under paragraph (1) of this regulation the pensionable emoluments that an officer has enjoyed or would have enjoyed, as the case may be, he shall be deemed—

(a) to have been on duty on pensionable emoluments throughout the period of three years immediately preceding the date of his retirement; and

(b) to have enjoyed the benefit of any increase due to a revision of salaries in the pensionable emoluments of any office held by him as if such increase had been payable throughout such period of three years.

(3) For the purpose of computing the amount of the pension or gratuity of an officer who has had a period of less than three years' pensionable service before his retirement—

(a) the average annual pensionable emoluments enjoyed by him during such period shall be taken;

(b) he shall be deemed to have been on duty on pensionable emoluments throughout such period; and

(c) he shall be deemed to have enjoyed the benefit of any increase due to a revision of salaries in the pensionable emoluments of any office held by him as if such increase had been payable throughout such period.

(4) Notwithstanding anything contained in this regulation, for the purpose of computing the amount of the pension or gratuity of an officer retired on the grounds of ill health, the annual pensionable emoluments enjoyed by him at the date of his retirement in respect of the office then held by him shall be taken, unless it would be more favourable to him to take the pensionable emoluments which would have been taken but for this paragraph, when the last mentioned emoluments shall be taken:

Provided that this paragraph shall not apply in the case of an officer first appointed or re-appointed to the public service of the Federation or under the former Government of Nigeria on or after the 1st day of July, 1942."

Amendment
of regulation
29.

4. Regulation 29 of the principal regulations is amended by the deletion from paragraph (1) of sub-paragraph (iii) and the substitution thereof of the following—

"(iii) for each complete month of his pensionable service at the annual rate of one four-hundred and eightieth of his pensionable emoluments reduced by an amount equal to fifty *per centum* of the difference between £1,884 and his pensionable emoluments at the date of his retirement:

Provided that in the case of an officer occupying a supersclae post in the Medical Department of the Federation of Nigeria the figures £2,190 shall be substituted for the figures £1,884."

MADE in Lagos this 7th day of August, 1961.

ISA KOTO,
Acting Deputy Secretary to the
Council of Ministers

EXPLANATORY NOTE

Regulation 17 of the Pensions Regulations relates to the emoluments to be taken for computation of pensions. The current form of the provisos in that regulation militates against the position of the transferred officer who retires from other public service, whose final pensionable emoluments fall to be averaged and whose emoluments in the offices he has held during his last three years in that other public service have, in the same period, been revised. It is considered that a transferred officer should receive no less favourable pension conditions than an officer whose whole career is in Nigeria and regulation 17 is replaced to this effect. A consequential amendment is made to regulation 9.

At the same time the regulations are amended to take account of the adoption of the Mbanefo salary recommendations which became effective on the 1st September, 1959.

L.N. 105 of 1961

FACTORY ORDINANCE (CHAPTER 66)

Factories (Notification of Dangerous Occurrences)
Regulations, 1961

Commencement : By Notice, see section 1 (2)

WHEREAS by section 56 of the Factories Ordinance (hereinafter referred to as the Ordinance) notification of the happening in prescribed classes of accidents in factories is required to be given to an inspector, and by section 57 of the Ordinance where the Federal Minister charged with responsibility for the welfare of labour (hereinafter referred to as the Minister of Labour) considers that by reason of the risk of serious bodily injury to persons employed in factories in certain other cases of a dangerous nature it is expedient that the requirement as to notice as aforesaid should apply, he may by regulations extend the application of section 56 of the Ordinance accordingly :

Cap. 66.

NOW THEREFORE, in exercise of the powers aforesaid conferred upon him by section 57 of the Factories Ordinance the Minister of Labour has made the following regulations—

1. (1) These regulations may be cited as the Factories (Notification of Dangerous Occurrences) Regulations, 1961, and shall be of Federal application.

(2) These regulations shall come into operation on a day to be notified in the Gazette.

2. The provisions of section 56 of the Ordinance (which require the giving of written notice of an accident in a factory in certain cases) are hereby extended and shall apply to the classes of dangerous occurrences, whether or not death or disablement is thereby caused, specified in the Schedule hereto and happening in any factory or in any dock in a port specified in the Schedule to the Docks (Safety of Labour) Regulations made under the Ordinance.

Citation,
application
and
Commence-
ment.

Extension
of
provisions
relating to
notification
of accidents.

Vol. VII of
the Laws of
the
Federation
of Nigeria,
etc., 1958,
p. 633.

3. Every notice required to be given under these regulations shall be in writing in the form prescribed by section 56 of the Ordinance, and be sent to the nearest Inspector forthwith upon the happening of the dangerous occurrence.

SCHEDULE
CLASSES OF DANGEROUS OCCURRENCES

Regulation 2

1. Bursting of a revolving wheel, grindstone or grinding wheel moved by mechanical power.
2. Collapse or failure of a crane, derrick, winch, hoist, lift, or other appliances used in raising or lowering persons or goods, or any part thereof (except the breakage of chain or rope slings), or the over-turning of a crane.
3. Explosion or fire causing such damage as to prevent the room or place in which it occurs from being used for its normal purpose for a period of not less than 24 hours.
4. Explosion or fire within the enclosure of electrical machinery, plant or apparatus (including electric cables) causing structural damage to the enclosure or cable sheath, occurring in any room or work place in which the electrical machinery, plant or apparatus is housed.
5. Explosion of a receiver or container used for the storage at a pressure greater than atmospheric pressure or any gas or gases (including air), or any liquid or solid resulting from the compression of gas.
6. The bursting of any steam boiler, steam receiver, steam container or air receiver as defined by the Factories Ordinance.

MADE at Lagos this 10th day of August, 1961.

J. M. JOHNSON,
Minister of Labour

EXPLANATORY NOTE

*(This is not part of the regulations but is intended to indicate
their general purport)*

These regulations require that certain dangerous occurrences that may happen in Factories or docks and cause severe damage to property or injury to persons employed, shall be reported on the same form and in the same way as ordinary accidents in factories or docks.

ML04/18