

REPUBLIC OF THE UNION OF SOUTH AFRICA ACT, 1962



ARRANGEMENT OF SECTIONS

Section

1. Short title, etc.

2. Recognition and effect of the Union of South Africa ceasing to be a member of the Commonwealth.

1962, No. 1

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:

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, 1962.

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.

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.

(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.

(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.

WIDOWS' AND ORPHANS' PENSIONS ACT, 1962

A 3



ARRANGEMENT OF SECTIONS

Section

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| <ol style="list-style-type: none"> 1. Short title, etc. 2. Amendment of section 2. 3. Amendment of section 3. 4. Amendment of section 4. 5. New section 4A added. 6. Amendment of section 11. | <ol style="list-style-type: none"> 7. Amendment of section 14. 8. New section 14A added. 9. Amendment of section 16. 10. New section 17A added. 11. Amendment of the Second Schedule. |
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1962, No. 2

AN ACT TO AMEND THE WIDOWS' AND ORPHANS' PENSIONS ORDINANCE
(CAP. 220).

[See section 1 (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 Widows' and Orphans' Pensions Act, 1962 and shall be read as one with the Widows' and Orphans' Pensions Ordinance (hereinafter called the Ordinance).

Short title,
etc.

(2) This Act shall have effect throughout Nigeria and shall apply in respect of all persons who are or were contributors under the provisions of the Ordinance by virtue of section 3 of the Ordinance as amended by this Act.

(3) This Act shall come into operation on a date to be notified by the Minister in the Gazette.

2. Subsection (4) of section 2 of the Ordinance is amended by substituting for the words "country of the contributor's domicile" the words "place where the contributor was resident".

Section 2 of
Ordinance
amended.

3. Section 3 of the Ordinance is amended by the insertion immediately after subsection (4) of the following new subsection—

Section 3 of
Ordinance
amended.

"(5) Any officer who by reason of the fact that he is or becomes a contributor to the Oversea Superannuation Scheme claims exemption under this Ordinance from the obligation to become or to continue to be a contributor under this Ordinance and who subsequently becomes ineligible to continue as a contributor to the Oversea Superannuation Scheme, shall become a contributor under this Ordinance from the date on which he ceases to be a contributor in the Oversea Superannuation Scheme unless he is ineligible or is otherwise not liable to do so."

Section 4 of
Ordinance
amended.

4. Subsection (3) of section 4 of the Ordinance is amended by the substitution therein for all words following the words "such approved scheme" where they last occur, of the words, 'An "approved scheme" means a scheme or fund for the granting of pensions to the widows and children of officers in other public service, which has been declared by the Minister by notice in the Gazette to be an approved scheme for the purposes of this Ordinance.'

New section
4A added to
Ordinance.

5. The Ordinance is further amended by the addition immediately after section 4 of the following new section—

"Option for
contributors
to Oversea
Superan-
nuation
Scheme.

4A. (1) Any officer who is or becomes a contributor to the Oversea Superannuation Scheme may in writing claim exemption from the obligation to become or to continue to be a contributor under this Ordinance; but no claim shall be considered unless it is received by the Crown Agents within three months from the date upon which such officer first became a contributor to the said Oversea Superannuation Scheme or not later than three months after the coming into operation of the Widows and Orphans Pensions Act, 1961 whichever is the later.

(2) Every proper claim for exemption under this section shall take effect from the date upon which the officer first became a contributor to the Oversea Superannuation Scheme, and the amount of any contributions which he has made under this Ordinance since that date shall be refunded to him without interest. As from the date upon which the claim to exemption takes effect, the officer by whom the Claim was made shall for the purposes of this Ordinance be deemed, in respect of all rights arising from his contributions made under this Ordinance prior to that date, to have left the West African Service."

1961 No.

Section 11 of
Ordinance
amended.

6. Section 11 of the Ordinance is amended,—

(a) in subsection (3) by the insertion immediately after paragraph (c), of the following new paragraphs—

"(d) the adoption of any child of a pensionable age by him ;

(e) the adoption by some other person of any of his children while of a pensionable age ;

(f) the annulment or dissolution of his marriage." ; and

(b) in subsection (4) by the insertion immediately after paragraph (e) of the following new paragraph—

"(f) the adoption by some other person of any child of such contributor while of a pensionable age."

Section 14 of
Ordinance
amended.

7. Section 14 of the Ordinance is amended,—

(a) by inserting immediately after subsection (1) a new subsection (1) (a) as follows,—

"(1) (a) Where a pension is payable to the dependants of an officer whose pension conditions were the subject of any agreement however made between the Government of the Federation or the Government of any Region and the Government of the United Kingdom the provisions of subsection (1) of this section shall have

effect and the pension shall be payable in the first instance by the United Kingdom Government and may be the subject of a claim for a refund by that Government against and be repaid by the Crown Agents";;

and

(b) by inserting in subsection (2) immediately after the figure '(1)' the words "or subsection (1) (a) of this section".

8. The Ordinance is further amended by the addition immediately after section 14 of the following new section—

"Amount of refund and pension where contributions paid to other Governments.

14A. (1) Where a contributor to the Scheme has paid contributions thereunder both to this Government and otherwise than to this Government—

(a) in respect of refunds of contributions provided for under this Ordinance, there shall be repaid by this Government only such sum as represents the contributions received by this Government together with such interest thereon, if any, as is provided under this Ordinance; and the amount of any pension payable by this Government in respect of that contributor shall be computed only on the contributions received by this Government in respect of the Scheme.

(2) For the purposes of this section, reference to contributions received by this Government shall be deemed to include references to contributions received by the former Government of Nigeria."

New section 14A added to Ordinance.

9. Section 15 of the Ordinance is amended by renumbering the section as subsection (1) and by inserting immediately after that subsection a new subsection as follows—

"(2) Notwithstanding the provisions of subsection (1) of this section, nothing in the tables set out in the First Schedule to the Widows' and Orphans' Pension (Amendment) Ordinance, 1954, shall apply, or be deemed ever to have applied, in respect of contributions paid or payable before the 1st day of April, 1950, and the tables applicable in respect of those contributions shall be the tables that would have been applicable in respect thereof if the Ordinance had not been passed."

Section 15 of Ordinance amended.

10. The Ordinance is further amended by the addition immediately after section 17 of the following new section—

"Adoption of contributor's children.

17A. (1) Subject to the provisions of subsection (2) of this section if a child of a contributor is, while of pensionable age, adopted by some other person, that child shall continue to be eligible to receive a pension or share thereof under this Ordinance as if the adoption had not taken place.

(2) If a child of a contributor has, while of pensionable age, been adopted by some other person, the contributor or the widow of the contributor may at any time by notice in writing addressed to the Crown Agents, elect that that child shall not be eligible to receive a pension or share thereof under this Ordinance, and upon receipt by the Crown Agents of such notice the child shall cease to be so eligible or to receive any such pension or share thereof."

New section 17A added to Ordinance.

Second
Schedule to
Ordinance
amended.

11. The Second Schedule to the Ordinance is amended by the deletion of item (1) in the note to the instructions for the use of the Tables and the substitution therefor of the following new note—

“(1) The registered pensions of officers who commenced to contribute before the 1st day of April, 1950, and were still contributing on that date are to be re-assessed as at the 31st day of March, 1950, in the manner set out hereunder but subject to the proviso that if the pensions so re-assessed are less than those registered prior to the 22nd day of April, 1954, the existing pensions are to be retained.

“Method of Re-assessment—

The pension registered prior to the 22nd day of April, 1954, is to be regarded as consisting of two parts :—

Part (a) that purchased by contributions paid or payable from the date of entry to the 31st day of March, 1950 ; and

Part (b) that purchased by contributions paid or payable on or after the 1st day of April, 1950. *Part (a)* is to be left unaltered, but *part (b)* shall be re-computed according to the tables in the First Schedule. If the re-computed *part (b)* is greater than *part (b)* before the re-computation, the re-computed *part (b)* is to be added to *part (a)*. If the re-computed *part (b)* is not greater than *part (b)* before the re-computation, the pension registered prior to the 22nd day of April, 1954, is to be retained.”

NIGERIAN COLLEGE OF ARTS, SCIENCE AND TECHNOLOGY (TRANSFER) ACT, 1962

A.7



ARRANGEMENT OF SECTIONS

Section

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| <ol style="list-style-type: none"> 1. Short title and extent. 2. Interpretation, etc. 3. Transfer of property of Council to Universities of Northern Nigeria, of Nigeria at Nsukka and of Ife, etc. | <ol style="list-style-type: none"> 4. Abolition of the College and its Council. 5. Financial provisions. 6. Repeals and savings. <p style="margin-top: 10px;">SCHEDULE: Provisions relating to transfer of property to Provisional Councils, etc.</p> |
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1962, No. 3

AN ACT TO TRANSFER THE ASSETS AND LIABILITIES OF THE COUNCIL OF THE NIGERIAN COLLEGE OF ARTS, SCIENCE AND TECHNOLOGY TO THE UNIVERSITY OF NORTHERN NIGERIA, THE UNIVERSITY OF NIGERIA AT NSUKKA AND THE UNIVERSITY OF IFE; TO ABOLISH THE COLLEGE AND THE COUNCIL; AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

[See constitution s. 4 (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. This Act may be cited as the Nigerian College of Arts, Science and Technology (Transfer) Act, 1962, and shall apply throughout the Federation.

Short title
and extent.

2.—(1) In this Act, unless the context otherwise requires,—
“the College” means the Nigerian College of Arts, Science and Technology;

Interpreta-
tion, etc.

“the College Council” means the Council of the College;

“the Minister” means the Minister of the Government of the Federation concerned with education;

“property” includes rights, liabilities and obligations arising otherwise than in connection with an appointment to the staff of the College; and

“transfer date” has the meaning assigned to it by subsection (4) of section three of this Act.

(2) Any reference in this Act to an enactment is a reference to that enactment as amended by or under any subsequent enactment.

(3) Any direction or notice under this Act shall be in writing and may, without prejudice to any other method of service, be served by post.

(4) Where before the transfer date (and either before or after the commencement of this Act) any Provisional Council or university mentioned in this Act has changed its name, or any other body is functioning in the place or as the successor of such a Provisional Council, the provisions of this Act relating to that Provisional Council or university shall have effect as if the name had not changed or, as the case may be, as if the other body were the Provisional Council in question.

Transfer of property of Council to Universities of Northern Nigeria, of Nigeria at Nsukka and of Ife, etc.

3.—(1) The property held immediately before the transfer date by the College Council shall on that date, by virtue of this subsection and without further assurance, vest in the Provisional Council of the University of Northern Nigeria and, subject to the provisions of any enactment (past or future) of the Legislature of Northern Nigeria, shall be held by that Provisional Council for the purposes of that University.

(2) The property held immediately before the transfer date by the College Council for the purposes of the branch of the College at Ibadan shall on that date, by virtue of this subsection and without further assurance, vest in the Provisional Council of the University of Ife and, subject to the provisions of any enactment (past or future) of the Legislature of Western Nigeria, shall be held by that Provisional Council for the purposes of that University; and on that date the College Council shall cease to exercise any functions in relation to the property transferred by this subsection and the Branch Committee and any other committee or board established for the branch aforesaid shall be abolished.

(3) The property held immediately before the transfer date by the College Council for the purposes of the branch of the College at Enugu shall on that date, by virtue of this subsection and without further assurance, vest in the Provisional Council of the University of Nigeria and, subject to the provisions of any enactment (past or future) of the Legislature of Eastern Nigeria, shall be held by that Provisional Council for the purposes of that University; and on that date the College Council shall cease to exercise any functions in relation to the property transferred by this subsection and the Branch Committee and any other committee or board established for the branch aforesaid shall be abolished.

(4) In this Act, the "transfer date", in relation to any Provisional Council mentioned in the foregoing provisions of this section, means such date as the Minister may by order appoint as respects that Provisional Council, so however that the transfer date or transfer dates appointed as respects the Provisional Councils mentioned in subsections (2) and (3) of this section shall precede the transfer date appointed as respects the other Provisional Council.

(5) Subject to the provisions of the Nigeria (Constitution) Order in Council, 1960, the provisions of the Schedule to this Act shall have effect with respect to the transfer by this Act to a Provisional Council

of any property of the College Council and with respect to matters arising out of the transfer and the other matters mentioned in that Schedule.

4.—(1) On the transfer date as respects the Provisional Council mentioned in subsection (1) of the last foregoing section—

Abolition
of the
College and
its Council.

(a) the College shall cease to exist; and

(b) the College Council shall cease to exercise any functions except so far as may be necessary for winding up its affairs; and

(c) it shall become the duty of the Council to complete the winding up of its affairs with all reasonable speed and to give notice of the completion to the Minister;

and in winding up its affairs the Council shall comply with such directions (if any) as it may receive from the Minister.

(2) When the Minister receives the notice aforesaid or, if it appears to him that the College Council has been unduly dilatory in winding up its affairs, without receiving that notice, the Minister shall by order appoint a day for the purposes of this subsection; and on that day the College shall cease to exist and the College Council and any remaining Branch Committee or other committee or board of the College shall be abolished.

5. Without prejudice to the practice whereby no payment is made after the end of a financial year out of moneys provided by Parliament in respect of that year, the Minister of the Government of the Federation responsible for finance is authorised—

Financial
provisions.

(a) as soon as may be after the transfer date appointed as respects the Provisional Council mentioned in subsection (2), or as the case may be subsection (3), of section three of this Act, to pay to that Council such portion of the moneys so provided for the purposes of the College in respect of the financial year ending on the 31st day of March, 1962, as the Minister may determine; and

(b) as soon as may be after the transfer date appointed as respects the Provisional Council mentioned in subsection (1) of the said section three, to pay to that Council the balance of the moneys aforesaid and any further sum which may hereafter be appropriated by Parliament for the purposes of the College (less so much of the balance or further sum as before that date has been paid over to, or for the purposes of, the College).

6.—(1) Subject to subsection (3) of this section, the Nigerian College of Arts, Science and Technology Act is hereby repealed—

Repeals and
savings.

(a) in its application to Western Nigeria, as from the transfer date appointed under this Act as respects the Provisional Council of the University of Ife; and

(b) in its application to Eastern Nigeria, as from the transfer date so appointed as respects the Provisional Council of the University of Nigeria.

(2) Subject to subsection (3) of this section, the following provisions are hereby repealed as from the day appointed for the purposes of subsection (2) of section four of this Act, that is to say—

(a) the Nigerian College of Arts, Science and Technology Act,

(b) the Nigerian College of Arts, Science and Technology (Amendment) Act, 1958 ;

(c) the Nigerian College of Arts, Science and Technology (Amendment) Act, 1960 ;

(d) in paragraph 17 of Part I of the Schedule to the Constitution of the Federation, the reference to the College.

(3) Without prejudice to the provisions of section fourteen of the Interpretation Act (which relates to the effect of repeals), nothing in the foregoing provisions of this section shall affect—

(a) any power to grant, or any contingent right to receive, pensions, gratuities, allowances or other retiring benefits in respect of periods of service which precede the day appointed as aforesaid ;

(b) section seventeen of the Act mentioned in subsection (1) above (which charges pensions and other benefits payable by virtue of that Act on the revenues of the Federation) ;

but any such power exercisable apart from this Act by the College Council shall instead be exercisable by the Minister acting in his discretion and without any certificate of a Branch Principal or any other person ; and accordingly references in any relevant by-laws of the College Council to any officer of that Council concerned with the grant of any benefits shall be construed as references to the Minister.

(4) Subject to the provisions of the Nigeria (Constitution) Order in Council, 1960, and without prejudice to the provisions of the Schedule to this Act, the Minister may, within the period of one year beginning with the day appointed as aforesaid, by order make such alterations (whether by way of amendment or repeal) of any enactment as he considers necessary for the purpose of removing provisions which are redundant in consequence of this Act or of bringing the provisions of the enactment into conformity with this Act ; and any such order may be made so as to take effect from a date not earlier than the day aforesaid, and may contain such transitional provisions as the Minister considers expedient.

Section 3 (5).

SCHEDULE

PROVISIONS RELATING TO TRANSFER OF PROPERTY TO PROVISIONAL COUNCILS, ETC.

1.—(1) Any dispute as to whether any property was held on a transfer date for purposes mentioned in section three of this Act shall be determined by the Minister.

(2) Where it appears to the Minister that any property was held as to one part for some of those purposes and as to another part for others of them he may, notwithstanding anything in the said section three, by an instrument signed by him allocate those parts in such manner as he thinks fit ; and subsection (1), (2) or (3), as the case may be, of the said section three shall apply to property so allocated to a Provisional Council as it applies to the property mentioned in that subsection.

2.—(1) Every agreement to which the College Council was a party immediately before a transfer date, whether in writing or not and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned by the College Council,

shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this sub-paragraph, have effect as from the transfer date, so far as it relates to property transferred by this Act on that date to a Provisional Council, as if—

(a) the Provisional Council had been a party to the agreement ;

(b) for any reference (however worded and whether express or implied) to the College Council there were substituted, as respect anything falling to be done on or after the transfer date, a reference to the Provisional Council ; and

(c) for any reference (however worded and whether express or implied) to a member or officer of the College Council there were substituted, as respects anything falling to be done on or after the transfer date, a reference to such person as the Provisional Council may appoint or, in default of appointment, to the member or officer of the Provisional Council who corresponds as nearly as may be to the member or officer in question of the College Council.

(2) Other documents, including enactments, which refer, whether specially or generally, to the College Council shall be construed in accordance with sub-paragraph (1) of this paragraph so far as applicable.

(3) Without prejudice to the generality of the foregoing provisions of this Schedule, where, by the operation of any of them or of section three of this Act, any right, liability or obligation vests in a Provisional Council, that Council and all other persons shall, as from the transfer date, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of that Council.

(4) Any legal proceedings or application to any authority pending on a transfer date by or against the College Council and relating to property transferred by this Act on that date to a Provisional Council may be continued on or after that date by or against the Provisional Council.

3. Notwithstanding anything in subsections (1) to (3) of section three of this Act, if the law in force at the place where any property transferred by this Act is situated provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees or any other matter) apply with the necessary modifications to the transfer of the property aforesaid ; and it shall be the duty of the transferee to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.

4. No stamp or other duty shall be payable in respect of any transfer of property by this Act.

5. Anything done or omitted, whether before or after the passing of this Act, by the College Council or a Provisional Council mentioned in section three of this Act in anticipation of the transfer of any property effected by this Act shall be and be deemed always to have been as valid as if the transfer in question had taken place.

6.—(1) The Minister may by regulations make such ancillary, supplemental or incidental provision as he considers expedient for carrying out the purposes of this Act.

(2) Regulations under the foregoing subparagraph may provide that the foregoing paragraphs of this Schedule or subsection (3) of section six of this Act shall, in their application to any case specified by the regulations, have effect with such alterations (including omissions) as may be so specified; and any such regulations may be made so as to take effect from a date not earlier than the transfer date applicable to the case in question.