

EMERGENCY POWERS ACT, 1961

(1961, No. 1)

Emergency Powers (General) Regulations, 1962

Commencement : 29th May, 1962

WHEREAS in pursuance of section sixty-five of the Constitution of the Federation a resolution of both Houses of Parliament is in force declaring that a state of public emergency exists :

NOW THEREFORE in exercise of the powers conferred on me by the Emergency Powers Act, 1961, and of all other powers enabling me in that behalf, I, NNAMDI AZIKIWE, Governor-General of the Federation, acting in accordance with the advice of the Council of Ministers, hereby make the following regulations :—

Preliminary

1. These regulations may be cited as the Emergency Powers (General) Regulations, 1962, and shall apply throughout the Federation.

Short title
and extent.

Appointment of administrator, etc., for emergency area

2. There shall be an administrator for the emergency area who shall be appointed by the Prime Minister and shall hold his appointment during the Prime Minister's pleasure.

Appointment
of administra-
tor.

3.—(1) The administrator may appoint persons to perform, or assist in the performance of, such of the functions of the administrator (whether under these regulations or not) as the administrator may determine.

Appoint-
ment of
assistants
for the
administra-
tor.

(2) A person appointed in pursuance of this regulation shall hold his appointment during the administrator's pleasure.

(3) The instrument by which a person is appointed in pursuance of this regulation may designate him as "Commissioner" or "Assistant Commissioner", or by such other designation as the administrator may by order specify ; and any such order may provide for the relative seniorities of persons to whom different designations are allocated.

(4) A person appointed in pursuance of this regulation shall not vacate his appointment by reason only of the fact that the appointment of the administrator is vacated.

(5) A person appointed in pursuance of this regulation shall, in performing any functions which he is required by the administrator to perform, comply with any directions given to him by the administrator.

(6) The fact that a person has been appointed to perform any functions of the administrator shall not preclude the administrator from performing those functions or any of them.

Administration of the emergency area

4.—(1) Without prejudice to the provisions of the last foregoing regulation, the administrator shall be charged with the general function of administering the government of the emergency area and of exercising the executive authority of the Region on behalf of Her Majesty.

General
function of
administra-
tor.

(2) Subject to the provisions of Chapter III of the Constitution of the Federation (which relates to fundamental human rights), the administrator may do such things as appear to him necessary or expedient for the purpose of exercising his general function.

(3) The Prime Minister may give directions to the administrator with respect to the exercise of the administrator's functions, and it shall be the duty of the administrator to comply with the directions.

Power of administrator to make laws.

5.—(1) Without prejudice to the generality of the powers conferred by paragraph (2) of the last foregoing regulation, the administrator (but not any other person appointed in pursuance of these regulations) may make such orders as appear to him to be necessary or expedient for the purpose of maintaining and securing peace, order and good government in the emergency area.

(2) Without prejudice to the generality of the powers conferred by the said paragraph (2) or the foregoing paragraph, any order under the foregoing paragraph may in particular, so far as it appears to the administrator to be necessary or expedient for the purpose mentioned in that paragraph—

(a) make provision for the detention of persons (either within the emergency area or elsewhere) and the removal and exclusion of persons from the emergency area;

(b) authorise the taking of possession or control of any property or undertaking in the emergency area;

(c) authorise the entry and search of any premises;

(d) provide for amending any law so far as it is in force in the emergency area, for suspending the operation in that area of any law and for applying any law, with or without modification, in relation to that area;

(e) provide for the payment of compensation and remuneration to persons affected by the order;

(f) provide for the apprehension, trial and punishment of persons offending against the order;

(g) provide for maintaining such supplies and services as the administrator considers essential to the life of persons in the emergency area.

(3) Nothing in the foregoing provisions of this regulation shall authorise the making of provision for the trial of persons by military courts.

(4) An order under this regulation may provide that the order shall have effect for all purposes as if it were a law made by the Legislature of the Region.

(5) The administrator shall, as soon as reasonably practicable after an order has been made under this regulation, transmit a copy of the order to the Prime Minister; and if the Prime Minister gives notice to the administrator that the Prime Minister disallows the order, it shall cease to have effect on the expiration of the day on which the notice is given, without prejudice to anything previously done thereunder.

Control of police in emergency area.

6.—(1) Subject to the provisions of subsection (3) of section ninety-nine of the Constitution of the Federation (which provides for the Prime Minister and certain other Ministers to give directions to the police with respect to public safety and order) and of any directions given in pursuance of that subsection, the administrator (but not any other person appointed in pursuance of these regulations) may give to the officer commanding the contingents of the Nigeria Police Force present in the emergency area such directions with respect to the maintaining and securing of public safety and public order as the administrator considers expedient; and it shall be the duty of that officer to comply with the directions.

(2) All forces established under the Local Government Police Law of the Region or to which that Law applies shall be deemed to form part of the Nigeria Police Force; and accordingly the enactments relating to the Nigeria Police Force shall apply to all such forces as aforesaid in place of the enactments by which those forces are regulated apart from these regulations.

In this paragraph, "enactments" includes any regulations, orders or other instruments having the force of law.

(3) The respective ranks of the members of any force to which the last

foregoing paragraph applies shall be such as may be determined by the Inspector-General of the Nigeria Police Force and, in default of such a determination, shall be such ranks in the Nigeria Police Force as correspond, as nearly as may be, to the ranks held by those members in the forces in question apart from these regulations.

7. (1) Except to such extent and during such period (if any) as the administrator may direct, no person holding or acting, or purporting to hold or act, in any of the offices established for the Region and specified in the next following paragraph shall exercise any of the functions of that office.

(2) The offices aforesaid are the office of Governor, Premier, any other Minister of the government of the Region, member of the Executive Council, Parliamentary Secretary, President or other officer or member of the House of Chiefs, Speaker or other officer or member of the House of Assembly, Superintendent-General of Local Government Police Forces, and such other offices, if any, as the administrator may direct.

(3) It shall be the duty of all persons holding—

(a) offices in the public service of the Region within the meaning of the Constitution of the Region; or

(b) offices connected with any customary court or local government authority established by law in the Region;

to exercise their functions in accordance with any directions given to them by the administrator; and without prejudice to the generality of the powers conferred on the administrator by virtue of these regulations, he may suspend from office any such person as aforesaid who in his opinion fails to comply with a direction given under this paragraph, and may appoint some other person to act in the place of the suspended person.

General

8. (1) In these regulations, "the emergency area" and "the Region" mean Western Nigeria.

(2) Any reference in these regulations to the Prime Minister includes a reference to any other Minister or Ministers of the government of the Federation whom the Prime Minister may appoint to act on his behalf for the purposes of these regulations.

(3) The Interpretation Act shall apply for the interpretation of and otherwise in relation to these regulations and any other regulations or instrument in force by virtue of the Emergency Powers Act, 1961, as it applies for the interpretation of and in relation to an Act of Parliament.

(4) Any appointment, directions, notice or order authorised to be made or given by these regulations shall be in writing signed by the person, by whom it is made or given.

(5) The question whether any directions have been given to any person in pursuance of these regulations, or what the directions were, shall not be enquired into in any court of law.

9. Any instrument purporting to be signed by the administrator or by a person describing himself in the instrument by any designation specified by, or by an order made under, regulation 3 of these regulations shall, until the contrary is proved, be deemed to be signed by the administrator or, as the case may be, by a person appointed in pursuance of that regulation.

MADE at Lagos this 29th day of May, 1962.

NNAMDI AZIKIWE,
Governor-General

Suspension
and control
of functions
of certain
authorities
in the
emergency
area.

Interpreta-
tion, etc.

Authentica-
tion of
instruments.

L.N. 55 of 1962

EMERGENCY POWERS ACT, 1961

(1961, No. 1)

Emergency Powers (Essential Services) Regulations, 1962

Commencement : 29th May, 1962

WHEREAS in pursuance of section sixty-five of the Constitution of the Federation a resolution of both Houses of Parliament is in force declaring that a state of public emergency exists :

NOW THEREFORE in exercise of the powers conferred on me by the Emergency Powers Act, 1961, and of all other powers enabling me in that behalf, I, NNAMDI AZIKIWE, Governor-General of the Federation, acting in accordance with the advice of the Council of Ministers, hereby make the following regulations :—

Short title
and extent,
etc.

1.—(1) These regulations may be cited as the Emergency Powers (Essential Services) Regulations, 1962, and shall apply throughout the Federation.

(2) In these regulations, "the administrator", "the emergency area" and "the Region" have the same meanings as in the Emergency Powers (General) Regulations, 1962.

Essential
services.

2. The services set forth in the Schedule to these regulations are hereby declared to be services essential to the life of the community and are hereinafter referred to as "essential services".

Causing
disaffection
in essential
services.

3. Any person who, within the emergency area,—

(a) endeavours to seduce from his duty any person engaged in any essential service ; or

(b) endeavours to induce any person engaged in any essential service to do or omit to do anything in breach of his duty as a person so engaged ; or

(c) does any act or has any article in his possession, custody or control with a view to making or facilitating any such endeavour,

shall be guilty of an offence.

Sabotage.

4. Any person who, within the emergency area, does any act with intent to impair the efficiency or impede the working or movement of any vessel, aircraft, vehicle, machinery, apparatus or other thing used or intended to be used in the performance of essential services or to impair the usefulness of any works, structure or premises used or intended to be used as aforesaid, shall be guilty of an offence.

Penalty.

5.—(1) Any person guilty of an offence against regulation 3 shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding two years ; or

(b) on conviction on indictment, to imprisonment for a term not exceeding five years.

(2) Any person guilty of an offence against regulation 4 of these regulations shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding five years ; or

(b) on conviction on indictment, to imprisonment for a term not exceeding fifteen years.

(3) An association guilty of an offence against regulations 3 or 4 shall be liable—

(a) on summary conviction, to a fine of five hundred pounds ; or

(b) on conviction on indictment, to a fine of such amount as the court may order.

(4) For the purposes of this regulation, the expression "an association" means a person other than an individual.

SCHEDULE

Services declared to be essential to the life of the community

(a) The public service of the Federation or the Region and any services established, provided or maintained by the Government of the Federation or the Region, a local government council, a town council, or any municipal or statutory authority ; and

(b) more particularly and without prejudice to the generality of paragraph (a) of this Schedule, any service established, provided or maintained by the Government of the Federation or the Region, a local government council, a town council or any municipal or statutory authority or by private enterprise—

(i) for the supply of electricity, power, water, or of fuel of any kind ;

(ii) for postal, telegraphic, cable, wireless or telephonic communications ;

(iii) for transportation by road, rail, sea, river or air of persons or goods ;

(iv) for maintaining ports, harbours or docks ;

(v) for all purposes connected with shipping or ships ;

(vi) for all purposes connected with the railways ;

(vii) for all purposes connected with the movement of aircraft ;

(viii) for the importation, production, treatment, preservation, sale or distribution of food ;

(ix) for, or in connection with, the burial of the dead, hospitals, the treatment of the sick or the prevention of disease ;

(x) for, or in connection with, sanitation, conservancy, road-cleansing, or rubbish disposal for public health ;

(xi) for dealing with outbreaks of fire ;

(xii) for preparing, printing or publishing any matter with the authority or approval of the administrator ;

(xiii) for preparing, printing or publishing any matter to give publicity at any time or from time to time to any matters authorised or approved by the administrator ;

(xiv) for, or in connection with, banking ;

(xv) for, or in connection with, radio broadcasting (including television).

MADE at Lagos this 29th day of May, 1962.

NNAMDI AZIKIWE,
Governor-General

L.N. 56 of 1962

EMERGENCY POWERS ACT, 1961

(1961, No. 1)

Emergency Powers (Retention of Services)

Regulations, 1962

Commencement: 29th May, 1962

WHEREAS in pursuance of section sixty-five of the Constitution of the Federation a resolution of both Houses of Parliament is in force declaring that a state of public emergency exists

NOW THEREFORE in exercise of the powers conferred on me by the Emergency Powers Act, 1961, and of all other powers enabling me in that behalf, I, NNAMDI AZIKIWE, Governor-General of the Federation, acting in accordance with the advice of the Council of Ministers, hereby make the following regulations:—

Short title
and extent.

1. These regulations may be cited as the Emergency Powers (Retention of Services) Regulations, 1962, and shall apply throughout the Federation.

Interpreta-
tion.

2. In these regulations "the administrator" has the same meaning as in the Emergency Powers (General) Regulations, 1962, and "essential services" means the services declared to be essential to the life of the community as set out in the Schedule to the Emergency Powers (Essential Services) Regulations, 1962.

Application.

3. The administrator may by order apply the provisions of these regulations to any essential service.

Service not
to be with-
drawn.

4. No person engaged in any essential service to which these regulations apply shall—

(a) terminate his contract of service; or

(b) in any way withdraw his services under his contract of service.

Notice of
termination
ineffective.

5. The provisions of regulation 4 of these regulations shall have effect notwithstanding any provision for termination by notice or otherwise in any such contract contained, and any such purported termination shall be of no effect.

Penalties.

6. Any person contravening the provisions of paragraph (b) of regulation 4 shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred pounds or to both.

MADE at Lagos, this 29th day of May, 1962.

NNAMDI AZIKIWE,
Governor-General

EMERGENCY POWERS ACT, 1961

(1961, No. 1)

Emergency Powers (Requisition) Regulations, 1962

Commencement : 29th May, 1962

WHEREAS in pursuance of section sixty-five of the Constitution of the Federation a resolution of both Houses of Parliament is in force declaring that a state of public emergency exists :

NOW THEREFORE in exercise of the powers conferred on me by the Emergency Powers Act, 1961, and of all other powers enabling me in that behalf, I, NNAMDI AZIKIWE, Governor-General of the Federation, acting in accordance with the advice of the Council of Ministers, hereby make the following regulations :—

PRELIMINARY

1.—(1) These regulations may be cited as the Emergency Powers (Requisition) Regulations, 1962, and shall apply throughout the Federation.

Short title,
extent and
interpreta-
tion.

(2) In these regulations, "the administrator", "the emergency area" and "the Region" have the same meanings as in the Emergency Powers (General) Regulations, 1962, and "the Gazette" means the Gazette of the Federation.

2. Nothing in these regulations shall be construed as authorising the requisition of any vehicle, article or other thing whatsoever which is situated outside the emergency area.

Requisition
restricted
to emer-
gency area.

3. All administrative officers, all members of the Nigeria Police Force of or above the rank of Assistant Superintendent, all military officers of or above the rank of Captain, all Naval officers of or above the rank of Lieutenant and all persons designated for the purposes of these regulations by the administrator are for the purpose of these regulations hereby appointed competent authorities.

Competent
authorities.

PART I—REQUISITION OF MEANS OF TRANSPORT

4.—(1) The competent authority may within the emergency area requisition any vehicle, fuel or any other article relating to any vehicle.

Power to
requisition
transport.

(2) Where any person having in his possession, custody or control any vehicle, fuel or any other article relating to any vehicle, fails to comply with any requisition made in accordance with the provisions of this Part, the competent authority may seize, take possession of and appropriate the vehicle, fuel or article.

(3) The provisions of paragraph (2) of this regulation shall apply where the competent authority requires the vehicle or article specified either for a definite or for an indefinite period of time.

5.—(1) Where any vehicle or other article referred to in regulation 4 is requisitioned, a voucher shall be given to the person from whom it is requisitioned describing the vehicle or other article requisitioned with sufficient accuracy for the purpose of identifying the vehicle or other article and for ascertaining the value thereof.

Requisition
voucher.

(2) Where it is impossible by reasons of urgency or otherwise for the competent authority to deliver a voucher, the competent authority may take possession of the vehicle or other article and subsequently obtain the particulars thereof from the person from whom it was requisitioned.

Power to
compel
removal of
petrol, etc.

6.—(1) The competent authority may order any person to remove any quantity of petrol, kerosene, oil or lubricant within the emergency area which is in his possession, custody or control to any specified place within that area, and no compensation shall be payable for the cost of removing it except by order of the administrator.

(2) Where any person so ordered to remove any quantity of the commodities aforesaid fails to remove it, the competent authority may take all necessary steps to have it seized, taken possession of and removed to such a place as aforesaid, and the cost of the seizure, taking possession of and removal shall be recoverable from the person who failed to remove it.

Acquisition.

7.—(1) Where the competent authority has, as provided by this Part, requisitioned any vehicle, fuel, or other article relating to any vehicle, the competent authority may acquire the ownership thereof by serving upon the person from whom the vehicle or other article was requisitioned a notice stating that the competent authority has acquired the ownership thereof in pursuance of this regulation.

(2) Where a notice of acquisition is served under the provisions of paragraph (1) of this regulation, the vehicle, fuel, or other article so acquired shall vest in the competent authority free from any mortgage, pledge, lien or other similar obligation and thereupon the period of requisition thereof shall end.

PART II—REQUISITION OF ARTICLES OTHER THAN MEANS OF TRANSPORT

General
power of
requisition.

8. Any article or thing situated in the emergency area and to which Part I of these regulations does not apply may be requisitioned by the competent authority in accordance with the provisions of this Part.

9. The requisition referred to in regulation 8 may be effected—

(a) by notice directed to any person having possession, custody or control of the article or thing; or

(b) by notice in the Gazette specifying the article or thing requisitioned.

Particulars
of requisition.

10. The competent authority when requisitioning any article or thing may make the requisition relate—

(a) to specified articles or things;

(b) to articles or things of specified classes; or

(c) to articles or things containing specified matter or material.

Effect of
notice.

11.—(1) Where a notice requisitioning any article or thing is directed by the competent authority to any person or is published in the Gazette, the person having possession, custody or control thereof shall not dispose of the article or thing in any way whatsoever otherwise than by delivery to the competent authority or such other person as may be specified by the competent authority or his agent.

(2) Where the notice specifies that the article or thing requisitioned shall be delivered to the competent authority or to an agent of the competent authority, the competent authority or the agent, as the case may be, shall upon delivery being made give a receipt for the article or thing so delivered and the receipt shall describe the article or thing with sufficient accuracy to enable payment to be made therefor.

(3) The provisions of paragraph (2) of this regulation shall not be construed to prevent payment being made for any article or thing at the time when it is requisitioned.

12. Where the competent authority has requisitioned any article or thing, the competent authority may use or deal with or authorise the use of or dealing with it for such purpose and in such manner as may be expedient for securing the public safety or for maintaining supplies and services essential to the life of the community and may hold, sell or otherwise dispose of it as if he were the owner thereof and as if it were free from any mortgage, pledge, lien or other similar obligation.

Use of
requisitioned
articles.

13. Where the competent authority has, as provided by this Part, requisitioned any article or thing and is desirous of acquiring the ownership thereof the provisions of regulation 7 shall apply with the necessary modifications.

Acquisition.

PART III—GENERAL

14.—(1) Where any vehicle or any other article or thing has been requisitioned or acquired in accordance with the provisions of these regulations, the competent authority shall endeavour to agree with the person from whom the requisition or acquisition has been made as to the amount of remuneration or compensation to be paid for the requisition or acquisition, as the case may be.

Compensa-
tion.

(2) The absence of such agreement shall not restrict or invalidate the exercise of any of the powers conferred upon the competent authority by these regulations.

(3) Where any competent authority has requisitioned or acquired any vehicle or other article or thing in pursuance of these regulations and agreement cannot be reached as to the remuneration or compensation to be paid therefor, the remuneration or compensation shall be determined and paid in accordance with the provisions of Part IV.

15.—(1) If any person contravenes or fails to comply with any of these regulations or with any order, direction, notice or requirement given or made thereunder, he shall be liable—

Penalties.

(a) on summary conviction, to imprisonment for a term not exceeding one year or to a fine of two hundred pounds or to both; or

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine of five hundred pounds or to both.

(2) An association guilty of an offence against any of these regulations shall be liable—

(a) on summary conviction, to a fine of five hundred pounds, or

(b) on conviction on indictment, to a fine of such amount as the court may order.

(3) For the purposes of this regulation, the expression "an association" means a person other than an individual.

PART IV—COMPENSATION

Definitions.

16. In this Part, unless the context otherwise requires :—

“emergency” means any emergency which is the occasion of the coming into force of regulations made under the Emergency Powers Act, 1961 ;

“emergency powers” means any power conferred by an instrument having effect by virtue of the Emergency Powers Act, 1961 ;

“fair wear and tear”, in relation to any property possession of which is taken or which is requisitioned in pursuance of these regulations, means such fair wear and tear as might have been expected to occur but for the fact that possession of the property was so taken or that the property was so requisitioned, as the case may be ;

“goods” means chattels other than vessels, vehicles and aircraft ;

“owner” means, in relation to any property other than land, the person entitled to sell the property, it being assumed not to be subject to any mortgage, pledge, lien or other similar obligation.

Compensation in respect of action under emergency powers.

17. Where, in the exercise of emergency powers, any property has been requisitioned or acquired in pursuance of these regulations, then, subject to the provisions of this Part, compensation assessed in accordance therewith shall be paid in respect of the requisition or acquisition, as the case may be, out of such funds of the Region as the administrator may direct.

Compensation in respect of requisition or acquisition of vehicles.

18.—(1) The compensation payable in respect of the requisition of any vehicle shall be the aggregate of the following sums, that is to say—

(a) a sum equal to the amount which might reasonably be expected to be payable by a person for the use of the vehicle during the period of the requisition under a charter or contract of hiring whereby he undertook to bear the cost of insuring, maintaining and running the vehicle ; and

(b) if an agreement is made on behalf of the competent authority for the running of the vehicle during the said period by the person who, but for the requisition, would be entitled to possession of the vehicle, or who is the owner thereof, a sum equal to the amount of any expenses reasonably incurred by that person in connection with the maintenance and running of the vehicle during that period, not being expenses taken into account for the purposes of sub-paragraph (a) ; and

(c) a sum equal to the cost of making good any damage to the vehicle not resulting in a total loss thereof, which may have occurred during the said period (except in so far as the damage has been made good during that period by the competent authority), no account being taken of fair wear and tear ; and

(d) in a case where, during the period of the requisition, a total loss of the vehicle occurs, a sum equal to the value of the vehicle immediately before the occurrence of the damage which caused the loss ; and

(e) a sum equal to the amount of any expenses reasonably incurred, otherwise than on behalf of the competent authority, for the purpose of compliance with any directions given on behalf of the competent authority in connection with the requisition.

(2) (a) In computing for the purposes of paragraph (1) (a) the amount which might reasonably be expected to be payable for the use of any vehicle, no account shall be taken of any appreciation in the value thereof due to the emergency ; and

(b) No compensation shall by virtue of paragraph (1) (c) be payable in respect of any damage, if compensation in respect of expenses incurred for the purpose of making good that damage has accrued by virtue of subparagraph (b).

(3) Any compensation under paragraph (1) (a) shall be considered as accruing due from day to day during the period for which the vehicle is requisitioned in the exercise of emergency powers, and shall be apportioned in respect of time accordingly, and shall be paid to the person who, at the time when the compensation accrues due, is the owner of the vehicle; but this paragraph shall not operate so as to require the making of payments at intervals of less than one month.

(4) Where, on the day on which any compensation accrues due by virtue of paragraph (1) (a), a person other than the owner of the vehicle is, by virtue of a subsisting contract of hiring, the person who would be entitled to possession of, or to use, the vehicle but for the requisition, the person to whom the compensation is paid shall be deemed to receive it as a trustee for the first-mentioned person.

(5) Any compensation under paragraph (1) (b) or paragraph (1) (e) shall accrue due at the time when the expenses in respect of which the compensation is payable are incurred, and shall be paid to the person by whom or on whose behalf those expenses were incurred; but this paragraph shall not operate so as to require the making of payments at intervals of less than one month.

(6) Any compensation under paragraph (1) (c) or paragraph (1) (d) shall accrue due at the end of the period of the requisition, and shall, subject to the following provisions of these regulations, be paid to the person who is then the owner of the vehicle.

(7) For the purposes of paragraph (1), the expression "total loss" shall have the same meaning as it has for the purposes of the law relating to insurance, and accordingly shall be construed as including constructive total loss; and upon the payment to any person of any compensation which has become payable by virtue of paragraph (1) (d) in respect of any loss, the competent authority shall have the same right to take over an interest in whatever remains of the vehicle, and the same rights and remedies in and in respect of the vehicle, as he would have if the payment had been made by the competent authority as the insurer under a contract insuring that person against the loss.

(8) The compensation payable in respect of the acquisition of any vehicle shall be a sum equal to the value of the vehicle immediately before the acquisition, no account being taken of any appreciation due to the emergency, and shall, subject to the following provisions of this Part, be paid to the person who is then the owner of the vehicle.

For the purpose of assessing any compensation under this paragraph in respect of the acquisition of any vehicle, no account shall be taken of any compensation under paragraph (1) (a) or paragraph (1) (c) which may have become payable in respect of the requisition of that vehicle.

(9) Where, at any time during the period for which a vehicle is requisitioned by the competent authority in the exercise of emergency powers—

(a) a written notice stating that the vehicle is to be treated as acquired by the competent authority is served on the owner thereof by the competent authority, or

(b) the vehicle is sold by the competent authority,

then, for the purposes of this regulation, the vehicle shall be deemed to have been acquired by the competent authority in the exercise of emergency powers immediately before the day on which the said notice was served or, as the case may be, the day on which the vehicle was so sold, and the period of requisition shall be deemed to have ended at the time when the acquisition of the vehicle as aforesaid is deemed by virtue of this paragraph to have been effected.

(10) Where there is effected such a sale of any vehicle as is referred to in paragraph (9) (b), the person by whom the sale was effected shall, as soon as may be thereafter, serve a written notice of the sale on the person who would be the owner of the vehicle but for the sale thereof as aforesaid.

Compensation in respect of requisition or acquisition of goods.

19.—(1) Subject to the provisions of paragraph (2), the compensation payable in respect of the requisition or acquisition of any goods shall be a sum equal to the price which the person who, immediately before the requisition or acquisition, was the owner of the goods might reasonably have been expected to obtain upon a sale of the goods then effected by him, regard being had to the condition of the goods at the time and no account being taken of any appreciation in the value of the goods due to the emergency.

(2) Any compensation under paragraph (1) shall not—

(a) in a case where the owner of the goods immediately before the requisition or acquisition was a person who had produced the goods with a view to the sale thereof, exceed the aggregate of—

(i) the cost reasonably incurred by that person in producing the goods, and

(ii) the profit which he might reasonably have been expected to make on a sale of the goods effected by him immediately before the requisition or acquisition, or

(b) in a case where the owner of the goods, immediately before the requisition or acquisition, was some person other than the producer of the goods and the goods had been bought by that person with a view to the sale thereof, exceed the aggregate of—

(i) the price which it was reasonable for him to pay for the goods when they were so bought by him, and

(ii) the profit which he might reasonably have been expected to make on a sale of the goods effected by him immediately before the requisition or acquisition ;

and, in assessing such compensation in any other case, no account shall be taken of any profit which might be expected to be made on a sale of the goods : provided that if, at the time when any goods are requisitioned or acquired in pursuance of these regulations, the price or maximum price at which such goods may be sold is fixed by law, this paragraph shall not be taken to authorise the assessment, by way of compensation under paragraph (1) in respect of the requisition or acquisition, of a sum exceeding that price or maximum price, as the case may be.

(3) In paragraph (2) the reference to a person who had produced the goods with a view to the sale thereof, and the reference to the producer of the goods, shall be construed as including a reference to his personal representative or any person carrying on business in succession to him by virtue of any assignment or transmission by operation of law.

(4) The compensation payable in respect of the requisition or acquisition of any goods shall include a sum equal to the amount of any expenses reasonably incurred, otherwise than by the competent authority, for the purpose of compliance with any directions given by the competent authority in connection with the requisition or acquisition.

(5) Any compensation under paragraph (1) shall accrue due at the time of the requisition or acquisition of the goods, and shall, subject to the following provisions of these regulations, be paid to the person who is then the owner of the goods.

(6) Any compensation under paragraph (4) shall accrue due at the time when the expenses in respect of which the compensation is payable are incurred and shall be paid to the person by whom or on whose behalf those expenses were incurred.

20. Any dispute as to whether or to whom any compensation is payable in pursuance of these regulations, or as to the amount of any compensation so payable, shall, in default of agreement, be referred to and determined by the High Court of the Region.

Determination of claims in default of agreement.

21. Any compensation payable under this Part shall carry interest, as from the date on which it accrues due until payment, at such rate not exceeding five per cent per annum as the administrator may order.

Interest on compensation.

22. No claim for any compensation under this Part shall be entertained unless written notice of the claim has been served on the Attorney-General of the Federation within the period of three months, or such longer period as the Governor-General may, either generally or in relation to any particular claim or class of claims, allow, beginning in either case with the date on which the compensation accrues due.

Limitation of time for claiming compensation.

23. No compensation shall be payable to any person in respect of any loss of, or damage to, property, if and so far as that person has become entitled, apart from the provisions of this Part, to recover any sum by way of damages or indemnity in respect of that loss or damage or is, at the time of the occurrence of the loss or damage, required under any contract with the Government of the Federation or the Region to be insured in respect thereof.

Exclusion of compensation in certain cases.

24. In a case where any property, in respect of the requisition or acquisition of which compensation is required by any of the preceding provisions of this Part to be paid to the person who is the owner of the property immediately before the requisition or acquisition, is then in the possession of some other person by virtue of a hire-purchase agreement, that person may, by written notice served on the Attorney-General of the Federation within the period limited by these regulations in relation to the making of any claim by the owner for payment of the compensation, make a claim to have apportioned to him such part of the compensation as may be specified in his claim; and, in default of agreement between the parties, the last mentioned claim shall be referred to the High Court of the Region and thereupon the court may apportion the compensation between the owner and the other person in such manner as appears to it to be just.

Provisions as to property subject to hire-purchase agreements.

Provisions as to property subject to mortgages.

Compensation payable apart from these regulations.

25. Where any sum by way of compensation is paid in accordance with any provisions of this Part requiring compensation to be paid to the owner of any property, then, if at the time when the compensation accrues due, the property is subject to any mortgage, pledge, lien or other similar obligation, the sum so paid shall be deemed to be comprised in that mortgage, pledge, lien or other obligation.

26. The provisions herein contained shall be without prejudice to any agreement for the making of any payment (whether by way of compensation or otherwise) in respect of the doing of anything in the exercise of emergency powers; but where compensation in respect of the doing of anything as aforesaid would, apart from this regulation, be payable both under these regulations and under some other enactment or rule of law, then, subject to any such agreement as aforesaid, the compensation shall be payable in accordance with these regulations and not otherwise.

MADE at Lagos this 29th day of May, 1962.

NNAMDI AZIKIWE,
Governor-General

L.N. 58 of 1962

EMERGENCY POWERS ACT, 1961

(1961, No. 1)

Emergency Powers (Billeting) Regulations, 1962

Commencement : 29th May, 1962

WHEREAS in pursuance of section sixty-five of the Constitution of the Federation a resolution of both Houses of Parliament is in force declaring that a state of public emergency exists :

NOW THEREFORE in exercise of the powers conferred on me by the Emergency Powers Act, 1961, and of all other powers enabling me in that behalf, I, NNAMDI AZIKIWE, Governor-General of the Federation, acting in accordance with the advice of the Council of Ministers, hereby make the following regulations :—

Short title, extent and interpretation.

1.—(1) These regulations may be cited as the Emergency Powers (Billeting) Regulations, 1962, and shall apply throughout the Federation.

(2) In these regulations, "the administrator", "the emergency area" and "the Region" have the same meanings as in the Emergency Powers (General) Regulations, 1962.

Power to obtain particulars of accommodation.

2.—(1) The administrator may require any occupier of premises in the emergency area to furnish him with full particulars of all accommodation in those premises.

(2) For the purpose of verifying any particulars supplied pursuant to paragraph (1) or for obtaining the requisite information, the administrator may enter and inspect any premises at any reasonable time.

Billeting notice.

3. The administrator may cause to be served upon the occupier of any premises in the emergency area a written notice (hereinafter referred to as a "billeting notice") requiring the occupier of those premises to furnish therein, at such times and for such period as he may be requested so to do, accommodation by way of lodging, or lodging and food, for such number of persons as the administrator may determine having regard to the accommodation available in the particular premises concerned, and notifying the compensation to be paid therefor. For the purpose of this regulation the word "food" shall not include alcoholic liquor.

4.—(1) The administrator may at any time call upon any occupier of premises in the emergency area upon whom a billeting notice has been served to furnish accommodation in accordance with the terms of the notice for such period as may be necessary and the occupier shall furnish the accommodation forthwith.

Duty to provide accommodation.

(2) The administrator shall in all cases endeavour to give as long a period of notice as possible of his requirements.

5. The compensation to be paid to the occupier who is called upon to furnish accommodation shall be adequate to compensate him for furnishing the accommodation; and any person claiming compensation under this regulation shall be entitled to have his claim (including the amount of the compensation) determined by the High Court of the Region.

Compensation.

6. If any person contravenes or fails to comply with the requirements of a billeting notice or with any of the requirements of these regulations, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding six months, or to both.

Penalty.

MADE at Lagos this 29th day of May, 1962.

NNAMDI AZIKIWE,
Governor-General

L.N. 59 of 1962

EMERGENCY POWERS ACT, 1961

(1961, No. 1)

Emergency Powers (Misleading Reports) Regulations, 1962

Commencement : 29th May, 1962

WHEREAS in pursuance of section sixty-five of the Constitution of the Federation a resolution of both Houses of Parliament is in force declaring that a state of public emergency exists:

NOW THEREFORE in exercise of the powers conferred on me by the Emergency Powers Act, 1961, and of all other powers enabling me in that behalf, I, NNAMDI AZIKIWE, Governor-General of the Federation, acting in accordance with the advice of the Council of Ministers, hereby make the following regulations:—

1.—(1) These regulations may be cited as the Emergency Powers (Misleading Reports) Regulations, 1962, and shall apply throughout the Federation.

Short title, extent and interpretation.

(2) In these regulations "the administrator" and "the emergency area" have the same meanings as in the Emergency Powers (General) Regulations, 1962.

2. Any person who—

(a) by word of mouth or in writing, or in any newspaper, periodical, book, circular or printed publication, spreads false reports or makes false statements likely—

Dissemination of false reports.

(i) to cause public alarm or despondency; or

(ii) to prejudice the maintenance of public order; or

(iii) to prejudice the maintenance of supplies and services essential to the life of persons in the emergency area; or

(b) does any act or has in his possession any article or thing with a view to the spreading of any such false report or the making of any such false statement,
shall be guilty of an offence against these regulations.

Penalty.

3.—(1) A person guilty of an offence against these regulations shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding two years; or

(b) on conviction on indictment, to imprisonment for a term not exceeding five years.

(2) An association guilty of an offence against these regulations shall be liable—

(a) on summary conviction, to a fine of five hundred pounds; or

(b) on conviction on indictment, to a fine of such amount as the court may order.

(3) For the purposes of this regulation, the expression "an association" means a person other than an individual.

Consent
required
for prosecu-
tions.

4.—(1) No prosecution in respect of an offence against these regulations shall be brought without the consent of the Attorney-General of the Federation, the Director of Public Prosecutions of the Federation or the administrator.

(2) The Attorney-General of the Federation may delegate the power conferred upon him by paragraph (1) to such persons as he may think fit.

MADE at Lagos this 29th day of May, 1962.

NNAMDI AZIKIWE,
Governor-General

L.N. 60 of 1962

EMERGENCY POWERS ACT, 1961 (1961, No. 1)

Emergency Powers (Protected Places) Regulations, 1962

Commencement : 29th May, 1962

WHEREAS in pursuance of section sixty-five of the Constitution of the Federation a resolution of both Houses of Parliament is in force declaring that a state of public emergency exists :

NOW THEREFORE in exercise of the powers conferred on me by the Emergency Powers Act, 1961, and of all other powers enabling me in that behalf, I, NNAMDI AZIKIWE, Governor-General of the Federation, acting in accordance with the advice of the Council of Ministers, hereby make the following regulations :—

Short title
and extent.

1. These regulations may be cited as the Emergency Powers (Protected Places) Regulations, 1962, and shall apply throughout the Federation.

Interpre-
tation.

2. In these regulations—

"the administrator" and "the emergency area" have the same meanings as in the Emergency Powers (General) Regulations, 1962;

"authorised officer" means any administrative officer, superior police officer or commissioned officer of Her Majesty's forces, and any person acting on behalf of the administrator;

"protected place" means any premises in respect of which an order has been made by the administrator in pursuance of regulation 3.

3. If as respects any premises in the emergency area it appears to the administrator to be necessary or expedient, for the maintenance of supplies and services essential to the life of the community or for securing the public safety, that special precautions should be taken to prevent the entry of unauthorised persons, he may by order declare those premises to be a protected place for the purpose of these regulations; and so long as the order is in force no person shall, subject to any exemptions for which provision may be made by the order, enter or attempt to enter or be in those premises without the permission of such authority or person as may be specified in the order.

Declaration
of protected
places.

4. Every person to whom permission to enter a protected place is granted in pursuance of regulation 3 shall, while in that place, comply with such directions for regulating his conduct as may be given by the administrator or by the authority or person granting the permission; and any authorised officer, or any person authorised in that behalf by the occupier of the premises, may search any person entering or seeking to enter or being in any protected place, and may detain any such person for the purpose of searching him.

Control of
persons in
protected
places.

5. If any person is in a protected place in contravention of these regulations, or, while in any such place, fails to comply with any direction given under these regulations, then, without prejudice to any proceedings which may be taken against him, he may be removed therefrom by any authorised officer or any person authorised in that behalf by the occupier of the premises.

Removal of
unauthorised
persons.

6. (1) The administrator may authorise such steps to be taken as he may deem necessary for the protection of any protected place, and such steps may extend to the taking of defensive measures which involve or may involve danger to the life of any person entering or attempting to enter any protected place.

Additional
protective
measures.

(2) Where any measures involving such danger as aforesaid are adopted, the senior officer of police responsible for the locality in which the protected place is situated shall cause such precautions to be taken, including the prominent display of warning notices, as he deems reasonably necessary to prevent inadvertent or accidental entry into the protected place and, where such precautions have been duly taken, no person shall be entitled to compensation or damages in respect of injury received or death caused as a result of any unauthorised entry into the protected place.

7. If any person enters or attempts to enter a protected place in contravention of these regulations, or while in a protected place fails to comply with any direction given under these regulations, he shall be guilty of an offence and liable—

Offences and
penalty.

(a) on summary conviction, to imprisonment for a term not exceeding two years; or

(b) on conviction on indictment, to imprisonment for a term not exceeding five years.

MADE at Lagos this 29th day of May, 1962.

NNAMDI AZIKIWE,
Governor-General

L.N. 61 of 1962

EMERGENCY POWERS ACT, 1961
(1961, No. 1)

Emergency Powers (Processions and Meetings) Regulations, 1962

Commencement : 29th May, 1962

WHEREAS in pursuance of section sixty-five of the Constitution of the Federation a resolution of both Houses of Parliament is in force declaring that a state of public emergency exists :

NOW THEREFORE in exercise of the powers conferred on me by the Emergency Powers Act, 1961, and of all other powers enabling me in that behalf, I, NNAMDI AZIKIWE, Governor-General of the Federation, acting in accordance with the advice of the Council of Ministers, hereby make the following regulations :—

Short title
and extent.

1. These regulations may be cited as the Emergency Powers (Processions and Meetings) Regulations, 1962, and shall apply throughout the Federation.

Interpreta-
tion.

2. In these regulations—

“the administrator” and “the emergency area” have the same meanings as in the Emergency Powers (General) Regulations, 1962 ;

“public meeting” means a meeting in a public place ;

“public procession” means a procession in a public place ;

“public place” includes any public way, and any building, place or conveyance, to which for the time being the public are entitled or permitted to have access, either without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meeting or assembly, or as an open court.

Prohibition
of public
processions
and
meetings.

3. The administrator, if satisfied that the holding of public processions or public meetings or any description of such processions or meetings in, or in any part of, the emergency area would be likely to cause serious public disorder, may by order prohibit, for such period as may be specified in the order, the holding in that area or part of public processions or public meetings or any description thereof.

Use of force.

4. Any police officer may take such steps and use such force as may be necessary to secure compliance with any order made under these regulations.

Penalty.

5. Any person who fails to comply with the provisions of any order made under these regulations shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding two years or to a fine of two hundred pounds or to both.

MADE at Lagos this 29th day of May, 1962.

NNAMDI AZIKIWE,
Governor-General

L.N. 62 of 1962

EMERGENCY POWERS ACT, 1961
(1961, No. 1)

Emergency Powers (Control of Arms and Explosives)
Regulations, 1962

Commencement : 29th May, 1962

WHEREAS in pursuance of section sixty-five of the Constitution of the Federation a resolution of both Houses of Parliament is in force declaring that a state of public emergency exists ;

NOW THEREFORE in exercise of the powers conferred on me by the Emergency Powers Act, 1961, and of all other powers enabling me in that behalf, I, NNAMDI AZIKIWE, Governor-General of the Federation, acting in accordance with the advice of the Council of Ministers, hereby make the following regulations :—

1. These regulations may be cited as the Emergency Powers (Control of Arms and Explosives) Regulations, 1962, and shall apply throughout the Federation.

Short title,
and extent.

2. In these regulations—

Definitions.

“administrator” and “emergency area” have the same meanings as in the Emergency Powers (General) Regulations, 1962 ;

“ammunition” includes all materials for loading firearms, percussion caps, and gunpowder of every kind ;

“arms” means offensive weapons and includes firearms of all descriptions ;

“explosives” includes gunpowder of every kind, rockets, nitroglycerine, dynamite, gun-cotton, blasting powder, detonators, fulminate of mercury or other metals, and every other explosive substance being any compound of, or having any ingredients in common with, any of the above ;

“firearms” includes any cannon, gun, rifle, machine-gun, cap-gun, flint-lock gun, revolver, pistol or other firearm whether whole or in detached pieces ; and

“offensive weapons” includes air guns, air pistols, bows and arrows, spears, cutlasses, matchets, daggers, cudgels or any piece of wood, metal or stone capable of being used as an offensive weapon.

3. Subject to directions (if any) given by the administrator, any superior police officer may exercise in the emergency area all or any of the powers conferred upon the administrator by regulation 4.

Exercise of
powers of
administra-
tor.

4.—(1) The administrator may by order made in respect of the whole or any part of the emergency area prohibit, either absolutely or conditionally, the possession by any class of person of any explosive, ammunition, arms or component parts thereof, and any such order may be made with respect to all explosives, ammunition, arms and component parts thereof or with respect to any class of explosives, ammunition, arms or component parts thereof.

Possession
of explosives,
etc.

(2) The administrator may by order made in respect of the whole or any part of the emergency area provide for the safe custody of explosives, ammunition, arms and component parts thereof as he shall deem fit.

(3) Every person who, in any such area as may be specified in an order made pursuant to paragraph (2), has in his possession, custody or control any explosive, ammunition, arms or component part thereof, shall comply with such directions in respect thereof as may be given by any police officer in the district in which the articles are situated; and the directions may require the removal of the articles to such place as may be specified therein.

(4) If any directions given by any police officer under paragraph (3) are not complied with, then (without prejudice to any proceedings which may be taken in respect of the offence) the said officer may cause the articles to which the directions relate to be dealt with in such manner as may be necessary for securing compliance with the directions.

Penalty.

5. Any person who fails to comply with the provisions of any order or direction made or given under these regulations shall be guilty of an offence and shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding two years; or

(b) on conviction on indictment, to imprisonment for a term not exceeding five years.

MADE at Lagos this 29th day of May, 1962.

NNAMDI AZIKIWE,
Governor-General

L.N. 63 of 1962

EMERGENCY POWERS ACT, 1961

(1961, No. 1)

Emergency Powers (Curfew) Regulations, 1962

Commencement : 29th May, 1962

WHEREAS in pursuance of section sixty-five of the Constitution of the Federation a resolution of both Houses of Parliament is in force declaring that a state of public emergency exists :

NOW THEREFORE in exercise of the powers conferred on me by the Emergency Powers Act, 1961, and of all other powers enabling me in that behalf, I, NNAMDI AZIKIWE, Governor-General of the Federation, acting in accordance with the advice of the Council of Ministers, hereby make the following regulations :—

Short title,
extent and
interpretation.

1.—(1) These regulations may be cited as the Emergency Powers (Curfew) Regulations, 1962, and shall apply throughout the Federation.

(2) In these regulations, "administrator" and "emergency area" have the same meanings as in the Emergency Powers (General) Regulations, 1962.

Power to
impose
curfew.

2. The administrator may, by order, impose a curfew upon the inhabitants of the emergency area or any part thereof.

3.—(1) Every curfew order shall be made known to the inhabitants of the area to which it relates in such manner as the administrator thinks fit, and shall come into operation on the date on which it is so made known.

Publication,
commence-
ment and
proof of
curfew order.

(2) Without prejudice to any other mode of proof, a certificate signed by the administrator or at his direction stating the terms of any curfew order and the date on which it came into operation in accordance with the provisions of paragraph (1) shall be conclusive evidence of those matters.

(3) As soon as may be after any such order has been made, it shall be published by notice in the Regional Gazette.

4. Where a curfew has been imposed in any area, no person other than a police officer or a member of Her Majesty's forces, or a person registered as a medical practitioner, or any other person authorised in writing under these regulations shall be abroad within the area between such hours as may be specified in the curfew order (hereinafter referred to as the hours of curfew).

Effect of
curfew order.

5.—(1) Any superior police officer may issue to any person applying therefor a written permit authorising the holder thereof to be abroad within a curfew area during such times and for such purposes and subject to such conditions or limitations as may be specified in such permit.

Permits.

(2) It shall be a condition of every such permit that the person to whom it has been granted shall carry it on his person at all times when he is abroad in a curfew area during the hours of curfew.

(3) Every such permit shall, on demand, be produced for the inspection of a police officer or a member of Her Majesty's forces.

(4) Any person to whom a permit has been granted under this regulation who fails to produce it when lawfully required to do so shall be liable on summary conviction to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding three months.

6. Any person found abroad in any curfew area contrary to the provisions of these regulations may be arrested without warrant by a police officer or a member of Her Majesty's forces, and shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both.

Arrest
without
warrant and
penalty.

MADE at Lagos this 29th day of May, 1962.

NNAMDI AZIKIWE,
Governor-General

L.N. 64 of 1962

EMERGENCY POWERS ACT, 1961

(1961, No. 1)

Emergency Powers (Detention of Persons)
Regulations, 1962

Commencement : 29th May, 1962

WHEREAS in pursuance of section sixty-five of the Constitution of the Federation a resolution of both Houses of Parliament is in force declaring that a state of public emergency exists :

NOW THEREFORE in exercise of the powers conferred on me by the Emergency Powers Act, 1961, and of all other powers enabling me in that behalf, I, NNAMDI AZIKIWE, Governor-General of the Federation, acting in accordance with the advice of the Council of Ministers, hereby make the following regulations :—

Short title,
extent and
interpreta-
tion.

1.—(1) These regulations may be cited as the Emergency Powers (Detention of Persons) Regulations, 1962, and shall apply throughout the Federation.

(2) In these regulations, “administrator” and “emergency area” have the same meanings as in the Emergency Powers (General) Regulations, 1962.

Detention
orders.

2.—(1) If the administrator is satisfied that any person in the emergency area is or recently has been concerned in acts prejudicial to the public safety or in the preparation or instigation of such acts and that by reason thereof it is necessary to exercise control over him, he may make an order against that person directing that he be detained in any place in the emergency area specified in the order.

(2) An order under this regulation may be made either orally or in writing, but if made orally it shall subsequently be confirmed in writing, and in either case it shall be complied with forthwith.

(3) Any person detained in pursuance of an order made under paragraph (1) shall be deemed to be in lawful custody.

Powers of
search
without
warrant.

3.—(1) Any superior police officer, any military officer not below the rank of Captain, or any Naval officer not below the rank of Lieutenant, may enter without warrant at any time and search any building (including a dwelling house), ship, vehicle or place in or upon which he has reasonable cause to believe that there is or is likely to be—

(a) any person against whom an order has been made under regulation 2 ;
or

(b) any seditious or subversive document, pamphlet or literature ; or

(c) anything which may afford evidence of the preparation, instigation or commission of any act referred to in regulation 2 ; or

(d) any firearm or ammunition owned, possessed or kept contrary to law, and where any such person or thing is found, may arrest the person or seize the thing, as the case may be.

(2) Any person conducting a search in pursuance of powers conferred upon him by paragraph (1) may be assisted in the search by such other persons as he may deem necessary for the purpose.

(3) Where any person is conducting a search in pursuance of powers conferred upon him by paragraph (1), the provisions of section 112 of the Criminal Procedure Act shall apply as though he were conducting such search in the execution of a search warrant.

Cap. 43.

(4) Any thing seized under the provisions of paragraph (1) may be detained and disposed of in accordance with the provisions of sections 113, 114 and 115 of the Criminal Procedure Act, as though it had been seized in the execution of a search warrant.

4. An order of the administrator made under the provisions of paragraph (1) of regulation 2 shall be full authority to the person or persons to whom the order is given to arrest the person against whom it is made and to detain him during such time as the order is in force.

Authority
for detention.

5. At any time after an order has been made against any person under the provisions of paragraph (1) of regulation 2, the administrator may direct—

Variation and
suspension
of order.

(a) that the person so detained be removed to any other place of detention within the emergency area, or with the consent of the Prime Minister, elsewhere in Nigeria ;

(b) that the operation of the order be suspended subject to such conditions—

(i) prohibiting or restricting the possession or use by that person of any specified articles ;

(ii) imposing on him such restrictions as may be specified in the direction in respect of his employment or business, in respect of the place of his residence, and in respect of his association or communication with other persons ;

(iii) prohibiting him from being out of doors between such hours as may be so specified, except under the authority of a written permit granted by such authority or person as may be so specified ;

(iv) requiring him to notify his movements, in such manner, at such times, and to such authority or person as may be so specified ;

(v) prohibiting him from travelling except in accordance with permission given to him by such authority or person as may be so specified ;

as the administrator thinks fit ; and the administrator may revoke any such direction if he is satisfied that the person against whom the order was made has failed to observe any condition so imposed, or that the operation of the order can no longer remain suspended without detriment to the public safety.

6. The administrator shall, as soon as reasonably practicable after an order has been made under these regulations transmit a copy of the order to the Prime Minister ; and if the Prime Minister gives notice to the administrator that he disallows the order, it shall cease to have effect on the expiration of the day on which the notice is given, without prejudice to anything previously done thereunder.

Control of
orders by
Prime
Minister.

MADE at Lagos this 29th day of May, 1962.

NNAMDI AZIKIWE,
Governor-General

L.N. 65 of 1962

EMERGENCY POWERS ACT, 1961
(1961, No. 1)

Emergency Powers (Restriction Orders) Regulations, 1962

Commencement : 29th May, 1962

WHEREAS in pursuance of section sixty-five of the Constitution of the Federation a resolution of both Houses of Parliament is in force declaring that a state of public emergency exists ;

NOW THEREFORE in exercise of the powers conferred on me by the Emergency Powers Act, 1961, and of all other powers enabling me in that behalf, I, NNAMDI AZIKIWE, Governor-General of the Federation, acting in accordance with the advice of the Council of Ministers, hereby make the following regulations :—

Short title,
extent and
interpreta-
tion.

1.—(1) These regulations may be cited as the Emergency Powers (Restriction Orders) Regulations, 1962, and shall apply throughout the Federation.

(2) In these regulations—

“administrator” and “emergency area” have the same meanings as in the Emergency Powers (General) Regulations, 1962 ;

“restricted person” means a person in respect of whom a restriction order is in force ; and

“specified” means specified in the order or permit, as the case may be.

Restriction
orders.

2.—(1) The administrator, if satisfied with respect to any particular person, that for the purpose of maintaining public order in the emergency area it is necessary so to do, may make an order (hereinafter called a “restriction order”) for both or either of the following purposes, that is to say—

(a) for securing that, except in so far as may be permitted by the order, or by a permit in writing issued by the administrator, he shall be and remain, or that he shall not be, in any such place or area as may be specified ;

(b) for requiring him to notify his movements, in such manner, at such times and to such authority or person as may be specified.

(2) A permit issued under paragraph (1) (a) may contain such terms and conditions as the administrator deems expedient.

(3) A restriction order shall come into force immediately upon the service thereof on the restricted person ; and, if at the time of such service the restricted person is within the place or area specified, he may be removed from that place or area by any police officer or any person authorised in that behalf in writing by the administrator, and shall, while being so removed, be deemed to be in lawful custody.

(4) Without prejudice to any proceedings which may be taken against a restricted person under regulation 4, a restricted person who is at any time in any place or area in contravention of the provisions of a restriction order, or of any term or condition of a permit issued under paragraph (1) (a), may be removed from that place or area by any police officer or any person authorised in that behalf in writing by the administrator, and shall, while being so removed, be deemed to be in lawful custody.

3. The administrator shall, as soon as reasonably practicable after the order has been made under these regulations, transmit a copy of the order to the Prime Minister; and if the Prime Minister gives notice to the administrator that the Prime Minister disallows the order, it shall cease to have effect on the expiration of the day on which the notice is given, without prejudice to anything done thereunder.

Control of
orders by
Prime
Minister.

4. Any person who—

Penalty.

(a) contravenes the provisions of a restriction order; or

(b) fails to comply with any term or condition of a permit issued under paragraph (1) (a) of regulation 2,

shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding two years or to a fine of two hundred pounds, or to both.

MADE at Lagos this 29th day of May, 1962.

NNAMDI AZIKIWE,
Governor-General

L.N. -66 of 1962

EMERGENCY POWERS ACT, 1961 (1961, No. 1)

Emergency Powers (Reporting of Persons) Regulations, 1962

Commencement : 29th May, 1962

WHEREAS in pursuance of section sixty-five of the Constitution of the Federation a resolution of both Houses of Parliament is in force declaring that a state of public emergency exists :

NOW THEREFORE in exercise of the powers conferred on me by the Emergency Powers Act, 1961, and of all other powers enabling me in that behalf, I, NNAMDI AZIKIWE, Governor-General of the Federation, acting in accordance with the advice of the Council of Ministers, hereby make the following regulations :—

1.—(1) These regulations may be cited as the Emergency Powers (Reporting of Persons) Regulations, 1962, and shall apply throughout the Federation.

Short title,
extent and
interpreta-
tion.

(2) In these regulations, "administrator" and "emergency area" have the same meanings as in the Emergency Powers (General) Regulations, 1962.

2.—(1) Where the administrator deems it expedient for securing the public safety or for the maintenance or restoration of public order so to do, he may issue a direction in writing requiring any person in the emergency area to whom the direction is addressed to report to such place in the emergency area and within such time as may be therein prescribed and thereafter to comply with such instructions regarding his movements as may be given by the administrator.

Power to
require
persons to
report.

(2) No such direction shall remain in force for a period exceeding twenty-one days from the day on which it is received by the person to whom it is addressed, but upon the expiration of any such period the administrator may issue a further direction.

Control of
directions by
Prime Minister.

3. The administrator shall as soon as reasonably practicable after a direction has been made under these regulations, transmit a copy of the direction to the Prime Minister; and if the Prime Minister gives notice to the administrator that the Prime Minister disallows the direction it shall cease to have effect on the expiration of the day on which the notice is given, without prejudice to anything previously done thereunder.

Notice of
direction.

4.—(1) For the purpose of these regulations a direction shall be deemed to have been received if it is either—

(a) delivered or the purport thereof made known to the person to whom it is addressed, or

(b) delivered to the usual place of abode or business of such person.

(2) If a person is charged with an offence under these regulations in a case where sub-paragraph (b) above applies, it shall be a defence for him to prove that he was absent from his usual place of abode or business as the case may be when the direction was delivered in pursuance of the said sub-paragraph (b), and that on his return to that place he took immediate steps to comply with the direction.

Penalty.

5. If any person by whom a direction in pursuance of these regulations has been received shall knowingly fail to comply with the requirements thereof, he shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine of fifty pounds or to both.

MADE at Lagos this 29th day of May, 1962.

NNAMDI AZIKIWE,
Governor-General