

EMERGENCY POWERS (JURISDICTION) ACT, 1962



1962, No. 14

AN ACT TO CONFER, DURING PERIODS OF EMERGENCY, EXCLUSIVE JURISDICTION ON THE FEDERAL SUPREME COURT WITH RESPECT TO QUESTIONS ARISING IN CONNECTION WITH THE VALIDITY OF EMERGENCY LEGISLATION ; AND FOR PURPOSES CONNECTED THEREWITH.

[29th May, 1962]

Commence-
ment.

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 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) The Federal Supreme Court, to the exclusion of any other court in Nigeria, shall during any period of emergency within the meaning of section sixty-five of the Constitution of the Federation have original jurisdiction with respect to any question as to the validity of the Emergency Powers Act, 1961, of any regulation, order or other instrument having effect, or purporting to have effect, by virtue of that Act, and of anything done or omitted, or purporting or proposed to be done or omitted, in pursuance of that Act or any such instrument.

Extension of
original
jurisdiction
of Federal
Supreme
Court.
1961, No. 1.

(2) Accordingly, no process shall during such a period issue from any court in Nigeria other than the Federal Supreme Court with respect to any such question as aforesaid, or for the purpose of prohibiting or requiring the doing of any act pending the determination of any such question ; and any process issued in contravention of the provisions of this subsection shall be void.

2. This Act may be cited as the Emergency Powers (Jurisdiction) Act, 1962, and shall apply throughout the Federation.

Short title
and extent.