

ADVISORY TRIBUNAL, ETC., ACT, 1962



1962, No. 20

AN ACT TO MAKE PERMANENT PROVISION FOR THE TRIBUNAL REQUIRED BY SECTION TWENTY-NINE OF THE CONSTITUTION OF THE FEDERATION; TO EXTEND BY TWO MONTHS THE PERIOD DURING WHICH CERTAIN INSTRUMENTS MADE UNDER EMERGENCY POWERS HAVE EFFECT WITHOUT APPROVAL BY PARLIAMENT; TO LIMIT THE REQUIREMENT FOR THAT APPROVAL TO INSTRUMENTS OF A LEGISLATIVE CHARACTER; AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

[15th August, 1962]

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) For the purposes of section twenty-nine of the Constitution of the Federation (which requires that a person who is detained or whose movement or residence is restricted in certain circumstances may require his case to be referred to a tribunal established by law) there shall be established a tribunal which shall consist of—

Establish-
ment of
tribunal.

(a) two members appointed by the Chief Justice of the Federation, who shall be persons qualified to practise in Nigeria as advocates or solicitors; and

(b) four other members appointed by the Prime Minister;

and any member of the tribunal may be appointed for a particular case or series of cases, or for such period as may be specified in his instrument of appointment.

(2) Each member of the tribunal shall be a person appearing to the authority appointing him to be a person who will exercise an independent and impartial judgment in considering any case referred to the tribunal.

(3) The quorum of the tribunal shall be three of whom one shall be a member appointed by the Chief Justice; and the tribunal may regulate its own procedure and may act notwithstanding any vacancy in its membership.

(4) The member or senior member appointed by the Chief Justice who is present at any meeting of the tribunal shall be the chairman of the tribunal at that meeting; and the relative seniority of the members appointed by the Chief Justice shall be such as he may determine in their instruments of appointment.

(5) The tribunal may sit in two divisions.

(6) The foregoing provisions of this section shall be deemed to have come into operation on the first day of January, nineteen hundred and sixty-two.

L.N. 69 of
1962.

(7) The tribunal established by virtue of the Emergency Powers (Advisory Tribunal) Regulations, 1962, shall be deemed to have been established by virtue of this section; but any member of the tribunal appointed in pursuance of those regulations shall, unless his appointment is previously determined, cease to hold office on the expiration of the year nineteen hundred and sixty-two, without prejudice to his reappointment as a member of the tribunal.

Minor
amendments
of 1961,
No. 1, s.5 (1).

2. Subsection (1) of section five of the Emergency Powers Act, 1961 (which provides that regulations, orders and rules made by virtue of that Act shall cease to have effect unless within two months of their coming into force they are approved by Parliament) shall have effect, and be deemed always to have had effect, as if—

(a) for the reference to two months there were substituted a reference to four months; and

(b) the references to orders were references to orders of a legislative and not of an executive character.

Short title
and extent.

3. This Act may be cited as the Advisory Tribunal, etc., Act, 1962, and shall apply throughout the Federation.