

The following Bills, which will in due course be presented to Parliament for enactment, are published for general information.

THE MID-WESTERN REGION (TRANSITIONAL PROVISIONS) BILL

EXPLANATORY MEMORANDUM

This Bill provides for the establishment of an Administrative Council consisting of an Administrator, three Deputy Administrators and a number of Commissioners in charge of specified matters, all being appointed by the Governor-General on the advice of the Prime Minister.

All existing law of Western Nigeria will continue to apply to the new Region until amended or replaced by new law made by the Administrative Council. All local authorities, courts, functionaries and other public bodies within the area of the new Region will continue to exercise their functions until other arrangements are made. With respect to the new Region the jurisdiction of the Western Regional High Court will be replaced by that of the High Court of Lagos.

Certain public properties are transferred from the Western Nigeria Government to the new administration, and a Fund is established for its expenses under Federal financial control.

ABUBAKAR TAFAWA BALEWA,
Prime Minister

THE MID-WESTERN REGION (TRANSITIONAL PROVISIONS) BILL

ARRANGEMENT OF CLAUSES

Clause

- | | |
|---|--|
| 1. Appointment of administrative council for the Region. | 6. Extension to the Region of jurisdiction of High Court of Lagos. |
| 2. Continuance of existing law. | 7. Transfer of public property. |
| 3. Power to make laws. | 8. Financial provisions, etc. |
| 4. Transfer of functions of certain Western Regional authorities. | 9. Interpretation, etc. |
| 5. Continuance of powers of local authorities, etc., established in the Region. | 10. Short title and extent. |

A BILL

FOR

AN ACT TO MAKE TEMPORARY PROVISION FOR THE GOVERNMENT OF MID-WESTERN NIGERIA ; AND FOR PURPOSES CONNECTED THEREWITH.

[]

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) There shall be a body of persons appointed by the Governor-
5 General who, subject to the provisions of this Act, shall—

Appoint-
ment of
administra-
tive council
for the
Region.

(a) be charged with the general duty of administering the govern-
ment of the Region until such time (not being later than the expiration
of the period of six months beginning with the date of the establishment
of the Region) as the Governor-General may determine ; and

10 (b) be collectively responsible to the Prime Minister for the per-
formance of their functions.

(2) The persons appointed in pursuance of the foregoing subsection
shall be known collectively as the Administrative Council of Mid-
Western Nigeria (hereafter in this Act referred to as "the council") and
15 shall severally hold office during the Governor-General's pleasure.

(3) The Governor-General shall—

(a) nominate one of the persons appointed in pursuance of sub-
section (1) of this section to be the chairman of the council and
three of those persons to be deputy chairmen of the council ; and

20 (b) provide that the chairman, the deputy chairmen and each
other member of the council shall be responsible to the council for
such matters as the Governor-General may specify in relation to that
particular member.

(4) The chairman of the council shall be styled the Administrator
25 of Mid-Western Nigeria, the deputy chairmen of the council shall be
styled the Deputy Administrators of Mid-Western Nigeria, and the
other members of the council shall be styled Commissioners for the
government of Mid-Western Nigeria.

(5) Subject to any directions of the Prime Minister under the next
30 following subsection, the quorum and procedure of the council and the
mode of authenticating instruments made by the council shall be such
as the chairman of the council may determine.

(6) The Prime Minister may give directions to the council with
respect to its functions, and it shall be the duty of the council to comply
35 with the directions ; but the question whether any such directions have
been given or what the directions were shall not be enquired into in
any court of law.

(7) The powers conferred on the Governor-General by this section shall be exercisable by order.

Continuance
of existing
law.

2. On and after the appointed day, all existing law, that is to say, all law which, whether being a rule of law or a provision of an Act of Parliament or of a Law of a Regional Legislature or of any other enactment or instrument whatsoever (other than a provision of the Constitution of Western Nigeria), was in force immediately before the appointed day in, or in any part of, the area comprised in the Region, shall, until provision to the contrary is made by the authority having power to alter that law and subject to the provisions of this Act, continue in force in that area or part. 5 10

Power to
make laws.

3.—(1) Subject to subsection (3) of this section, the council may, by order published in the Gazette of the Federation, make laws for the peace, order and good government of the Region; and the power to make laws conferred by this subsection shall extend to any matter whether or not the matter is included in the Legislative Lists within the meaning of the Constitution of the Federation. 15

(2) An order under this section—

(a) may alter or repeal any existing law and the provisions of any order previously made under this section; 20

(b) shall have effect subject to the provisions of any Act of Parliament coming into force after the commencement of this Act and of any law made by a legislature established for the Region by any Act of Parliament other than this Act.

(3) An order under this section shall not come into force until it is approved by the Prime Minister. 25

Transfer of
functions
of certain
Western
Regional
authorities.

4.—(1) The council may exercise in relation to the Region, and to the exclusion of any other person, any function which immediately before the appointed day was a function of the Governor of Western Nigeria or any Minister of the government of Western Nigeria or the Public or Judicial Service Commission of Western Nigeria; and subject to the provisions of any directions given by the Prime Minister under section one of this Act, the council shall act in accordance with its own deliberate judgment in performing the functions exercisable by the council by virtue of this subsection. 30 35

(2) All existing law shall have effect subject to the modifications necessary to bring it into conformity with the provisions of the foregoing subsection.

Continuance
of powers of
local authorities,
etc.,
established
in the
Region.

5.—(1) Subject to the next following section and without prejudice to the provisions of this Act relating to existing law, every local authority, court and other public body which immediately before the appointed day exercised its functions wholly within the area comprised in the Region shall continue to exercise those functions in the Region. 40

(2) Any person who immediately before the appointed day held office as a member of the public service of Western Nigeria and exercised his office at or from a place in the area comprised in the Region shall, unless at any time he is removed from or resigns his office in the manner provided by law, continue to hold and exercise that office in the Region.

(3) A body or person who continues to exercise any office or function by virtue of this section shall exercise that office or function in accordance with the directions of the council.

(4) Nothing in this section shall be construed as prejudicing the power to make laws conferred by section three of this Act.

6. The jurisdiction of the High Court of Lagos shall extend to the Region, and the jurisdiction of the High Court of Western Nigeria shall cease to extend to the Region, so however that any proceedings pending before the last-mentioned court immediately before the appointed day may be continued before that court and shall not be affected by the provisions of this section.

Extension to the Region of jurisdiction of High Court of Lagos.

7. Any immovable property (including unworked minerals) and any chattel which, immediately before the appointed day was situated in the area comprised in the Region and was held—

Transfer of public property.

(a) on behalf of the Crown for the purposes of the government of Western Nigeria; or

(b) by a body corporate directly established by a Law of the Legislature of Western Nigeria or an instrument having effect as such a Law, shall, by virtue of this section and without further assurance, vest in the council and be held by the council on behalf of the Crown for the purposes of the government of the Region; and no compensation shall be payable in respect of any transfer effected by this section.

8.—(1) There shall be a fund, to be called the Mid-Western Region Administration Fund, from which there shall be defrayed all expenses incurred by the council in the performance of its functions.

Financial provisions, etc.

(2) There shall be paid or credited to the fund—

(a) such sums out of monies provided by Parliament as Parliament may from time to time determine; and

(b) all other monies held by the council for the purposes of the government of the Region.

(3) The fund shall be managed in accordance with regulations made by the Governor-General; and, without prejudice to the generality of the power to make regulations conferred by this subsection, the regulations shall in particular include provision—

(a) specifying the manner in which the assets of the fund are to be held and regulating the making of payments to and from the fund;

(b) requiring the keeping of proper accounts and records for the purposes of the fund in such form as may be specified in pursuance of the regulations;

(c) for securing that the accounts are audited periodically by the Director of Audit of the Federation;

(d) requiring copies of the accounts and of the auditor's report on them to be furnished to the Prime Minister as soon as may be after the end of the period to which the accounts relate ; and

(e) requiring the Prime Minister to lay before each House of Parliament copies of all accounts and reports received by him in pursuance of the last foregoing paragraph. 5

(4) It shall be the duty of the council to establish and maintain a record of all assets (other than assets of the fund) which are held by the council, whether by virtue of the last foregoing section or otherwise, for the purposes of the government of the Region ; and the Governor-General may make regulations providing— 10

(a) for the form in which the record is to be kept ;

(b) for the inspection, by the Director of Audit of the Federation or otherwise, of the record and any assets which are required to be mentioned in it ; 15

(c) for the furnishing to the Prime Minister of information with respect to the record and any such assets as are mentioned in the last foregoing paragraph and, in particular, of reports on inspections made in pursuance of that paragraph.

Interpre-
tation, etc.

9.—(1) In this Act, except where the context otherwise requires, the following expressions have the following meanings, that is to say,— 20

“the appointed day” means the date on which the Mid-Western Region Act, 1962, comes into operation ;

“the council” has the meaning assigned to it by subsection (2) of section one of this Act ; 25

“existing law” has the meaning assigned to it by section two of this Act ;

“functions” includes powers and duties ; and

“the Region” means Mid-Western Nigeria.

(2) Nothing in this Act shall be construed as purporting to alter the Constitution of the Federation ; and, without prejudice to the generality of the foregoing provisions of this subsection, nothing in this Act shall be construed as purporting to prejudice the provisions of section eighty-six of the Constitution of the Federation (which requires the Governor-General, except as there provided, to act in accordance with the advice of Ministers). 30 35

Short title
and extent.

10. This Act may be cited as the Mid-Western Region (Transitional Provisions) Act, 1963, and shall apply throughout the Federation.

RIOT (DAMAGES) BILL

EXPLANATORY MEMORANDUM

The main provision of this Bill relates to the appointment of a Tribunal to enquire into the cause or causes of a riot within the Federal territory and to make recommendations as to (a) the reparation to be made to claimants and (b) the mode of recovery of any amount awarded as compensation in respect of any destruction, damage or theft arising from such a riot.

2. In order to facilitate its work *clause 2* of the Bill gives the Tribunal the powers of a Magistrate's Court, while *clause 5* enjoins the Minister of Lagos Affairs to consider the report of the Tribunal in consultation with the Minister of Finance with a view in appropriate cases to changing the payment of any compensation under the Bill, as an Act, on the Consolidated Revenue Fund of the Federation in the first instance. The Minister of Finance may thereafter determine the proportions of the amount of compensation to be borne respectively by the Consolidated Revenue Fund and the revenue of the Lagos Town Council.

T. O. ELIAS,
*Attorney-General of the
Federation and Minister of Justice*

RIOT (DAMAGES) BILL

ARRANGEMENT OF CLAUSES

Clause

1. Power to appoint tribunal to enquire into riot damage.
2. Powers of tribunal.
3. Notice of enquiry by tribunal.
4. Conflicting claims.

5. Compensation payments.
6. Protection of tribunal members.
7. Effect of payment of compensation.
8. Regulations.
9. Interpretation.
10. Short title and application.

A BILL

FOR

AN ACT TO MAKE PROVISION FOR ASSESSMENT AND PAYMENT OF COMPENSATION IN CERTAIN CASES OF RIOT DAMAGE IN THE FEDERAL TERRITORY AND FOR RELATED PURPOSES.

[] 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 :—

5 1.—(1) Where property is destroyed, damaged, or stolen by reason of any riot and the Minister of Finance is satisfied that reparation ought properly to be made, he may issue a certificate to that effect, and compensation shall be assessed and payable in accordance with this Act.

Power to
appoint
tribunal to
enquire into
riot damage.

10 (2) If a certificate is issued under subsection (1) of this section, the Minister of Lagos Affairs after consultation with the Minister of Justice shall forthwith thereafter appoint a fit person as chairman and not more than two other members selected by the Minister to be a tribunal to enquire into the cause of the riot and report the facts to the Minister. The tribunal shall in its report make recommendations as to the reparation to be made to claimants and as to the mode of recovery of
15 any amount awarded as compensation in respect of any such destruction, damage, or theft.

(3) The tribunal shall, when making any recommendation for the purposes of this section, take into account moneys collected by way of insurance or as damages awarded by a court of law.

20 2.—(1) The tribunal shall have and may exercise all the powers of a magistrates' court presided over by a magistrate grade I with respect to the production of witnesses, the compelling of the attendance of persons, the production of documents, the administering of oaths, the issue of warrants and any other powers reasonably necessary, except the power to punish.
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Powers of
tribunal.

(2) The tribunal may require evidence in respect of any claim to be given on oath; and may require the production of returns in such manner as the chairman thinks fit, of property of any description, possessed or owned by a claimant.

30 (3) Failure to comply without reasonable excuse with any order of the tribunal shall be an offence under this Act. The chairman shall certify the facts in writing, and the offender shall be liable on conviction to a fine not exceeding twenty-five pounds, or to imprisonment for a term not exceeding three months, or to both.

35 3.—(1) Where an enquiry is to be held under this Act the chairman of the tribunal shall give notice thereof in such manner as he thinks necessary. The notice shall prescribe a date not less than thirty days from the date of the notice after which no claimant for compensation may be heard, and shall indicate the mode of presentation of claims, and the time and
40 place at which the enquiry is to be held.

Notice of
enquiry by
tribunal.

(2) No claim filed after the time fixed by notice under subsection (1) of this section shall be accepted without the leave of the tribunal given on such terms as it thinks fit.

Conflicting
claims.

4. Where the ownership of any property is in dispute, the tribunal may require the claimants to determine the ownership by action ; and subject to the determination of such ownership the tribunal may assess compensation in respect of any such property.

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Compensa-
tion
payments.

5.—(1) The Minister of Lagos Affairs shall consider the report of the tribunal in consultation with the Minister of Finance, and subject to the provisions of this section payment of compensation may be directed by such last mentioned Minister out of the Consolidated Revenue Fund, or either Minister may refer the report back to the tribunal for clarification in any particular case. If payment is directed to be made out of such Fund the amount paid shall be chargeable against and be recoverable out of the Consolidated Revenue Fund and the revenue of the Lagos Town Council in such proportions as the Minister of Finance may in writing direct. The question as to whether any consultation was held or what decision was taken shall not be enquired into by any court.

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(2) Where any proportion of the compensation payable under this Act is to be charged upon the revenues of the Lagos Town Council, the issue of a direction under this section shall be sufficient authority to require the Lagos Town Council to prepare and submit to the Minister of Lagos Affairs forthwith a scheme for the recovery by way of special rate of the amount so chargeable ; and when approved by such Minister, the amount may be levied and recovered accordingly.

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(3) A copy of the report and any direction under this section shall be laid before both Houses of Parliament as soon as possible after the making thereof ; and when so laid, the report and direction shall be conclusive evidence as to the cost of suppressing the riot and of the validity of any special rate levied in respect thereof.

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Protection of
tribunal
members.

6. No member of the tribunal shall be personally liable for anything done or omitted to be done in good faith during any enquiry for the purposes of this Act.

Effect of
payment of
compensa-
tion.

7.—(1) The fact that compensation is payable or paid under this Act shall not be construed as an admission of liability by the Government of the Federation or the Lagos Town Council, and no action shall in any case lie against them or either of them.

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(2) Any payment shall be deemed to have been made as an act of grace and this section shall have effect accordingly.

Regulations.

8. The Minister of Lagos Affairs may make regulations generally for the purposes of this Act.

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Interpreta-
tion.

9.—(1) In this Act unless the context otherwise requires—
“riot” includes unlawful assembly ;

“tribunal” means a tribunal appointed for the purposes of this Act.

(2) References to reparation shall include references to the cost of suppressing a riot and the remuneration payable to any member of a tribunal appointed for the purposes of this Act.

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Short title
and applica-
tion.

10. This Act may be cited as the Riot (Damages) Act 1963 and shall apply to the Federal territory only.