

L.N. 129 of 1963

THE MID-WESTERN REGION (TRANSITIONAL PROVISIONS) ACT, 1963

The Public Prosecutions (Control) Order, 1963

Commencement : 9th August, 1963

In exercise of the powers conferred by section 3 (1) of the Mid-Western Region (Transitional Provisions) Act, 1963, the following Order is hereby made by the Administrative Council of Mid-Western Nigeria—

1. There shall be a Director of Public Prosecutions for the Region who shall be appointed by the Council and whose office shall be an office in the Public Service of the Region ; an office in the department of Government for which responsibility is assigned to the Commissioner for Justice.

2.—(1) Subject to section 3 of this Order, the Commissioner for Justice shall have power :

(a) to institute and undertake criminal proceedings against any person before any court of law in the Region in respect of any offence created by or under any Regional Law ;

(b) to take over and continue any such criminal proceedings that may have been instituted by any other person or authority ;

(c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.

(2) The powers of the Commissioner for Justice under subsection 1 of this section may be exercised either by the Attorney-General of the Federation in person or through the Director of Public Prosecutions of the Federation or any other officers in the Department of the Attorney-General of the Federation or by the Commissioner for Justice in person or through the Director of Public Prosecutions of the Region or other members of the staff of the Commissioner for Justice.

3. In exercise of the powers conferred upon the Commissioner for Justice by subsection 1 of section 2, the Commissioner for Justice shall be subject only to the direction and control of the Attorney-General of the Federation and the Commissioner for Justice in the exercise of such direction or control shall not be subject to the direction or control of any other person or authority.

Provided that, where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority at any stage before the person against whom the proceedings have been instituted has been charged before the court.

4. For the purpose of this section any appeal from any determination in any criminal proceedings before any court of law in the Region or any case stated or question of law reserved for the purposes of any such proceedings to any other courts in Nigeria shall be deemed to be part of those proceedings :

(a) Except at the instance of the Attorney-General of the Federation the question whether any directions have been given in pursuance of section 3 of this order or what the directions were shall not be enquired into by any court ;

(b) the provisions of this section shall apply in relation to any offence created by or under any law in force in the Region relating to any matter not included in the Legislative lists set out in the Schedule to the Constitution of the Federation (other than an offence created by or under an Act of Parliament or a Regional Law) as they apply in relation to an offence created by or under a Regional law.

Interpretation.

5. In this Order :—

“the Commissioner for Justice” means the Commissioner for Justice of the Region ;

“the Council” means the Administrative Council of the Region ;

“the Director of Public Prosecutions” means the Director of Public Prosecutions of the Region ;

“the Region” means Mid-Western Nigeria.

Title, date of commencement and expiration of order.

6.—(1) This Order may be cited as the Public Prosecutions (Control) Order, 1963 and shall be deemed to have come into operation from the 9th of August, 1963.

(2) This order shall cease to have effect not later than the expiration of the period of six months beginning with the date of the commencement of this order.

MADE by the Administrative Council of Mid-Western Nigeria this 2nd day of October, 1963.

D. C. OSADEBAY,
Administrator of Mid-Western Nigeria

L.N. No. 130 of 1963

THE MID-WESTERN REGION (TRANSITIONAL PROVISIONS) ACT, 1963

The Statutory Corporations (Revesting of Functions) Order, 1963

Commencement : 9th August, 1963

In exercise of the powers conferred by section 3 of the Mid-Western Region (Transitional Provisions) Act, 1963, the following Order is hereby made by the Administrative Council of Mid-Western Nigeria—

Revesting of functions of Statutory Corporations.

1.—(1) Each of the Statutory Corporations shall, notwithstanding the provisions of the relevant law, consist of such Deputy Administrator of Mid-Western Nigeria and Commissioners as the Administrative Council may deem fit to appoint from time to time for the purpose, and such Deputy Administrator of Mid-Western Nigeria or Commissioners shall hold office for the period of six months commencing from the date of this Order.

(2) All the functions vested in each of the Statutory Corporations by the Regional Law shall, subject to the general or special directions of the Administrative Council, be vested in and be exercised and performed by the Deputy Administrator of Mid-Western Nigeria and Commissioners appointed by the Administrative Council for the purpose.

2. Where more than one person is appointed under the provision of paragraph 1 (1) in respect of the Statutory Corporation, two of such persons shall form a quorum at any meeting of the Corporation.

Quorum.

3. Wherever in the relevant Law the words "Western Nigeria" or "Western Region" appear there shall be substituted the words "Mid-Western Nigeria".

Application and substitution of Laws in force in Western Nigeria.

4. In this Order, the expression—

Interpretation.

"Deputy Administrator of Mid-Western Nigeria" has the meaning assigned to it by section 1, subsection 4 of the Mid-Western (Transitional Provisions) Act, 1963 ;

"Commissioner" has the meaning assigned to it by section 1 subsection 4 of the Mid-Western (Transitional Provisions) Act, 1963 ;

"functions" includes powers and duties ;

"the relevant law" means the law set out in the second column of the schedule so far as applicable ;

"the Statutory Corporation" means the bodies specified in the first column of the schedule.

5. This Order may be cited as the Statutory Corporations (Revesting of Functions) Order, 1963, and shall be deemed to have come into operation from 9th August, 1963.

Title and commencement.

SCHEDULE

Schedule.

<i>First Column</i>	<i>Second Column</i>
(a) Mid-Western Nigeria Marketing Board	Marketing Board Law
(b) Mid-Western Nigeria Development Corporation	Western Nigeria Development Corporation Law
(c) Mid-Western Nigeria Finance Corporation	Finance Corporation and Local Loans Board Law
(d) Mid-Western Nigeria Housing Corporation	Western Region Housing Corporation Law
(e) Mid-Western Nigeria Government Broadcasting Corporation	Western Nigeria Government Broadcasting Law
(f) Mid-Western Nigeria Printing Corporation	Western Nigeria Printing Corporation Law.

MADE at Benin this 2nd day of October, 1963.

D. C. OSADEBAY,
Administrator for Mid-Western Nigeria

L.N. 131 of 1963

THE MID-WESTERN REGION (TRANSITIONAL
PROVISIONS) ACT, 1963

The Education (Amendment) Order, 1963

Commencement : 5th October, 1963

In exercise of the powers conferred by section 3 of the Mid-Western Region (Transitional Provisions) Act, 1963, the following Order is hereby made by the Administrative Council of Mid-Western Nigeria—

Substitu-
tion of a new
section 58
in the
Principal
Law.

1. For section 58 of the Principal Law there shall be substituted the following section :

58 (1) If, either upon complaint by any person interested or otherwise, the Minister is satisfied that the managers or governors of any public primary or secondary modern school or any public higher institution have failed to discharge any duty imposed upon them by or under this Law, the Minister may transfer to such person or body and for such period as he thinks fit all or any of the functions of the managers or governors.

Title.

2.—(1) This order may be cited as the Education (Amendment) Order, 1963, and shall be read and construed as one with the Education Law (hereinafter referred to as the Principal Law) and all amendments thereto.

Interpreta-
tion.

"Principal Law" means Western Nigeria Education Law, Cap. 34.

(2) Section 58 (2) of the Principal Law is hereby repealed in so far as it applies to Mid-Western Nigeria.

MADE at Benin this 2nd day of October, 1963.

D. C. OSADEBAY,
Administrator of Mid-Western Nigeria