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LAGOS LOCAL GOVERNMENT ACT, 1964



ARRANGEMENT OF SECTIONS

Section

1. Additional powers in relation to the lists of voters.
2. Restriction on power to acquire etc. certain property.
3. Extended meaning of authorised expenditure.

4. Miscellaneous amendments.
5. Powers validly exercised.
6. Short title, citation, etc.

SCHEDULE—Miscellaneous amendments.

1964, No. IV

AN ACT TO AMEND THE LAGOS LOCAL GOVERNMENT ACT 1959; AND TO ADAPT SUCH ACT IN CONFORMITY WITH THE CONSTITUTION OF THE FEDERATION

[12th October, 1964]

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. In the course of preparation of the official lists of voters for the purposes of an election of the Council under the provisions of the Lagos Local Government Act 1959 (in this Act hereafter referred to as the principal Act), where—

Additional
powers in
relation to
the lists of
voters.

1959 Reprint
p. D 199.

(a) the name of any person has been omitted from, or is inaccurately stated in, any preliminary list that person shall, when making a claim in the prescribed form, give such additional information as to his name, address or occupation as the returning officer may reasonably require to complete the official lists ;

(b) any person qualified under the principal Act to do so, gives notice in the prescribed form of objection to the inclusion to the preliminary list of the name of any other person, he shall send the notice of objection by registered post ;

and the rules referred to in section eighteen of the principal Act and contained with sundry prescribed forms in the First Schedule to that Act, shall in any such case be read and construed so as to give effect to this section accordingly.

2. Where the Council is empowered to accept, hold and administer property for public purposes, the power shall not be deemed to authorise the acceptance, holding or administration of property which is subject to any religious or charitable trust, and section ninety-three of the principal Act (which authorises acceptance etc. of property for public purposes) shall be so construed and have effect.

Restriction
on power to
acquire etc.
certain
property.

3. The Fourth Schedule to the principal Act (which relates to sundry special and general purposes of expenditure) is amended by the insertion immediately after item 10, of the following new items—

Extended
meaning of
authorised
expenditure.

"11. Advances for the purchase of motor vehicles, motor cycles and bicycles to officers of the Council for the efficient performance of their duties.

"12. Advances to officers of the Council under the staff housing scheme of the Council.

"13. Allowances to officers and members of the Council for attendance at any conference or meeting of a joint committee, joint board, joint authority or other similar organisation."

4. The principal Act is further amended to the extent set out in the Schedule to this Act.

Miscellaneous
amend-
ments.

Powers
validly
exercised.

5. It is hereby declared for the avoidance of doubt that the amendments made by this Act shall, in so far as they affect or relate to any of the Schedules to the principal Act, have effect notwithstanding any different provision made by section one hundred and eighty-three of the principal Act.

Short title,
citation etc.
1959 Reprint
p. D 199
1963 No. V.

6.—(1) This Act may be cited as the Lagos Local Government Act, 1964 and this Act and the principal Act, as affected by the City of Lagos Act, 1963, may be cited together as the Lagos Local Government Acts 1959 to 1964.

(2) This Act shall apply to the Federal territory.

SCHEDULE

Section 4

Miscellaneous Amendments

Section 2

(a) In the definition of—

“land” for the word “Crown” where it twice occurs there shall be substituted the word “State”

“trunk road” for the words “the Governor-General” there shall be substituted “Parliament in the case of a federal trunk road or the Minister in any other case,”

(b) Insert in alphabetical sequence the following definition—

“Minister” means the Minister of Lagos Affairs ;

Section 3

For the expression “Governor-General in Council” there shall be substituted “Council of Ministers”

Section 4

For the expression “Governor-General in Council” where it occurs in the subsections there shall be substituted the word “Minister”

Section 5

(a) For the expression “Governor-General in Council” where it thrice occurs there shall be substituted the word “Minister”

(b) For the reference in paragraph (e) to Crown land there shall be substituted a reference to State land

Section 7

For the expression “Governor-General in Council” where it occurs therein there shall be substituted “Minister”

Section 8

All words from the commencement up to “Lagos” shall be repealed and there shall be substituted “There may, in and for the city of Lagos, be appointed by the proper authority, by notice in the Gazette”

SCHEDULE—continued

Section 9A

(a) For the words "Governor-General" there shall be substituted the word "Minister"

(b) For the avoidance of doubt it is declared that the word "Municipal" where it occurs in paragraphs (b) and (c) is affected by the provisions of the City of Lagos Act 1963 and the word "city" is accordingly substituted therefor in those paragraphs

Section 13

For "Governor-General" where it occurs therein there shall be substituted the words "Council of Ministers"

Section 14

For the expression "Governor-General in Council" there shall be substituted "President of the Republic"

Section 15

For the expression "Governor-General in Council" where it occurs therein there shall be substituted "Minister"

Section 17

In subsection (1), in paragraph (b) there shall be substituted for the words "British subject or a British protected person" the words "citizen of Nigeria"

In subsection (2), in paragraph (b) all words after "has" where it first occurs up to "jurisdiction" shall be omitted.

Section 19

(a) All words from the commencement up to "appoint" shall be repealed and there shall be substituted "There may for the purposes of an election under this Act be appointed": and

(b) In paragraph (d) thereof for the expression "Governor-General in Council" there shall be substituted the word "Minister"

Section 20

All words from the commencement up to "arise and" shall be repealed and there shall be substituted the words "There shall also be appointed a chief registration officer and a returning officer as occasion may arise and any such appointment"

Section 27

In paragraph (a) there shall be substituted for the words "British subject or British protected person" the words "citizen of Nigeria"

Section 31

In subsection (3)—

(a) in paragraph (c) all words after "peace" up to the end of the paragraph shall be repealed, and

(b) paragraph (e) shall be omitted.

SCHEDULE—*continued**Section 33*

There shall be substituted for all words of the proviso after "any branch of" up to the end of the section, the words "of the armed forces of Nigeria when employed during war or any emergency, and any other person whose employment in the service of Nigeria in connection with any war or emergency is such as, in the opinion of the Minister to entitle him to relief from disqualification on account of absence, shall not cease to be a member of the Council if the failure of any such person to attend meetings of the Council is due to such employment with the armed forces or other service of Nigeria, as the case may be."

Section 40

For the expression "Governor-General in Council" there shall be substituted the word "Minister"

Section 51

In subsection (2) in paragraph (iii) there shall be substituted for "Her Majesty" the words "the State"

Section 72

All words after "Corporate Accountants" up to the end of the section shall be repealed.

Section 74

In subsection (1) there shall be substituted for the words "eight hundred pounds per annum without the" the words "nine hundred pounds per annum, without the prior"

Section 77

For the words "Governor-General" where they twice occur there shall be substituted "Public Service Commission of the Federation"

Section 82

In subsection (4) there shall be substituted for "the Governor-General in Council" the word "Minister"

Section 83

In subsection (1) there shall be substituted for "Governor-General in Council" the words "Council of Ministers"

Section 90

In subsection (2) and in—

(a) paragraph (b) for the words "Governor-General" there shall be substituted the word "Minister", and

(b) paragraph (e) all words after "from any" up to "Council" shall be deleted and there shall be substituted the words "State lands set aside by the President of the Republic".

Section 92

In subsection (2) for the expression "Governor-General in Council" there shall be substituted the word "Minister"

SCHEDULE—continued

Section 93A

In subsection (5) for "Governor-General" there shall be substituted "Minister"

Section 94

In subsection (1) for the expression "Governor-General in Council" there shall be substituted "Council of Ministers"

Section 101

For the expression "Governor-General in Council" where it thrice occurs there shall be substituted the word "Minister"

Section 111

In subsection (1) for the word "irrevocable" there shall be substituted the word "irrecoverable"

Section 112

In subsection (1) there shall be inserted immediately following the words "financial year" the words ", or within such period as the Minister may prescribe in substitution therefor."

Section 115

For the expression "Governor-General in Council" where it twice occurs there shall be substituted "Council of Ministers"

Section 135

In subsection (2) in paragraph (b) all words after "occupied by" up to "discretion" shall be repealed and there shall be substituted "such officers of the diplomatic corps as the Council of Ministers"

Section 138

In subsection (2) for "Crown" there shall be substituted "State"

Section 140

In subsection (13) for the expression "Governor-General in Council" there shall be substituted the word "Minister"

Section 145

In subsection (1) for the expression "Governor-General in Council" there shall be substituted the word "Minister"

Section 163

In subsection (1) in paragraph (ii) (a) there shall be substituted for "Governor-General in Council" the words "President of the Federal Republic"

Section 172

In subsections (1) and (2) the words "Governor-General in Council or the" shall be repealed

Section 180

For the word "Crown" there shall be substituted the word "State"

SCHEDULE—continued

Section 182

For the expression "Governor-General in Council" where it twice occurs there shall be substituted the word "Minister"

Section 183

For the expression "Governor-General in Council" there shall be substituted the word "Minister"

Section 184 (as replaced by section one of the Lagos Local Government (Amendment) Act 1963)

In subsections (1) and (2) for the expression "Governor-General in Council" where it occurs there shall be substituted the word "Minister"

Section 187

In subsection (3) for the words "the Governor-General" there shall be substituted "Parliament"

First Schedule

(a) in Rule 11 for "Governor-General" there shall be substituted "Minister"

(b) in the Form A there shall be inserted below "Address" at the end of the form the word "Occupation....."

Second Schedule

In regulation 21 there shall be inserted a new paragraph as follows—

"(3) The ballot papers account prepared by the presiding officer shall also show the time when voting commenced and ended at his polling station."

NEWSPAPERS (AMENDMENT) ACT, 1964



ARRANGEMENT OF SECTIONS

Sections

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. Nigerian newspapers to have offices in the Federal territory. 2. Appointment of editor to be notified to Minister. 3. Delivery of signed copy of newspaper by the editor. | <ol style="list-style-type: none"> 4. Publication of certain statements, etc., an offence. 5. Publication of name, etc. of editor in newspaper. 6. Application of Act to editor of a government newspaper. 7. Short title, application, etc. |
|--|--|

1964, No. V

AN ACT TO AMEND THE NEWSPAPERS ACT

[12th October, 1964]

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) The proprietor and every publisher of a newspaper printed or published as the case may be, in Nigeria elsewhere than in the Federal territory but circulating in the Federal territory shall, within two months from the commencement of this Act, or if the newspaper first circulates in the Federal territory after the said commencement then within two months of such first circulation, establish an office for such newspaper in the Federal territory and give notice in writing of the fact to the Minister.

Nigerian
newspapers
to have
offices in
the Federal
territory.

(2) Any other enactment to the contrary notwithstanding, it shall be sufficient service of any process or notice required to be served on the proprietor, publisher or editor of the newspaper if the process or notice is addressed to them or any particular one or more of them as the case may be, and is left at or sent by post to the office of the newspaper established in the Federal territory as prescribed by this section.

(3) The failure to comply with the requirement of subsection (1) of this section shall be an offence punishable on conviction by a fine of not less than ten pounds or more than twenty-five pounds, or by imprisonment for a term of three months.

Appointment
of editor to
be notified
to Minister.
Cap. 129.

2.—(1) The proprietor of a newspaper published in the Federal territory shall appoint an editor to have general superintendence and control over all matters intended and suitable for publication in the newspaper, and section three of the Newspapers Act (in this Act hereafter referred to as "the principal Act") shall be amended so as to require the like affidavit to be made, signed and sworn by the editor as is prescribed for proprietors and others, and such affidavit shall thereafter be registered in the office of the Minister. The affidavit shall disclose the correct name and address of the editor, and if the affidavit prescribed under the aforesaid section was filed before the commencement of this Act and does not disclose information as to the editor, it shall to any extent necessary be replaced by a fresh affidavit made, signed, sworn and so registered within one month after the date of such commencement.

(2) The provisions of the foregoing subsection shall extend and apply to any person acting as editor for the purposes of the principal Act and this Act in the absence of the editor, so however that if such absence is unlikely to exceed fourteen days, notice in writing of the correct name and address of the person acting may be given by the printer to the Minister, and such notice when given shall be deemed to be sufficient compliance with the requirements of section three of the principal Act.

(3) The failure to comply with the requirements of this section shall be an offence punishable on conviction by a fine of not less than ten pounds or more than twenty-five pounds, or by imprisonment for a term of three months.

Delivery of
signed copy
of newspaper
by the
editor.

3.—(1) In addition to any other provision of the principal Act directing the delivery of signed copies of a newspaper, the editor shall himself sign and deliver or send to the Minister a copy of every newspaper and every supplement edited under his general supervision and control.

(2) If the editor is absent the person who, under what designation soever, then edits the newspaper shall be acting editor for the purposes of the principal Act and this Act, and shall sign and deliver or send to the Minister all copies of the newspaper and supplements (if any) published during the absence of the editor.

Publication
of certain
statements,
etc., an
offence.

4.—(1) Any person who authorises for publication, publishes, reproduces or circulates for sale in a newspaper any statement, rumour or report knowing or having reason to believe that such statement, rumour or report is false shall be guilty of an offence and liable on conviction to a fine of two hundred pounds or to imprisonment for a term of one year.

(2) It shall be no defence to a charge under this section that he did not know or did not have reason to believe that the statement, rumour or report was false unless he proves that, prior to publication, he took reasonable measures to verify the accuracy of such statement, rumour or report.

Publication
of name, etc.
of editor in
newspaper.

5. Section thirteen of the principal Act is amended by the insertion in subsection (1) immediately after the word "publisher" of the words "and of the editor in chief or editor, as the case may be".

6. In any Act other than the principal Act or this Act affixing the responsibility of, or conferring immunity on editors, the fact that a newspaper is published in the Federal territory by or under the authority of the Government of the Federation or of a Region, as the case may be, shall be immaterial, and the definition of "newspaper" in section two of the principal Act shall be amended to the extent necessary to give effect to this section.

Application of Act to editor of a government newspaper.

7.—(1) This Act may be cited as the Newspapers (Amendment) Act, 1964 and shall be read as one with the Newspapers Act.

Short title, application, etc.
Cap. 129.

(2) This Act shall apply to the Federal territory.

NATIONAL LIBRARY ACT, 1964



ARRANGEMENT OF SECTIONS

Section

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Establishment and functions of National Library Board. 2. The director of the library. 3. Powers of the board. 4. Financial provisions. | <ol style="list-style-type: none"> 5. Annual reports, etc. 6. Furnishing of publications by government departments. 7. Short title, extent and commencement, etc. |
|---|--|

SCHEDULE—Supplementary provisions relating to the board.

1964, No. VI

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND MAINTENANCE OF A NATIONAL LIBRARY ; AND FOR PURPOSES CONNECTED THEREWITH.

[See section 7 (2)]

Commencement

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 established a body, to be known as the National Library Board (and hereafter in this Act referred to as "the board"), which shall be a body corporate by the name aforesaid and shall be charged with the general functions—

Establishment and functions of National Library Board.

(a) of establishing and maintaining, in accordance with the provisions of this Act, a central library for the benefit of members of the public and others ; and

(b) of providing in accordance with those provisions such services as in the opinion of the board are usually provided by national libraries of the highest standing.

(2) For the purpose of carrying out the general functions imposed on the board by the foregoing subsection, it shall be the duty of the board, so far as its resources permit—

(a) to assemble, maintain and extend a collection of books, periodicals, pamphlets, newspapers, maps, musical scores, films and recordings and such other matter as the board considers appropriate for a library of the highest standing;

(b) to establish and maintain such branches of the library as the board considers expedient;

(c) to make the facilities of the library available to members of the public and others on proper terms (which may include provision for the payment of fees, for safeguarding the property of the board and for specifying the categories of persons who may be admitted to premises under the control of the board);

(d) to make such arrangements as the board considers appropriate with respect to—

(i) the exchange of matter included in the collection aforesaid;

(ii) the preparation and publication of catalogues, indices and similar aids; and

(iii) the provision of assistance to other persons in the organisation of libraries and with respect to the manner of using facilities under the control of libraries; and

(e) to make to the official in charge of any department of the government of the Federation by which a library is maintained for the purposes of the department recommendations with respect to the organisation of, and the use of facilities provided by, that library.

(3) The provisions of the Schedule to this Act shall have effect with respect to the constitution and procedure of the board and the other matters there mentioned.

The director
of the
library.

2.—(1) There shall be a director of the library (hereafter in this Act referred to as "the director") who, subject to the provisions of subsection (2) of this section, shall be appointed by the board and shall be a person appearing to the board to have shown exceptional capacity in the organisation and administration of a library and services comparable to those envisaged by this Act.

(2) A person shall not be appointed as the director unless his appointment is approved by the Minister.

(3) The director shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

(4) The director shall, subject to any instructions given in pursuance of subsection (5) of this section, have the general function of organising and managing the library and services provided in pursuance of this Act, and in particular the function of directing the activities of the officers and servants of the board.

(5) The board may give the director instructions with regard to the exercise of his functions, and it shall be the duty of the director to comply with the instructions.

3.—(1) Subject to the following provisions of this section, the board shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities.

Powers of the board.

(2) Except with the approval of the Minister, the board shall not have power to borrow money or to dispose of any land or minerals.

(3) Subject to the provisions of the Schedule to this Act relating to travelling and subsistence allowances, no remuneration shall be paid by the board to any member of the board other than the director.

(4) The Minister may give the board directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the board of its functions, and it shall be the duty of the board to comply with the directions.

4.—(1) The board shall submit to the Minister, not later than the thirty-first day of December of the year in which this Act comes into force and of each subsequent year, an estimate of its expenditure and income during the next succeeding financial year; and it shall be the duty of the director to prepare for the consideration of the board the estimates which in his opinion it would be appropriate for the board to submit to the Minister in pursuance of this subsection.

Financial provisions.

(2) The board shall keep proper accounts in respect of each financial year and proper records in relation to those accounts, and shall cause its accounts to be audited as soon as may be after the end of the financial year to which the accounts relate by a firm of auditors approved, as respects that year, by the Minister of the government of the Federation responsible for finance.

(3) The Minister may, out of moneys provided by Parliament, make to the board either by way of grant or by way of loan payments of such amounts as Parliament may from time to time determine.

5.—(1) The board shall prepare and submit to the Minister, not later than the thirtieth day of May of the year next following that in which this Act comes into force and of each subsequent year, a report in such form as the Minister may direct on the activities of the board during the last preceding financial year, and shall include in the report a copy of the audited accounts of the board for that financial year and of the auditor's report on the accounts.

Annual reports, etc.

(2) The Minister shall cause a copy of each report made to him under this section to be laid before each House of Parliament.

(3) For the purposes of the board's first report under this section, the last preceding financial year shall be deemed to include so much of any period before the beginning of that year as begins with the date of the first meeting of the board.

(4) Notwithstanding anything in subsection (4) of section three of this Act, the Minister may, by notice in writing served on the director, require the board to furnish the Minister with all information within its power relating to such matters connected with an activity of the board as may be specified by the notice; and it shall be the duty of the board to comply with the requirements of the notice.

Furnishing
of publica-
tions by
government
departments.

6. Where any printed matter (other than matter of such descriptions as the director may specify from time to time) is published by or on behalf of any department of the government of the Federation, it shall be the duty of the official in charge of the department to deliver forthwith to the director, for the purposes of the library maintained in pursuance of this Act, fifty copies of the publication or such smaller number of copies of the publication as the director may determine in any particular case.

Short title,
extent and
commence-
ment, etc.

7.—(1) This Act may be cited as the National Library Act, 1964, and shall apply to the Federal territory only.

(2) This Act shall come into force on such date as the Minister may by order appoint.

(3) In this Act, except where the context otherwise requires, "the Minister" means the Minister of the government of the Federation responsible for libraries.

SCHEDULE

Section 1.

Supplementary provisions relating to the board

Membership of the board

1.—(1) Subject to the provisions of this Schedule, the board shall consist of twelve members of whom one shall be the director and the others shall be appointed by the Minister and shall comprise—

(a) five persons who shall severally be persons appearing to the Minister to have wide experience of the functions of libraries in the following fields respectively, that is to say—

(i) newspapers, broadcasting and other media of mass communication ;

(ii) university education and research ;

(iii) education other than university education ;

(iv) law ;

(v) the activities of legislatures ;

(b) four persons who shall severally be persons appearing to the Minister, after consultation with such authorities of each Region as he considers appropriate in the case of each of those persons respectively, to have a wide knowledge of the requirements of that Region with respect to libraries ; and

(c) one person who shall be a person appearing to the Minister to have wide experience in the handling of financial problems connected with the provision of public services ; and

(d) one person who shall be a person appearing to the Minister to represent the interests of any body or association of librarians established in Nigeria.

(2) The Minister shall nominate one of the members of the board appointed by him to be the chairman of the board.

Tenure of office of members

2.—(1) Subject to the provisions of this paragraph, a member of the board shall hold office for the period of three years beginning—

(a) in the case of a member appointed to fill a vacancy which has not previously been filled, with the date of the commencement of this Act;

(b) in any other case, with the date next following that on which the term of office of his predecessor expires by the effluxion of time or, where the predecessor has previously vacated office, on which it would have so expired.

(2) With a view to securing the retirement in rotation of members of the board, the Minister may by order provide that the term of office of any four of the persons mentioned in paragraph (a) of the foregoing subparagraph shall be one year, and that the term of office of any other four of those persons shall be two years.

(3) Where a member ceases to hold office at a time when more than three months of his term of office remain unexpired, the Minister shall as soon as may be appoint a successor who shall, subject to the following provisions of this paragraph, hold office for the residue of that term.

(4) Without prejudice to the provisions of section eleven of the Interpretation Act, 1964 (which, among other things, provides for the removal of appointees by the persons who appointed them), a member of the board shall cease to hold office if he resigns his office by a notice in writing signed by him and served on the Minister.

1964, No. 1.

(5) A person who ceases to hold office as a member of the board (other than a person who, after less than one year in office, so ceases in pursuance of subparagraph (3) of this paragraph on the expiration of the residue of his predecessor's term) shall not be eligible for reappointment as a member during the period of three years beginning with the day on which he so ceases.

(6) References in the foregoing provisions of this paragraph to members of the board do not include references to the director.

Proceedings of the board

3. Subject to the provisions of this Act and of section twenty-six of the Interpretation Act, 1964 (which provides for decisions of a statutory body to be taken by a majority of its members and for the chairman to have a second or casting vote), the board may make standing orders regulating the proceedings of the board or any committee thereof.

4. The quorum of the board shall be five, and the quorum of any committee of the board shall be determined by the board.

5.—(1) The board shall elect a member of the board to be the deputy-chairman of the board for such period as the board may determine, so however that a deputy-chairman who ceases to be a member shall cease to be deputy-chairman.

(2) At any time while the office of chairman is vacant or the chairman is in the opinion of the board permanently or temporarily unable to perform the functions of his office, the deputy-chairman shall perform those functions, and references in this Schedule to the chairman shall be construed accordingly.

6.—(1) Subject to the provisions of any standing orders of the board, the board shall meet whenever it is summoned by the chairman; and if the chairman is required so to do by notice given to him by not less than six other members, he shall summon a meeting of the board to be held within seven days from the date on which the notice is given.

(2) At any meeting of the board the chairman or in his absence the deputy-chairman shall preside, but if both are absent the members present at the meeting shall elect one of their number to preside at that meeting.

(3) Where the board desires to obtain the advice of any person on a particular matter, the board may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this subparagraph shall not be entitled to vote at any meeting of the board and shall not count towards a quorum.

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the board shall be summoned by the Minister who may give such directions as he thinks fit as to the member who shall preside and the procedure which shall be followed at that meeting.

Committees

7.—(1) The board may appoint one or more committees to carry out, on behalf of the board, such of its functions as the board may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the board, and not more than one-third of those persons may be persons who are not members of the board; and a person other than a member of the board shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.

(3) A decision of a committee appointed under this paragraph shall be of no effect until it is confirmed by the board.

Officers and servants

8. Without prejudice to the generality of subsection (1) of section three of this Act but subject to the other provisions of that section, the board shall have power—

(a) to appoint such officers and servants as the board may determine;

(b) to pay to any member or any other person appointed to a committee of the board such travelling and subsistence allowances while on any business of the board as the board may determine;

(c) to pay to the director and to any officer or servant of the board such remuneration as the board may determine and

(d) as regards the director and any officer or servant of the board in whose case it may determine to do so, to pay to or in respect of them such pensions and gratuities, or to provide and maintain for them such superannuation schemes (whether contributory or not), as the board may determine.

Miscellaneous

9.—(1) The fixing of the seal of the board shall be authenticated by the signature of the chairman or of some other member of the board authorised generally or specially by the board to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the board by any person generally or specially authorised to act for that purpose by the board.

(3) Any document purporting to be a document duly executed under the seal of the board shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

10. The validity of any proceedings of the board or a committee thereof shall not be affected by any vacancy in the membership of the board or committee, or by any defect in the appointment of a member of the board or of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.

11. Any member of the board, and any person holding office on a committee of the board, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the board or a committee thereof shall forthwith disclose his interest to the board and shall not vote on any question relating to the contract or arrangement.

CASINO LICENSING ACT, 1964



ARRANGEMENT OF SECTIONS

Section

1. Power of Minister to license, etc., a casino.
2. Security for performance by licensee of obligations.
3. Notice of licensed premises to be displayed.
4. Power of Minister to require information.

5. Inspection of premises by police.

6. Offences.

7. Interpretation.

8. Short title, application and commencement.

SCHEDULE—Provisions applicable in respect of casino.

AN ACT TO MAKE PROVISION FOR THE LICENSING AND CONTROL OF CASINO
IN THE FEDERAL TERRITORY AND FOR CONNECTED PURPOSES.

[See Section 8 (2)]

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) It shall be lawful for the Minister by licence under his hand and in such form as he may approve, to authorise any person approved by the Council of Ministers to establish in the Federal territory and operate therein a casino for such period or periods as may be prescribed, anything in any enactment to the contrary notwithstanding.

Power of
Minister to
license, etc.
a casino.

(2) A casino licensed under the foregoing subsection shall be established in such locality as the Minister may approve and shall be operated only as a proprietary club of the licensee; and the provisions of the Schedule to this Act shall apply to such proprietary club, so however, that the Minister with the approval of the Council of Ministers may by order at any time add to, amend, vary, or revoke such provisions, or any of them.

(3) Regulations may prescribe—

(a) the terms and conditions under which the licence may be issued and the duration of the licence;

(b) the conditions subject to compliance with which the licence may be renewed, amended, varied, or transferred;

(c) the fees payable on application for and issue of the licence;

(d) the games to be played in the casino, and where applicable, the maximum percentage of commission to be taken by the licensee in respect of each game, and the maximum odds to be paid by the licensee;

(e) the minimum reserve fund in cash to be held on any one night by the licensee in the casino;

(f) the conditions subject to which persons may be admitted to the casino;

(g) the measures to be taken for the prevention of fraud on players or on the licensee;

(h) penalties for breach of the regulations not exceeding fifty pounds or imprisonment for three months, or both.

(4) Orders and regulations made under the foregoing provisions of this section shall be laid before both Houses of Parliament on any of the next twenty sitting days after they are made, and if then annulled shall cease to have effect on the day next following the annulment, but without prejudice to anything done or purported to have been done under any such orders or regulations.

(5) A licence under this section may be revoked—

(a) if upon complaint by the Inspector-General of Police to the Minister, the Council of Ministers are satisfied that it is a proper case for such action and direct accordingly;

(b) if the Council of Ministers are satisfied it is in the public interest to revoke the licence; or

(c) if the Minister is satisfied that a court of competent jurisdiction not lower than one presided over by a chief magistrate so recommends in the course of any criminal proceeding.

Security for performance by licensee of obligations.

2.—(1) The Minister may require the licensee to deposit with him as security for the due performance of any obligation of the licensee under this or any other Act an amount as may be agreed between the licensee and the Minister not less in any event than two hundred pounds; and if default is made in such performance by the licensee, the Minister may in his discretion—

(a) if the obligation can be satisfied by the payment of money, notify the licensee that he intends to apply the money so held as security in satisfaction or part satisfaction, as the case may be, of such obligation; or

(b) arrange with the Council of Ministers for the licence to be revoked.

(2) Moneys used to satisfy an obligation under the foregoing subsection shall, if the Minister so directs, be replaced by the licensee to the extent necessary to bring the amount held on deposit up to the original sum.

Notice of licensed premises to be displayed.

3. The licensee shall cause to be prominently displayed in the casino a notice that the premises are so licensed; and the notice shall show the games authorised to be played, and as the case may be, the maximum percentage of commission to be deducted in play, and the odds payable.

Power of Minister to require information.

4. The licensee shall at intervals of not more than six months after the commencement of his licence supply to the Minister such information relating to the operation of the casino as may be reasonably necessary to ensure due compliance by the licensee with the requirements of the licence.

Inspection of premises by police.

5. A superior police officer in uniform may, during the course of any play, enter upon the premises occupied by the licensee under this Act; and, if he has reasonable cause to suspect that they are not used or operated in the prescribed manner, he may search any part of the premises.

Offences.

6.—(1) If a licence is granted under this Act, no person other than the licensee shall be entitled to use the word "casino" in conjunction with his name; and the failure to comply with the requirement of this section shall be an offence punishable by conviction—

(a) in the case of a body corporate by a fine of not less than five hundred pounds;

(b) in any other case, by a fine of not less than one hundred pounds or more than two hundred pounds or by imprisonment of a term of one year, or both such fine and imprisonment;

and the court convicting shall order the offending name to be changed forthwith.

(2) Any person not duly licensed under this Act, who falsely represents himself to be so licensed, shall be guilty of an offence and liable on conviction—

(a) in the case of a body corporate to a fine of not less than five hundred pounds or more than one thousand pounds ;

(b) in any other case to a fine of not less than two hundred pounds or more than five hundred pounds, or imprisonment for a term of two years or both such fine and imprisonment.

7. In this Act unless the context otherwise requires—

Interpreta-
tion.

"casino" means any building or part of a building licensed under this Act to which members of the public authorised by the licensee have access for the purpose, among other things, of playing at prescribed games of chance ;

"licence" means a licence issued under section one of this Act ;

"the Minister" means the Minister of the Government of the Federation charged with responsibility for Internal Affairs ;

"prescribed" means prescribed by this Act and the regulations made by the Minister under this Act.

8.—(1) This Act may be cited as the Casino Licensing Act, 1964 and shall apply to the Federal territory.

Short title,
application
and
commence-
ment.

(2) This Act shall come into force on a day to be appointed by the Minister by notice in the gazette.

SCHEDULE

Section 1

PROVISIONS APPLICABLE IN RESPECT OF A CASINO

1. The rules of the Club may provide for permanent and temporary membership and they shall be approved by the Minister.

2. The licensee shall fix an amount to be known as the minimum income and persons resident in Nigeria other than those in the categories set in the next paragraph, who are desirous of membership of the club shall be admitted to such membership and to play subject to proof to the satisfaction of the licensee that any such applicant is in receipt of at least the minimum income in respect of any consecutive period of twelve months preceding the date of application for membership.

3. Persons of the following categories shall not while in the Federal territory be eligible for membership of the club, namely :

(a) persons serving in the armed forces of the Federation ;

(b) persons serving in the Nigeria Police Force or in any local government or native authority police force ;

(c) members (including presidents) of any court of law in the Federation ;

(d) officers of the public service of the Federation, or of any Region ;

(e) officers or servants of any local government council, native authority, or body corporate directly established by any law enacted by any legislature, in the Federation.