Supplement to Official Gazette Extraordinary No. 82, Vol. 52, 25th October, 1965-Part B

L.N. 105 of 1965

CUSTOMS AND EXCISE MANAGEMENT ACT 1958 (No. 55 of 1958)

Open General Import Licence (Japan) No. 3 of 1959 (Revocation) Notice 1965

Commencement: 19th August 1965

In exercise of the powers conferred by section 4 of the Imports Prohibition Order 1959 the following notice is hereby given-

- 1. The Open General Import Licence (Japan) No. 3 of 1959 as amended by previous notices, is hereby revoked.
- 2.—(1) This notice may be cited as the Open General Import Licence (Japan) No. 3 of 1959 (Revocation) Notice 1965 and shall apply throughout
- (2) This Notice shall be deemed to have come into operation on 19th August 1965.

Revocation of L.N. 238 of 1959 etc.

Citation, application and commencement.

DATED this 25th day of October 1965.

J. B. /ELUMEZE, Import Licensing Authority, Ministry of Trade, Lagos

L.N. 106 of 1965

CUSTOMS AND EXCISE MANAGEMENT ACT 1958 (No. 55 of 1958)

Open General Import Licence (Hong Kong) No. 1 of 1963 (Revocation) Notice 1965

Commencement: 19th August 1965

In exercise of the powers conferred by section 4 of the Imports Prohibition Order 1959 the following notice is hereby given—

1. The Open General Import Licence (Hong Kong) No. 1 of 1963 as amended by previous notices, is hereby revoked.

Revocation of L.N. 121 of 1963 etc.

Citation, application

and commencement.

- 2.—(1) This notice may be cited as the Open General Import Licence (Hong Kong) No. 1 of 1963 (Revocation) Notice 1965 and shall apply
- (2) This notice shall be deemed to have come into operation on 19th August 1965.

DATED this 25th day of October 1965.

J. B. ELUMEZE, Import Licensing Authority, Ministry of Trade, Lagos

L.N. 107 of 1965

CUSTOMS AND EXCISE MANAGEMENT ACT 1958 (No. 55 of 1958)

Open General Import Licence (All Countries) No. 1 of 1964 (Amendment) Notice 1965

Commencement: 19th August 1965

In exercise of the powers conferred by section 4 of the Import Prohibition Order 1959 the following notice is hereby given—

Amendment of L.N. 56 of 1964.

- 1. The Open General Import Licence (All Countries) No. 1 of 1964 is amended—
 - (a) by the deletion from paragraph 5 thereof of the following:
 - (i) "(b) (Japan) No. 3 of 1959 as amended by L.N. 105 of 1963;"
 - (ii) "(f) (Hong Kong) No. 1 of 1963"; and
 - (b) by the addition to the First Schedule thereto of the following:
 - "11. Japan
 - 12. Hong Kong
 - 13. Macao and Colony (Portuguese Possessions)"

Citation, application and commencement.

- 2.—(1) This notice may be cited as the Open General Import Licence (All Countries) No. 1 of 1964 (Amendment) Notice No. 1 of 1965.
- (2) This notice shall apply throughout the Federation and shall be deemed to have come into operation on 19th August 1965.

DATED this 25th day of October 1965.

J. B. ELUMEZE, Import Licensing Authority, Ministry of Trade, Lagos

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EXPLANATORY NOTE

The effect of this Amendment is that all imports from Japan, Hong Kong and Macao into Nigeria are now prohibited except on a Specific Import Licence issued by the Import Licensing Authority.

NIGERIAN LEGION ACT 1964

(1964 No. 18)

Nigerian Legion Act (Commencement) Order 1965.

Commencement: 14th October, 1965

In exercise of the powers conferred by Section 8 (2) of the Nigerian Legion Act 1964, and of all other powers enabling me in that behalf, I hereby make the following order—

1. The Nigerian Legion Act 1964 shall come into force on the 14th day of October, 1965.

Commencement.

2. This Order may be cited as the Nigerian Legion Act (Commencement) Order 1965.

Citation.

MADE in Lagos this 9th day of October, 1965.

SHETTIMA ALI MONGUNO, Federal Minister of Internal Affairs

NIGERIAN LEGION ACT 1964

(1964 No. 18)

THE NIGERIAN LEGION ELECTORAL REGULATIONS, 1965

ARRANGEMENT OF SECTIONS

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- Commencement.
- 3. Interpretation.
- 4. Official list of ex-servicemen.
- 5. Electoral Area.
- 6. Qualifications for election.
- Restriction on mode of voting.
- 8. Candidates for election.
- 9. Ordinary Residence.
- 10. Appointment of Electoral Officers and Assistants.
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PROCEDURE AT ELECTION

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- 16. Nomination.
- 17. Nomination papers.
- Delivery of nomination papers.
- 19. Publication of list of nominations.
- 20. Uncontested Election.
- 21. When poll required.
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- 23. Appointment of polling stations.
- 24. Voting by ballot.
- 25. Duties of the Returning Officer,
- 26. Ballot boxes.
- Hours of polls.

Section

- 28. Power to exclude unauthorised persons.
- 29. Misconduct at the polling station.
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- 36. Voting at the appropriate polling station.
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- 48. Election Petition.
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- 51. Contravention of certain provisions of the regulations.
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- 53. Offences against regulation 52.

APPENDICES

NIGERIAN LEGION ACT 1964 (1964 No. 18)

The Nigerian Legion Electoral Regulations 1965

Commencement: 14th October 1965

In exercise of the powers conferred by paragraph 6 of the First Schedule to the Nigerian Legion Act, 1964 and of all other powers enabling me in that behalf, I hereby make the following Regulations—

- 1. These Regulations may be cited as the Nigerian Legion Electoral Regulations 1965 and shall apply throughout the Federation.
 - 2. These Regulations shall come into force on the 14th day of October 1965.

3. In these Regulations, unless the context otherwise requires:—

"Constituency" means a place in an area or sub-area, where a candidate or candidates may stand for an election to an area council or sub-area council as the case may be provided that in the case of an election to an area council, a sub-area will by itself represent a constituency.

"Election" means election into an area council or sub-area council and where appropriate includes a bye-election.

"Minister" means the Federal Minister charged with responsibility for ex-servicemen matters.

4. The register of electors for any part of Nigeria shall contain the names, addresses and the Regimental numbers of ex-servicemen resident in that part of the country to which the register relates and shall be the official list of voters for the purpose of any election to be held under these regulations.

5.—(1) Any part of Nigeria may be divided into as many constituencies as the Minister may determine and such constituencies shall be specified by notice in the Official Gazette of the Federation.

- (2) In determining the number of elected members for each area or sub-area Council the Minister shall have regard to the number of ex-servicemen resident in that constituency.
- 6. Subject to the provisions of these Regulations, every ex-serviceman as defined in the Act and whose name appears on the appropriate official list of voters for that election and who is not otherwise disqualified shall be entitled to vote in any constituency in which he is ordinarily resident. Provided however, that an elector may with the permission of the Minister transfer his name from the official list for a constituency to any constituency in which he may become resident.

ciection.

- 7. No ex-serviceman shall be entitled to vote in more than one place or to vote more than once in any election.
- 8. All candidates for election to any constituency must be ex-servicemen as defined in the Act and must be residents of the constituency in which they are seeking election.
- 9. An ex-serviceman shall be deemed to be ordinarily resident in a place whether or not he has his meals there or is employed elsewhere if—
 - (a) it is the place where he usually lives or sleeps; or
 - (b) he has or usually has his house in that place; or
 - (c) he intends to return thereto when away from it.

Citation and application.

Commencement. Interpreta-

tion.

Official list of Ex-servicemen.

Electoral Area.

Qualifications for election.

Restriction on mode of voting. Candidate for Election.

Ordinary Residence. Appointment of Electoral Officers and Assistants.

- 10.—(1) Subject to the provisions of this section, the Minister shall, as the case may require when an election is necessary appoint a fit person (in this Regulation referred to as an "electoral officer") for each constituency.
- (2) The Minister may appoint more than one electoral officer in respect of any constituency, or an electoral officer may be appointed for more than one constituency. Where more electoral officers than one are appointed in respect of a constituency, their respective appointments shall relate to specified places in the constituency; and one of the electoral officers shall in addition be appointed to exercise supervisory functions in respect of the whole constituency.
- (3) The Minister may also appoint, from time to time, Assistant Electoral Officers for the purposes of the election and in respect of any constituency.
- (4) An Assistant Electoral Officer appointed under paragraph (3) of this Regulation shall be subject to the authority and control of the electoral officer for the constituency or part of a constituency in respect of which he is appointed; and subject thereto and to any direction of the Minister, an assistant electoral officer shall have and may exercise the powers and duties of an electoral officer.

Appointment of Returning Officers and Assistants.

- 11.—(i) The Minister may appoint for an election a fit and proper person to be a returning officer for each constituency or if he thinks fit may appoint a returning officer to function in respect of more than one constituency.
- (ii) He may likewise appoint for any election any number of assistant returning officers as are necessary; and subject to the direction of the Minister an assistant returning officer shall have the powers and may perform the duties of a returning officer but shall be subject to the authority and control of the returning officer appointed in respect of the same constituency or part thereof.

Candidates for one Constituency. 12. No candidate may stand for election in more than one constituency at the same election and no person may be a member of more than one council at the same time except under the provision of paragraphs 3 (1) (a), 4 (1) (a) and 5 (1) of the First Schedule to the Act.

Election date.

- 13.—(1) When an election becomes necessary under these regulations the Minister shall by notice in the Official Gazette of the Federation appoint a date for the holding of the election.
- (2) In the case of a General Election, the election shall be held throughout Nigeria on the same date. Notwithstanding the provisions of the foregoing subsection, the Minister may, if he thinks expedient, appoint a substituted date for the holding of an election in any constituency or constituencies.
- (3) Where it is expedient so to do by reason that a constituency is in a remote area and a notice in the Gazette may not get to the area in good time, the Minister may give the notice of the date of the election in any form in which he thinks will meet the situation.
- (4) Not less than 21 days before the date appointed for the election, the Electoral Officer in each constituency shall publish a notice stating:
 - (a) the date of the election;
 - (b) the place and time at which the election will take place;
 - (c) any other information that he may deem necessary.
- (5) The Minister may also give general and specific instructions in relation to the matters specified in these subsections.

PROCEDURE AT ELECTIONS

14. (1) A general election shall be held within a period of three months to the expiry of the life of the then existing council but the newly elected council shall not come into being until the expiration of the life of that council.

Election during term of Council.

15. Every member of the council shall be entitled to be re-elected into the council.

Re-election.

16. Every candidate for election shall be nominated by two persons whose names appear on the register of electors for the constituency in respect of which the nomination is made.

Nomination.

17. (1) Nominations shall be made on nomination papers which shall be in form A attached to these regulations and shall be signed by the candidate and the persons nominating him. The nomination paper shall contain the following particulars:—

Nomination Papers.

- (a) the name, address, regimental number and occupation of the candidate;
- (b) the names, addresses, regimental numbers and occupations of the nominators of the candidate;
- (c) a statement by the candidate that he is willing and qualified to stand for election.
- (2) (a) The electoral officer shall provide and supply to an elector such number of nomination papers as the elector may require; and the electoral officer shall if a candidate so requests and the nominators of the candidate are present, complete any such nomination paper on behalf of the candidate.
- (b) A candidate or one of the persons nominating him shall not later than the date and time prescribed, personally present the nomination papers to the electoral officer at the place appointed by the electoral officer.
- 18. The candidate or one of the persons nominating him shall personally deliver the nomination paper to the Electoral Officer at the place of the election at least one hour before the time the voting commences. Nominations shall commence at 8 a.m. and close an hour later.

Delivery of nomination papers.

19. The electoral officer shall prepare a statement setting out the full names, addresses, regimental numbers and occupations of all nominated persons and of the persons nominating them respectively; and the statement shall be read out to the electors and also displayed at the polling station at least one hour before the time voting is due to commence.

Publication of list of nomina-tions.

20. If after the expiration of the time for the delivery of nomination papers there is only one person whose name is validly nominated, that person shall be declared elected.

Uncontested Election.

21. If after the expiry of the time for the delivery of the nomination papers there are more than one person standing nominated, a poll shall take place in accordance with the provisions of these regulations.

When poll required.

22. Where on the date appointed for the election there is no candidate validly nominated, the Minister shall fix a date for another election.

Failure of nomination.

23. If an election is to take place, the Electoral Officer shall appoint a sufficient number of polling stations in the constituency and shall allot the electors in the constituency amongst such polling stations.

Appointment of polling stations. Voting by ballot.

24. In any contested election the votes shall be given by secret ballot in each constituency and the result shall be ascertained by counting the votes given to each candidate; the candidate to whom the majority of votes has been given shall be declared elected.

Duties of the Electoral Officer.

- -25. The Electoral Officer shall-
 - (a) ensure that there are suitable polling stations;
 - (b) furnish ballot boxes and such ballot papers as may be necessary;
- (c) provide the polling stations with sufficient copies of the register of electors for the constituency or that part of the register which contains the names of the electors allotted to that constituency;
- (d) provide the polling station with instruments for making an official mark on the ballot papers;
- (e) do such acts and things as may be necessary for conducting the election in conformity with the provisions of these regulations.

Ballot boxes.

26. Ballot boxes shall be so constructed that a ballot paper may be put in a ballot box by a voter, but may not be withdrawn by him or by any voter thereafter using the ballot box.

Hours of Polls.

27. Polling stations shall be open for voting from Ten o'clock in the morning of the day fixed for the poll and unless adjourned in accordance with the provisions of Regulation 41, shall close not later than four o'clock in the evening.

Power to exclude unauthorised persons.

28. The presiding officer shall regulate the admission of voters to the polling station and shall exclude all persons other than the candidates, polling clerks and persons lawfully entitled to be admitted, and the presiding officer shall keep order and comply with the requirements of these regulations at the polling station.

Misconduct at the polling station.

- 29. (1) If any person misconducts himself at a polling station or fails to obey any lawful order of the presiding officer, the presiding officer may order the removal from the polling station of the person so misconducting himself or failing to obey a lawful order; and such person may be removed accordingly.
- (2) No person so removed shall without the permission of the presiding officer again enter the polling station during the day of the election; but nothing in this section shall be construed so as to prohibit a voter from recording his vote.

Actions before commencement of poll.

- 30. (1) Before commencement of poll, the presiding officer shall show the ballot boxes to such persons as may be present at the polling stations before they are locked and placed ready for use.
- (2) The sealed packets of ballot papers shall be opened in the presence of the electors who shall be entitled to inspect them.

Voting.

- 31. (1) Every elector desiring to cast his vote shall present himself to a polling officer at the polling station to which he is allotted. The polling officer, after satisfying himself that such elector is a person whose name appears on the register of electors for that constituency and that he has not already voted, shall deliver to him a ballot paper.
- (2) Before a ballot paper is actually issued to him, every elector shall produce his discharge book, failing which he shall produce certificate of service duly signed by an officer of the records office, Apapa, so that his of electors.

32. Immediately before the polling officer delivers a ballot paper to a voter he shall:—

Duties of Polling Officers.

- (a) mark or punch the ballot paper with an official mark;
- (b) mark on the counterfoil of the ballot paper the number of the voter in the register;
- (c) place a mark against the number of the voter in the copy of the register of electors or part thereof to denote that the ballot paper has been received by the elector.

33.—(1) A voter on receiving a ballot paper shall go away and in private write on the paper in block letters the name of the candidate of his choice. If the voter cannot write he may get a person of his choice to write for him the candidate's name.

How to vote.

- (2) The voter shall then fold the paper and place it in the ballot box which shall be kept in front of the polling officers.
- 34. A voter who is blind or who suffers any other physical disability may be accompanied into the polling station by a friend or relative chosen by him; and friend or relative shall, after informing the presiding officer of the disability, be permitted to assist the voter to vote.

Incapacitated voter.

35. No elector shall record his vote otherwise than by personally attending at the polling station and recording his vote in the manner prescribed by these Regulations.

Personal attendance.

36. Subject to the provisions of this Part of these Regulations, no person shall be permitted to vote at any polling station other than at the one to which he is allotted.

Voting at the appropriate polling station.

37. A voter who by accident deals with his ballot paper in such a manner that it may not be conveniently used as a ballot paper, may deliver it to the presiding officer. If the presiding officer is satisfied that the ballot paper was spoilt by accident he may issue another ballot paper to the voter in place of the ballot paper delivered up, and the spoilt ballot paper shall be immediately marked as cancelled by the presiding officer.

Accidental destruction or marking of the ballot paper.

38. No voter shall vote for more candidates than one, or record more than one vote in favour of any candidate.

Prohibition of plural voting.

39. A voter shall not place on the ballot paper any writing other than the name of the candidate for which he is voting or any mark by which he may be identified.

Marking of ballot paper for identification.

40. Where an electoral officer or any officer is on duty at a polling station, such officer shall, if the polling station at which he is registered as entitled to vote is not an unreasonable distance away and the presiding officer considers it to be reasonable and convenient for the work in the polling station, be permitted to leave the polling station at which he is on duty in order to cast his vote. An officer who is on duty at the polling station where he is entitled to vote shall be permitted to vote.

Voting by Officers on duty.

41.—(1) If the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer may adjourn the proceedings until later in the day or until the following day; and, after taking such precautions as are necessary to safeguard the ballot boxes and ballot papers and other election requisites, shall thereupon notify the electoral officer of the fact and the electoral officer shall inform the Minister.

Interruption of election.

(2) When the poll is adjourned at any polling station, the hours of polling on the day to which it is adjourned shall be the same as for the original day; and any reference in this Part of these Regulations to the closing of the poll shall be construed accordingly.

Closing of poll.

- 42—(1) When it is time for the closing of the poll, the presiding officer shall not allow into the polling station any persons other than those already inside.
- (2) No voter having thereafter recorded his vote shall be permitted to remain in the polling station unless otherwise authorised under these regulations.

Ballot boxes and papers at close of polls.

- 43.—(1) As soon as practicable after the termination of the voting, the presiding officer shall in the presence of any polling agents in attendance, make up into separate packets to be sealed with his own seal and marked for identification—
 - (a) each ballot box used at his polling station unopened and sealed so as to prevent introduction of additional ballot papers;
 - (b) the marked copy of the register of electors;
 - (c) the unused and spoilted ballot papers placed together;
 - (d) the counterfoils of the used ballot papers—and when so made up and sealed the presiding officer shall deliver the packets to the returning officer.
- (2) The presiding officers shall at the same time prepare a statement (in this section called "the ballot papers account") to accompany the packets stating—
 - (a) (i) the number of ballot papers entrusted to him;
 - (ii) the number of spoilt ballot papers;
 - (iii) the number of unused ballot papers;
 - (b) the number of persons marked on the register of electors as having been issued with ballot papers.

Counting of votes.

- 44.—(1) The returning officer shall make arrangements for counting the votes at the polling station and the counting shall as soon as practicable after the termination of the voting take place in the presence of any candidates and voters who wish to be present; and when commenced, the counting of the votes shall proceed continuously until it is completed, but subject to the allowance of a reasonable time for refreshment.
- (2) The returning officer may if he thinks fit authorise any of his assistant Returning Officers to supervise the counting of the votes and certify the same: but nothing in this subsection shall authorise the appointment of any candidate as a supervisor.
- (3) The returning officer shall have sole charge of the counting, and no person other than the electoral officers, the returning officer, his assistants, the candidates, any police officer and any voter who may wish to be present at the counting may without the consent of the returning officer, be present at the counting of the votes.

Decision when there is equality of vote. 45. When an equality of votes is found to exist between any candidates so that the addition of a vote would entitle anyone of the candidates to be declared elected, the returning officer shall forthwith decide between those candidates by lot, and shall proceed as if the candidate on whom the lot falls had received one additional vote. The returning officer shall thereupon declare such candidate to be elected.

46. After counting the votes and having ascertained the results of the polls, the returning officer shall—

Declaration of result of election.

- (a) complete a certificate of return as in the Form B attached to these regulations;
- (b) declare the result of the poll by reading such completed form aloud at the place of the counting;
 - (c) cause to be delivered to the Minister the original of such certificate;
- (d) furnish the person elected with a certificate of election as in the Form C attached to these regulations.
- 47.—(1) The Returning Officer shall deliver all documents relating to the conduct of the election to the Electoral Officer who shall forward them through the Area Council to the Regional Council for safe custody.

Safe custody of results.

(2) The Regional Council shall retain for six months all documents thus forwarded to it and then cause them to be destroyed.

Election Petitions

48.—(1) No election and no return to the area council or in respect of a constituency shall be questioned except by a petition complaining about the election or the return presented to the Magistrate's Court of the Area or Sub-Area as the case may be where the constituency is, not later than twenty-one days after the date of the election.

Election Petition.

- (2) The petition will specify the ground on which the election is being questioned and the relief sought.
- 49. An election petition may be presented by one or more of the following ex-servicemen:--

Presentation of Petition.

- (a) an ex-serviceman who voted at the election or who had a right so to vote; or
- (b) an ex-serviceman claiming to have had a right to be elected at the election; or
- (c) an ex-serviceman alleging himself to have been a candidate at the election.
- 50. An election may be questioned on the following grounds:—

(a) that an ex-serviceman whose election is questioned was, at the time of the election, not qualified or was not a candidate for election at the particular constituency;

Grounds for petition.

- (b) that the election was invalidated by non-compliance with these regulations;
- (c) that the respondent was, at the time of the election, not duly elected by a majority of lawful votes at the election;
- (d) that the petitioner was yalidly nominated but was unlawfully excluded from the election.

Miscellaneous

51. The election of any ex-serviceman in contravention of regulations 6, 7, 14, 15 and 16 shall be null and void.

Contravention of certain provisions of these regulations: Offences

against regulation 52.

Prohibition of campaigns on polling day:

- 52.—(1) No person shall on the date or dates on which a poll is taken at any polling station commit any of the following acts within the polling station or in any public or private place within a distance of two hundred yards of the polling station, namely—
 - (a) canvassing for votes; or
 - (b) soliciting the vote of any elector; or
 - (c) persuading any elector not to vote for any particular candidate; or
 - (d) persuading any elector not to vote at the election; or
 - (e) bearing, wearing, exhibiting or tendering any notice, sign, token, symbol, slogan, badge, photograph or party card referring to the election, other than an official document, badge or notice; or
 - (f) operating, or permitting the use of, any megaphone, amplifier or public address apparatus for announcements (other than official announcements) concerning the election: or
 - (g) shouting slogans concerning the election.
- (2) No candidate or his agent, or other person with the connivance of a candidate or his agent, shall, whether on payment or otherwise, use, hire or procure any vessel or vehicle for the conveyance of any elector (other than the candidate himself or his agent) to or from any polling station.
- 53. If any offence against regulation 52 is committed by a candidate elected in accordance with these regulations the election of such candidate shall be invalid.

MADE this 9th day of October 1965.

SHETTIMA ALI MONGUNO, Federal Minister of Internal Affairs

APPENDICES

NIGERIAN LEGION ELECTORAL REGULATIONS 1965

FORM A

(Nomination Form) Reg. 17

To the Electoral Officer	
Constituen	cy.
Date19	
I,	
(Address)	•••
of	
Perimontal V	tere:
am the candidate and Occupation	
Regimental Number and Occupation am the candidate to whom this nomination paper relates.	564

I am willing to stand for election to an area/sub-area council (delete whichever is not applicable) and I am qualified for election in the above constituency. Signed We, being registered as electors in the above constituency, do nominate the above candidate :-(1) Name..... (2) Address (3) Regimental Number (4) Occupation Signed..... First Nominator (1) Name (2) Address (3) Regimental Number (4) Occupation Signed Second Nominator NIGERIAN LEGION ELECTORAL REGULATIONS 1965 FORM B (Declaration of Result of Poll) Reg. 46 (a), (b), (c) Constituency I hereby certify that having carried out my duties and formalities required by the Nigerian Legion Electoral Regulations 1965, the result of the poll carried out in the above constituency on the......day of.......day is as follows in order of the number of votes each candidate received :-1. Candidate votes received

1. Candidate votes received

2. Candidate votes received

3. Candidate votes received

DATED this day of 19

Signed

Returning Officer

NIGERIAN LEGION ELECTORAL REGULATIONS 1965 FORM C

(Certificate of Election) Reg. 46 (d)

This is to certify that		
has been elected a member of the area/sub-ar	ea Council for	*********
	constituency on	the
day of	19	14
Dated day of	19	87