

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

THE HIGH COURT OF LAGOS (AMENDMENT) BILL 1966

EXPLANATORY MEMORANDUM

The purpose of this Bill is to enable prosecutors to appeal to the Supreme Court in certain cases from decisions of the High Court of Lagos in criminal cases. It would not allow a prosecutor to appeal against a sentence imposed by the High Court, but would allow—

(a) appeals on questions of law alone from decisions of the High Court at first instance or on appeals from the magistrates' court ; and

(b) appeals on questions of fact alone, or questions of mixed law and fact, from decisions of the High Court sitting at first instance.

Leave to appeal would have to be obtained except in the case of an appeal on a question of law from the High Court sitting at first instance. The Bill also provides for the detention or release on bail of the accused person where the prosecutor gives notice that he intends to appeal.

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

A BILL

FOR

AN ACT TO AMEND THE HIGH COURT OF LAGOS ACT FOR THE PURPOSE OF ENABLING PROSECUTORS TO APPEAL FROM DECISIONS OF THAT COURT IN CERTAIN CASES.

[]

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) The following section shall be substituted for section 50 of the High Court of Lagos Act as replaced by section 3 of the High Court of Lagos (Amendment) Act 1960—

'Appeals by
prosecutors.

50.—(1) The prosecutor may on any ground of appeal which involves a question of law alone, appeal to the Supreme Court as of right from a decision of the High Court in any criminal proceedings before the High Court sitting at first instance.

(2) The prosecutor may with the leave of the High Court or the Supreme Court appeal to the Supreme Court—

(a) on any ground of appeal which involves a question of fact alone, or a question of mixed law and fact, from a decision of the High Court in any criminal proceedings before the High Court sitting at first instance ; or

Amendments
of High
Court of
Lagos Act.
Cap. 80.
1960 No. 11.

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(b) on any ground of appeal which involves a question of law alone, from a decision of the High Court in any criminal appeal from the magistrates' court.

1963 No. 20.

(3) In this section "decision" has the same meaning as in section 117 (7) of the Constitution of the Federation.

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Cap. 80.

1960 No. 11.

(2) Section 49A of the High Court of Lagos Act (as inserted by section 4 of the High Court of Lagos (Amendment) Act 1960) shall be renumbered so as to become section 50A of that Act; and in the heading of Part IVA of that Act (as inserted by the said section 4) and in the marginal note to the said section 50A, after the word "Provisions" there shall be inserted the words "before and".

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(3) In the said section 50A, after subsection (2) there shall be inserted the following subsection—

'(2A) Where—

(a) the High Court has in any criminal proceedings before it sitting at first instance acquitted the accused person, or has allowed an appeal from the magistrates' court against conviction; and

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(b) immediately after that decision of the High Court has been given the prosecutor gives notice to the High Court that he intends or desires to appeal to the Supreme Court from that decision, the High Court may make an order providing for the detention of the accused person, or directing that the accused person shall not be released except on bail, until either—

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(i) the time for bringing the appeal has expired without its having been brought; or

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(ii) where applicable, the necessary leave to appeal has been refused both by the High Court and by the Supreme Court; or

(iii) the appeal has been brought and abandoned; or

(iv) a decision on the appeal has been given by the Supreme Court,

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whichever first occurs; but an order made under this subsection shall not affect the power of the Supreme Court, if the appeal is brought, to admit the respondent to bail under section 35 of the Federal Supreme Court Act 1960 as applied by section 4 (4) of the Judicial, etc., Offices and Appeals by Prosecutors Act 1963.

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1960 No. 12.

1963 No. 10.

Short title
extent and
repeal.

2.—(1) This Act may be cited as the High Court of Lagos (Amendment) Act 1966 and shall apply to the Federal territory only.

(2) Section 3 of the High Court of Lagos (Amendment) Act 1960 is hereby repealed.

THE CRIMINAL PROCEDURE (AMENDMENT) BILL 1966

EXPLANATORY MEMORANDUM

The objects of this Bill are threefold. *Clause 1* is designed to eliminate from Federal enactments references to conviction "on indictment", since this form of proceeding no longer exists in the criminal procedure of the Northern Region. *Clause 2* clarifies the definition of "indictable offence" in the Criminal Procedure Act (Cap. 43) by making the wording accord with what has been held to be the true meaning of the existing definition. *Clause 3* inserts into the Criminal Procedure (Northern Region) Act 1960 a new subsection which, in relation to the Northern Region, will translate references to summary trial or summary conviction occurring in Federal Acts into terms appropriate to the criminal procedure of that Region.

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

A BILL

FOR

AN ACT TO AMEND CERTAIN ENACTMENTS WHICH REFER TO CONVICTION ON INDICTMENT; TO CLARIFY THE DEFINITION OF "INDICTABLE OFFENCE" IN THE CRIMINAL PROCEDURE ACT; AND TO AMEND THE CRIMINAL PROCEDURE (NORTHERN REGION) ACT 1960.

[]

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) This section applies to any enactment passed or made
5 before the passing of this Act which—

Amendment
of certain
enactments
which refer
to conviction
on
indictment.

(a) specifies different penalties as the penalties to which a person committing a specified offence is liable on conviction on indictment and on summary conviction respectively; or

10 (b) specifies the penalty or penalties to which a person committing a specified offence is liable on conviction on indictment, without specifying any penalty as a penalty to which a person committing that offence is liable on summary conviction.

(2) In relation to any offence committed after the passing of this Act—

15 (a) the Acts described in Part I column 1 of the Schedule of this Act shall have effect subject to the amendments specified in column 2 of that Part, being amendments of enactments falling within subsection (1) (a) above; and

20 (b) the Acts described in Part II column 1 of the Schedule of this Act shall have effect subject to the amendments specified in column 2 of that Part, being amendments of enactments falling within subsection (1) (b) above.

(3) Any enactment to which this section applies which is not amended by virtue of subsection (2) above shall, in relation to any offence committed after the passing of this Act, be construed—

(a) in the case of an enactment falling within subsection (1) (a) above, as providing that a person committing the offence in question shall be liable on conviction to the penalty or penalties to which, if this subsection had not been enacted, he would have been liable under that enactment on conviction by the High Court; and 5

(b) in the case of an enactment falling within subsection (1) (b) above, as if for the reference to conviction on indictment there were substituted a reference to conviction by the High Court. 10

1964 No. 1.

(4) In this section "enactment" has the same meaning as in the Interpretation Act 1964.

Meaning of
"indictable
offence" in
Cap. 43.

2.—(1) For the removal of doubt as to the meaning of the expression "indictable offence" in the Criminal Procedure Act, the definition of that expression contained in section 2 (1) of that Act shall be amended so as to read as follows— 15

"indictable offence" means any offence—

(a) which on conviction may be punished by a term of imprisonment exceeding two years; or 20

(b) which on conviction may be punished by imposition of a fine exceeding two hundred pounds,

not being an offence declared by the law creating it to be punishable on summary conviction;'

but it is hereby declared that the meaning of that expression in that Act has always been as stated in the amended definition set out above. 25

(2) In so far as the definition amended by subsection (1) above affects any provision of the Criminal Procedure Act which applies to any part of Nigeria other than the Federal territory, that subsection shall apply to that part, but shall otherwise apply to the Federal territory only. 30

Amendment
of
Criminal
Procedure
(N.R.) Act
1960.

3. For section 3 (2) of the Criminal Procedure (Northern Region) Act 1960 (which is now spent) there shall be substituted the following subsection—

"(2) In the application of any Federal Act to the Northern Region— 35

(a) any reference to summary trial, trial in a summary manner or summary conviction (other than a reference to summary trial, trial in a summary manner or summary conviction by the High Court) shall be construed as a reference to trial solely by a magistrate's court or conviction by a magistrate's court, as the case may be; and 40

(b) any reference to summary trial, trial in a summary manner or summary conviction by the High Court shall be construed as a reference to trial or conviction, as the case may be, by the High Court where the accused has not been committed for trial after a preliminary inquiry by a magistrate." 45

1960 No. 20.

4. This Act may be cited as the Criminal Procedure (Amendment) Act 1966 and, subject to section 2 (2) thereof, shall apply throughout the Federation.

Short title
and extent.

SCHEDULE

Section 1.

AMENDMENTS OF ENACTMENTS TO WHICH SECTION 1 APPLIES

PART I

ENACTMENTS PROVIDING FOR CONVICTION ON INDICTMENT OR SUMMARY CONVICTION

Act

Amendment

The Exchange Control Act 1962 (No. 16).	In Schedule 4, in paragraph 5 (3), delete from "(a) on" to "indictment" and insert "on conviction", and in paragraph 5 (4), delete "on indictment" in both places where it occurs and substitute "by the High Court".
The Tin Act 1962 (No. 25).	In section 1 (3), delete from "(a) on" to "indictment" and insert "on conviction".
The Survey Co-ordination Act 1962 (No. 28).	In section 2 (1), delete from "(a) on" to "indictment" and insert "on conviction".
The Official Secrets Act 1962 (No. 29).	In section 7 (1), delete "(a) on conviction on indictment" and insert "on conviction", and delete the whole of paragraph (b); and in section 7 (3) delete "on indictment" and insert "on commitment to the High Court after preliminary inquiry by a magistrate".
The Medical and Dental Practitioners Act 1963 (No. 9).	In section 14 (5), delete from "(a) on" to "indictment" and insert "on conviction".
The Excise (Control of Distillation) Act 1964 (No. 22).	In sections 1 (5) (b) and 2 (5) (b), delete "on indictment" and insert "by the High Court".
The Pharmacists Act 1964 (No. 26).	In section 12 (4), delete from "(a) on" to "indictment" and insert "on conviction".
The Civil Aviation Act 1964 (No. 30).	In section 5 (3), delete from "summary" to "indictment" and insert "conviction".
The Institute of Chartered Accountants Act 1965 (No. 15)	In section 18 (5), delete from "(a) on" to "indictment" and insert "on conviction".
The Hydrocarbon Oil Refineries Act 1965 (No. 17).	In section 7 (1) (b), delete "on indictment" and insert "by the High Court".
The Registered Land Act 1965 (No.).	In section 159 (1), delete "on indictment" and from "or liable" to the end of the subsection.
The Food and Drugs (Lagos) Act 1965 (No.).	In section 16 (1), delete from "(a) on" to "indictment" and insert "on conviction".

PART II

ENACTMENTS PROVIDING FOR CONVICTION ON INDICTMENT ONLY

Act

The Insurance (Miscellaneous Provisions) Act 1964 (No. 19).

The Trade Marks Act 1965 (No. 29).

Amendment

In section 1 (4), delete "on indictment" and insert "by the High Court".

In section 2 (5), delete "on indictment" and insert "by the High Court".

In section 60, delete "on indictment" and insert "by the High Court".

THE PROBATES (RE-SEALING) BILL 1966

EXPLANATORY MEMORANDUM,

This Bill provides for the re-sealing in Nigeria of probates and letters of administration in respect of the estates of deceased persons granted by courts having jurisdiction in matters of probate in Commonwealth countries.

It also authorises the High Court of a Region or of Lagos to re-seal grants of probate and letters of administration made (as the case may be) in Lagos or in any other Region, and repeals the Probates (Re-sealing) Act (Cap. 161).

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

ARRANGEMENT OF CLAUSES

Clause

- | | |
|--|---|
| 1. Re-sealing of probates and letters of administration granted in Commonwealth countries. | 5. Security for payment of debts. |
| 2. Re-sealing of probates and letters of administration granted in a Region. | 6. Effect of re-sealing. |
| 3. Conditions to be fulfilled before re-sealing. | 7. Rules of court. |
| 4. Duplicate or copy of probate, etc. admissible. | 8. Interpretation. |
| | 9. Repeal. |
| | 10. Short title, extent and commencement. |

A BILL

FOR

AN ACT TO PROVIDE FOR THE RECOGNITION IN NIGERIA OF A GRANT OF PROBATE OR LETTERS OF ADMINISTRATION MADE IN A COMMONWEALTH COUNTRY AND THE RECOGNITION IN ANY PART OF NIGERIA OF ANY SUCH GRANT MADE IN ANY OTHER PART.

[]

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. Where a court having jurisdiction in matters of probate in a Commonwealth country has, either before or after the commencement of this Act, granted probate or letters of administration in respect of the estate of a deceased person, the probate or letters so granted may, subject to the provisions of this Act, on being produced to, and a copy thereof deposited with, the High Court of a Region, be re-sealed with the seal of that Court.

Re-sealing of probates and letters of administration granted in Commonwealth countries.

2. Where the High Court of a Region has, either before or after the commencement of this Act, granted probate or letters of administration in respect of the estate of a deceased person, the probate or letters so granted may, subject to the provisions of this Act, on being produced to, and a copy thereof deposited with, the High Court of any other Region, be re-sealed with the seal of that Court.

Re-sealing of probates and letters of administration granted in a Region.

3. The High Court of a Region shall, before re-sealing a probate or letters of administration under this Act, be satisfied—

Conditions to be fulfilled before re-sealing.

(a) that probate duty has been paid in respect of so much, if any, of the estate as is liable to probate duty in that Region ; and

(b) in the case of letters of administration, that security has been given in a sum sufficient in amount to cover the property, if any, in that Region to which the letters of administration relate,

and may require such evidence, if any, as it thinks fit as to the domicile of the deceased person.

4. For the purposes of this Act, a duplicate of any probate or letters of administration sealed with the seal of the court by which the grant was made, or a copy thereof certified as correct by or under the authority of that court, shall be admissible in the proceedings before the High Court of any Region.

Duplicate or copy of probate etc., admissible.

5. The High Court of a Region may, if it thinks fit, on the application of any creditor, require, before re-sealing, that adequate security be given for the payment of debts due from the estate to creditors residing in that Region.

Security for payment of debts.

6. A probate or letters of administration re-sealed by the High Court of any Region under this Act shall have the like force and effect and have the same operation in the Region in which it is re-sealed as if granted by the High Court of that Region.

Effect of re-sealing.

Rules of
court.

7.—(1) The Chief Justice of the High Court of a Region may make rules of court for regulating the procedure and practice, including fees and costs, in that Court, of and incidental to an application for the re-sealing of a probate or letters of administration under this Act.

(2) Subject to any modifications and exceptions made by such rules the enactments for the time being in force in relation to the payment of fees and probate duty shall apply as if the person who applies for re-sealing under this Act were a person applying for probate or letters of administration in Nigeria. 5

Interpre-
tation.

8. In this Act— 10

“Commonwealth country” means a country to which section 14 of the Constitution of the Federation applies ; and

“Region” includes the Federal territory.

1963 No. 20.

Repeal.
Cap. 161

9. The Probates (Re-sealing) Act is hereby repealed.

Short title
and extent.

10. This Act may be cited as the Probates (Re-sealing) Act 15
1966, and shall apply throughout the Federation.

THE SPECIAL CONSTABLES BILL 1966

EXPLANATORY MEMORANDUM

The purpose of the Bill is to modernize the law relating to the Nigeria Special Constabulary by repealing the Special Constables Act 1959 and replacing it with an up-to-date Act under which the Special Constabulary will form part of the Nigeria Police Force.

ABUBAKAR TAFAWA BALEWA
Prime Minister

ARRANGEMENT OF CLAUSES

Clause

1. The Nigeria Special Constabulary.
2. Appointment of special constables in normal circumstances.
3. Resignation, suspension and dismissal of constables appointed under s. 2.
4. Appointment of emergency special constables.
5. Provisions supplementary to s. 4.

6. Equipment.
7. Instruction of special constables.
8. Allowances, pensions, etc.
9. Interpretation.
10. Repeal and transitional provisions.
11. Short title, extent and commencement.

A BILL

FOR

AN ACT TO MAKE FRESH PROVISION WITH RESPECT TO SPECIAL CONSTABLES.

[See section 11 (2)]

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) There shall continue to be a Nigeria Special Constabulary (in this Act called "the special constabulary").

The Nigeria
Special
Constabu-
lary.

(2) The special constabulary shall be, and be deemed always to have been, part of the Nigeria Police Force, and accordingly references in the Police Act to the police force established under that Act shall, subject to the provisions of this Act, include, and be deemed always to have included, references to the special constabulary.

Cap. 154.

(3) The special constabulary shall consist of—

(a) special constables appointed in normal circumstances under section 2 of this Act ; and

15 (b) such emergency special constables as may be appointed from time to time under section 4 of this Act.

(4) In so far as any enactment (whether passed before or after the commencement of this Act) requires police officers to perform military duties or confers power (whether expressly or in general terms) to require police officers to perform such duties, that enactment shall not, in the absence of express provision to the contrary, extend to members of the special constabulary.

2.—(1) Subject to the provisions of this section, the competent authority may appoint as a special constable any person (whether male or female) who—

Appointment
of special
constables
in normal
circum-
stances.

25 (a) has attained the age of twenty-one years but has not attained the age of fifty years ; and

(b) is of good character and physically fit ; and

(c) has signified his willingness to serve as a special constable.

30 (2) The Prime Minister shall from time to time by notice published in the Federal Gazette fix the maximum number of persons who may at any one time hold appointments under this section ; and a person shall not be appointed as a special constable under this section if his appointment would cause the number for the time being so fixed to be exceeded.

35 Before fixing any number under this subsection the Prime Minister shall obtain from the Nigeria Police Council a recommendation with respect thereto.

(3) Subject to subsection (2) above the Inspector-General may from time to time :—

(a) with the approval of the Prime Minister fix the maximum number of persons who may at any one time hold appointments under this section in any territory ; and

(b) at his own discretion fix the maximum number of persons appointed under this section who may at any one time hold any particular rank in the special constabulary in any territory, and may, in either case, fix different numbers with respect to different territories ; and it shall be the duty of every competent authority to secure that the numbers fixed under this subsection are not exceeded.

(4) Every special constable appointed under this section—

(a) shall be appointed to serve as a special constable for one year or such longer period as may be agreed between him and the authority by whom he is appointed, and shall on appointment sign an engagement in the prescribed form to serve as a special constable for that period ;

(b) shall be appointed in respect of the police province or where there is no police province, the police district or police division in which he resides or is employed ;

(c) shall within the territory in which the police area in respect of which he is appointed is situated, but not elsewhere, have the powers privileges and immunities of a police officer ; and

(d) subject to the provisions of this Act, shall be a member of the Nigeria Police Force for all purposes and shall accordingly be subject to the provisions of the Police Act :

Cap. 154.

Provided that a special constable appointed in respect of a police area within the Federal territory shall have the powers, privileges and immunities of a police officer not only within the Federal territory but also within any police area adjacent to the Federal territory.

(5) A special constable appointed under this section shall have such rank as may be assigned to him by the competent authority ; and where the rank of assistant superintendent or any higher rank is assigned to a special constable under this subsection, the assigning authority shall cause notice thereof to be published in the Federal Gazette.

(6) A special constable appointed under this section may within three months before the end of his first or any subsequent period of engagement, and with the permission of the competent authority, re-engage to serve for a further period of one year or such longer period as may be agreed between him and that authority and, if he does so, his appointment under this section shall be deemed to have been extended accordingly ; and without prejudice to the right of the competent authority to refuse permission in any case, a person shall not be permitted to re-engage under this subsection unless he would, if not already a special constable, be qualified for appointment as such under subsection (1) above.

(7) Every special constable appointed under this section shall, on appointment, be issued with a certificate of appointment in the prescribed form, and on the determination of his appointment (whether by the passage of time or under section 3 of this Act) shall be issued with a certificate of discharge in the prescribed form.

(8) In relation to special constables appointed under this section—

(a) section 12 of the Police Act (which relates to the making of a declaration on enlistment or re-engagement) shall have effect as if for the reference to enlistment there were substituted a reference to appointment; and

Cap. 154.

(b) section 13 of that Act (which relates to re-engagement) shall not apply.

3.—(1) A special constable appointed under section 2 of this Act may at any time give to the superior police officer in charge of the police area in respect of which he is appointed notice in writing to the effect that he desires to resign his appointment on a date (not being less than fourteen days later than the date on which the notice is given) mentioned in the notice.

Resignation,
suspension
and dismissal
of constables
appointed
under s.2.

(2) On receipt of a notice under the foregoing subsection the superior police officer in question shall refer it to the competent authority; and if, but only if, the competent authority consents to the notice having effect, the appointment of the special constable by whom the notice was given shall determine on the date mentioned in the notice or the date on which he is notified that the competent authority has given his consent under this subsection, whichever is the later.

(3) The competent authority may at any time, for reasons appearing to him to be sufficient, by notice in writing forthwith suspend or determine the appointment of any special constable appointed under section 2 of this Act and may, if he thinks fit, do so without informing the special constable of the reasons for his action, but shall in every case immediately report his action and the reasons therefor to the Inspector-General.

(4) A special constable whose appointment is suspended or determined under subsection (3) above otherwise than by the Police Service Commission may appeal against the suspension or determination to the competent authority; and any such appeal shall be heard and determined by the competent authority to whom it is made.

(5) Any delegation of the powers of the Police Service Commission under subsections (3) and (4) above shall be such as to secure that in every case the competent authority having power to hear and determine an appeal under subsection (4) above is a police officer of higher rank than the police officer against whose action the appeal is brought.

4.—(1) If at any time the Commissioner of Police for a Region is satisfied, as regards any police area in that Region, that an unlawful assembly or riot or breach of the peace has taken place or may reasonably be expected to take place in that area, or that by reason of other special circumstances it is necessary in the public interest for emergency special constables to be appointed in respect of that area, he may authorise the superior police officer in charge of that area or any chief superintendent of police to appoint persons resident or employed in that area (whether male or female) as emergency special constables.

Appointment
of emergency
special
constables.

(2) An authorisation under this section need not be in writing, but must specify the maximum number of emergency special constables who may be appointed under that authorisation.

(3) Where a superior police officer proposes to appoint any person as an emergency special constable under an authorisation given under this section, he shall cause to be served on that person a notice in the prescribed form requiring him to present himself at a time and place specified in the notice for appointment as an emergency special constable. 5

(4) Every person on whom a notice is served under subsection (3) above shall present himself at the time and place specified in the notice and shall there, on being required to do so by the superior police officer proposing to appoint him, make and sign a promise in the prescribed form to serve as an emergency special constable until such time as his appointment is determined under this section; and immediately after he has made and signed that promise, the superior police officer shall hand to him a document in the prescribed form appointing him as an emergency special constable in respect of the police area to which the authorisation under which he is being appointed relates. 10 15

(5) Every emergency special constable appointed under this section—

(a) shall, in the police area in respect of which he is appointed, but not elsewhere, have the powers, privileges and immunities of a police officer; and 20

(b) subject to the provisions of this Act, shall be a member of the Nigeria Police Force for all purposes, and shall accordingly be subject to the provisions of the Police Act.

Cap. 154.

(6) The superior police officer in charge of the police area in respect of which an emergency special constable is appointed may at any time, and shall if so directed by the Commissioner of Police for the Region in which that police area is situated, by notice in writing forthwith, or with effect from a future date specified in the notice, determine the emergency special constable's appointment; and on the determination of his appointment under this section an emergency special constable shall be issued with a certificate of discharge in the prescribed form. 25 30

(7) Any person who without reasonable excuse (proof of which shall lie on him)—

(a) refuses or fails to comply with the requirements of a notice served on him under subsection (3) above; or 35

(b) refuses to make and sign a promise to serve on being required to do so under subsection (4) above, shall be liable on summary conviction to a fine not exceeding twenty pounds. 40

(8) The foregoing provisions of this section shall apply in relation to the Federal territory as they apply in relation to a Region, subject to the modification that, in relation to the Federal territory, any reference to the Commissioner of Police shall be construed as a reference to the Inspector-General of Police. 45

(9) The foregoing provisions of this section shall have effect subject to section 5 (2) and (3) of this Act.

5.—(1) The Commissioner of Police for a Region or the Inspector-General—

Provisions
supplemen-
tary to s.4.

(a) on giving an authorisation under section 4 of this Act, shall forthwith inform the Prime Minister of his action and of the circumstances which led him to take it, and shall as soon as possible cause notice of the giving of the authorisation to be published in the appropriate Gazette; and

(b) as soon as possible after all emergency special constables appointed under that authorisation have been discharged shall cause notice of that fact to be published in the appropriate Gazette.

In this subsection "the appropriate Gazette", in relation to the Commissioner of Police for a Region means the Regional Gazette, and in relation to the Inspector-General means the Federal Gazette.

(2) The Prime Minister may by order published in the Federal Gazette declare persons of any class or description specified in the order to be exempt from appointment as emergency special constables under section 4 of this Act; and the power to appoint persons as emergency special constables under that section shall not extend to persons of any class or description for the time being so specified.

(3) Any power to make or determine appointments under or by virtue of section 4 of this Act shall be exercisable only while there is in force the necessary delegation of that power by the Police Service Commission of the Federation.

(4) Section 12 of the Police Act (which requires certain police officers on enlistment to make and subscribe the police declaration prescribed by the Oaths Act 1963) and section 13 of the Police Act (which relates to re-engagement) shall not apply to emergency special constables.

Cap. 154.

1963 No. 23.

6.—(1) The Inspector-General may provide for use by special constables such batons, clothing and other equipment as he considers necessary for the proper carrying out of their duties.

Equipment.

(2) Any expenses incurred by the Inspector-General under this section shall be defrayed out of moneys provided by Parliament.

7.—(1) Regulations made by virtue of section 47 (a) of the Police Act with respect to the organisation and administration of the Force shall not require special constables to attend for instruction on more than four days in any one month or for periods amounting in the aggregate to more than twenty-four hours in any one month.

Instruction
of special
constables.

(2) Any person responsible for giving instruction to special constables under regulations made as aforesaid shall have regard as far as possible to the convenience of special constables who are to attend for instruction and also, where applicable, to that of the employers of such special constables.

8.—(1) Except as expressly provided by this section or by regulations made by virtue of subsection (3) below, a person's service as a special constable shall not render him or any other person eligible for any pay, allowance, pension or gratuity under the Police Act or the Pensions Act.

Allowances,
pensions, etc.

Cap. 147.

(2) A special constable shall have no claim on the Police Reward Fund established under section 34 of the Police Act and shall not as such be entitled to occupy living accommodation provided at the public expense.

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(3) Regulations made by virtue of section 47 (a) of the Police Act may provide for allowances to be paid to special constables—

(a) in respect of expenses incurred by them in connection with their attendance at periods of instruction;

(b) as compensation for loss of earnings during periods of full-time duty; and,

(c) in respect of the use by special constables of or above the rank of inspector of their own vehicles while on full-time duty,

but shall not provide for the payment of any other allowances to special constables; and the amount of any such allowance as is mentioned in paragraph (a) or (b) above shall be fixed by the regulations, and shall not be calculated by reference to the actual expenses or loss of earnings of the person to whom it is payable.

(4) Without prejudice to the generality of the said section 47, regulations thereunder may make provision for enabling any such allowance as is mentioned in subsection (3) above to be withheld by a superior police officer if, in his opinion, there are good reasons for withholding it.

Cap. 147.

(5) Subject to subsection (7) below, section 18 (3) of the Police Act (which makes provision for the payment of pensions where a constable dies on duty) and section 17 of the Pensions Act (which contains corresponding provisions applicable to police officers above the rank of constable) shall apply to special constables as they apply to regular police officers.

(6) Subject to subsection (7) below, paragraphs (1) and (2) of regulation 24 of the Pensions Regulations (which make provision for the payment of pensions to officers in respect of permanent injuries received while on duty) shall apply to special constables as they apply to regular police officers, so however that, for the purposes of the application of those paragraphs to special constables, references to retirement shall be construed as references to retirement from employment other than employment as a special constable.

(7) If a special constable is killed or sustains injuries at a time when he holds some other office in the public service of the Federation or of a Region, his duty as a special constable shall, for the purpose of the Pensions Act, be deemed to form part of his duty as the holder of that other office, and subsections (5) and (6) above shall not apply in his case.

(8) Any pension granted by virtue of subsection (5) or (6) above shall be subject to the provisions of the Act under which it is granted and shall be liable to cease or be otherwise dealt with accordingly.

(9) In this section "regular police officer" means a police officer who is neither a special constable nor a supernumerary police officer.

Interpretation.

9. In this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

"competent authority", in relation to any power to appoint special constables, or to approve their re-engagements, or to suspend or determine their appointments, or to assign ranks to or exercise disciplinary control over special constables, or to hear their appeals against suspension or dismissal, means the Police Service Commission or any superior police officer or inspector to whom the power in question has by notice published in the Federal Gazette been delegated in accordance with section 110 (1) of the Constitution of

the Federation, and any such notice may, as regards any such power, make different provision with respect to different ranks in the special constabulary ;

"emergency special constable" means an emergency special constable appointed under section 4 of this Act ;

"the Force" means the Nigeria Police Force ;

"the Inspector-General" means the Inspector-General of Police ;

"police area" means any police province, police district or police division ;

"police officer" means any member of the Force ;

"police province", "police district" and "police division" mean respectively a police province, police district or police division established under the provisions of Standing Orders made under section 48 of the Police Act ;

"prescribed" means prescribed by regulations made under section 47 of the Police Act ;

"special constable" includes an emergency special constable ;

"superior police officer" has the same meaning as in the Police Act ;

"territory" means a Region or the Federal territory.

Cap. 154.

10.—(1) The Special Constables Act 1959 is hereby repealed, and Government Notice No. 1598 (Approval of Maximum Personnel Establishment) dated 30th July 1960 and the Special Constables (Training and Allowances) Regulations 1960 are hereby revoked ; but section 6 of the Jury Act, in its application to the Federal territory, shall continue to have effect as if after the entry "Schoolmasters" there were inserted the entry "Special constables".

Repeal and transitional provisions.
1959 No. 23.
L.N. 116 of 1960.
Cap. 90.

(2) Subject to subsections (1) and (4) of this section, anything done under or by virtue of the Special Constables Act 1959 shall be deemed to have been done under or by virtue of the corresponding provision of this Act or of the Police Act ; and anything begun under or by virtue of the said Act of 1959 may be continued under or by virtue of this Act or the Police Act as if begun under or by virtue of this Act or the Police Act.

(3) Without prejudice to the generality of subsection (2) above, any person who immediately before the commencement of this Act held an appointment as a special constable under the Special Constables Act 1959 shall be deemed to have been appointed under and in accordance with the corresponding provisions of this Act on the date and for the period on or for which he was actually appointed ; and service under that Act shall, for the purposes of any pension for which a special constable is eligible by virtue of this Act, be deemed to be service under this Act.

(4) Nothing in this Act shall affect any pension which was before the commencement of this Act granted under the Special Constables Act 1959 ; and the provisions of that Act shall continue to apply to any pension so granted as if this Act had not been passed.

11.—(1) This Act may be cited as the Special Constables Act 1966 and shall apply throughout the Federation.

Short title, extent and commencement.

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

THE INTERPRETATION (AMENDMENT) BILL 1966

EXPLANATORY MEMORANDUM

The purpose of this Bill is to insert in the Interpretation Act 1964 a new section dealing with the interpretation of references in Federal legislation to provisions of Regional legislation where the Regional provisions are amended or other provisions are substituted for them. The new section will do for references to Regional legislation what subsections (1) and (2) (b) of section 4 of the 1964 Act already do for references to Federal legislation. The Bill applies only to Federal legislation, and will not affect the interpretation of Regional legislation.

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

A BILL

FOR

AN ACT TO AMEND THE INTERPRETATION ACT 1964 SO AS TO PROVIDE FOR THE CONSTRUCTION OF REFERENCES IN ENACTMENTS TO PROVISIONS OF LAWS WHERE THOSE PROVISIONS ARE AMENDED OR OTHER PROVISIONS ARE SUBSTITUTED THEREFOR.

[20th January 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. The Interpretation Act 1964 shall be amended by the insertion
5 after section 4 of the following section—

Amend-
ment of
1964 No. 1,

“References
to amended
or
substituted
provisions
10 of Laws.

4A.—(1) A reference in an enactment to a provision of a Law shall, if that provision has been amended, be construed as a reference to that provision as amended.

(2) Where any provision of a Law is repealed and another provision contained in a Law is substituted for it, any reference in any enactment to the repealed provision shall, after the substituted provision comes into force, be construed as a reference to the substituted provision.”

15 2.—(1) This Act may be cited as the Interpretation (Amendment) Act 1966 and shall apply throughout the Federation.

Short title,
extent,
commence-
ment, etc.

(2) This Act shall be deemed to have come into force on 20th January 1964.

(3) This Act binds the state.