

Assented to in Her Majesty's name this 1st day of October, 1959.

R. F. A. GREY,
*Officer Administering the
Government of the Federation*

(L.S.)

No. 20

1959



Federation of Nigeria

IN THE EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR RALPH FRANCIS ALNWICK GREY, K.C.M.G., K.C.V.O., O.B.E.

Officer Administering the Government of the Federation

AN ORDINANCE TO PROVIDE FOR THE PROFESSIONAL QUALIFICATIONS, REGISTRATION AND DISCIPLINARY CONTROL OF NURSES AND MATTERS INCIDENTAL THERETO.

Title.

[By Notice, see section 1]

Commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows:

Enactment.

1. (1) This Ordinance may be cited as the Nurses Ordinance, 1959, and shall come into operation on a day to be appointed by the Governor-General by notice in the Gazette.

Short title, commencement and application.

(2) This Ordinance shall have effect throughout the Federation.

Interpreta-
tion.

2. (1) In this Ordinance, unless the context otherwise requires—
“Council” means the Nursing Council for Nigeria established under section 3;

“nurse in training” means a person training to be a nurse at any hospital or other institution approved as a training school under section 7;

“regional committee” means a nursing committee established for a Region under section 4;

“register” means a register kept in accordance with section 5, and “general register” and “supplementary register” shall be construed accordingly;

“registered” means registered under this ordinance and “registered nurse” shall be construed accordingly.

(2) Any reference in this Ordinance to a Region shall, unless the context otherwise requires, be deemed to include a reference to the Federal Territory of Lagos and to the Southern Cameroons.

Establish-
ment of
Nursing
Council.
First
Schedule.

3. (1) There shall be established a Nursing Council for Nigeria to be constituted in accordance with the provisions of the First Schedule.

(2) A member of the Council nominated in accordance with the provisions of the First Schedule shall retain his membership for a period of three years and at the end of that period shall be eligible for re-nomination.

(3) The Council shall not be deemed to be improperly constituted by reason of any failure to nominate any particular member in accordance with the provisions of the First Schedule.

(4) The Chairman or other member presiding and five other members shall form a quorum at any meeting of the Council.

(5) The Governor-General shall appoint a person, whether a member of the Council or not, by name or by office to be the Secretary and Registrar of the Council.

Establish-
ment of
committees.

4. The Council shall establish for each Region a nursing committee in accordance with regulations made under section 13 to carry out such functions and duties as may be prescribed.

Registers to
be kept.

5. The Council shall keep or cause to be kept, in accordance with the provision of this Ordinance, a general register for the registration of persons holding nursing qualifications of a general nature, and a supplementary register for the registration of persons holding nursing qualifications of a specialized nature.

Persons who
may be
registered.
Second
Schedule.

6. (1) Subject to the provision of this Ordinance the persons specified in the Second Schedule shall upon making application in the prescribed form and payment of the prescribed fee and upon proof of identity be entitled to be registered by the Council on the general register under the provisions of this Ordinance.

Third
Schedule.

(2) Subject to the provisions of this Ordinance, any person whose name is registered in the register of any of the bodies set out in the Third Schedule or possessing the qualifications entitling him or her to registration by the Nursing Council for England and Wales shall upon making application in the prescribed form and payment of the prescribed fee and upon proof of identity be entitled to be registered by the Council on the general register under the provisions of this Ordinance in respect of the qualifications registered or registerable by that body.

(3) Subject to the provisions of this Ordinance any person who proves to the satisfaction of the Council that he or she has been trained in any place outside Nigeria, other than a place in which registration by one of the bodies set out in the Third Schedule may be effected and has passed an examination in nursing, and the Council is satisfied that the standards of training and examination in that place are not lower than the standards required under the provisions of this Ordinance, shall upon making application in the prescribed form and payment of the prescribed fee and upon proof of identity be entitled to be registered by the Council on the general register under the provisions of this Ordinance in respect of the qualifications to which the examination related:

Third
Schedule.

Provided that the Council may, in any case of doubt, require the applicant to pass an examination approved by the Council.

(4) Subject to the provisions of this Ordinance the persons specified in the Fourth Schedule shall upon making application in the prescribed form and payment of the prescribed fee and upon proof of identity be entitled to be registered by the Council on the supplementary register under the provisions of this Ordinance.

Fourth
Schedule.

(5) Subject to the provisions of this Ordinance the Council may, in its discretion, upon application in the prescribed form and payment of the prescribed fee and proof of identity, register any person registered by or holding a valid certificate of a nursing body outside Nigeria on the supplementary register under the provisions of this Ordinance if such registration or certificate does not entitle him or her to registration by the Council on the general register under the provisions of this Ordinance.

(6) No person shall be registered under this section by reason of his or her registration by a body outside Nigeria or of his or her possession of qualifications entitling him or her to registration by such a body unless he or she produces a certificate to that effect duly authenticated to the satisfaction of the Council.

7. The Council may, on the recommendation of a Regional Nursing Committee, approve hospitals and other similar institutions in Nigeria as training schools for nurses.

Approval of
training
schools.

8. The Council may, by rule—

- (a) prescribe the standards and subjects for nurses in training;
- (b) prescribe the standards and subjects for examinations to entitle nurses in training to be registered by the Council under the provisions of this Ordinance.

Rules
relating to
standards,
etc.

9. The Council may, by resolution—

(a) direct that the name of any person be removed from a register who has, in the opinion of the Council, been guilty of infamous conduct or when, in the opinion of the Council, the conduct or character of any person renders it expedient, in the public interest, so to do;

(b) direct that the name of any person be entered in the appropriate register if in the opinion of the Council such person is qualified to be so registered and, notwithstanding the other provisions of this Ordinance, refuse to enter the name of any person on a register, even if so qualified, when the Council is of opinion that it is in the public interest so to refuse;

Powers of
Council in
relation to
registration
and training
schools.

(c) on the recommendation of a regional committee direct that any hospital or other similar institution previously approved as a training school be no longer so approved, where the Council is of opinion that it is expedient in the public interest so to do.

Right of appeal.

10. (1) Any person aggrieved by a refusal of the Council to enter his or her name in a register or by a direction to remove his or her name from a register or by a refusal to approve any hospital or other similar institution as a training school or by a direction that any training school be no longer approved as such may, within one month of notification of the refusal or direction, appeal therefrom to the appropriate High Court.

(2) The appropriate High Court to which an appeal lies under subsection (1) shall be—

(a) in the case of a refusal to enter a name in a register, or a direction to remove a name from a register, the High Court having jurisdiction in that part of the Federation where the appellant is residing at the time when the appeal is entered, or

(b) in the case of a refusal to approve a hospital or other similar institution as a training school, or a direction that a training school be no longer approved as such, the High Court having jurisdiction in that part of the Federation in which the hospital, institution or training school is situated.

Offences.

11. In any proceedings a certificate under the hand of the Secretary and Registrar of the Council shall be conclusive evidence that the person named in the certificate is registered in accordance with the terms of the certificate or is not registered, as the case may be.

12. Any person who—

(a) not being a person duly registered under this Ordinance, uses the title "registered nurse" or "nurse-in-training" or its equivalent in any language either alone or in combination with any other word or letters, or who uses any name, title, description, uniform or badge implying that he or she is a person registered under this Ordinance or is a nurse-in-training, or uses any title, uniform or badge prescribed for the use of persons registered under this Ordinance, or of nurses-in-training; or

(b) being a person whose name is included in the supplementary register and not in the general register, uses any name, title, description, uniform or badge or otherwise does any act implying that he or she is registered in the general register; or

(c) with intent to deceive uses a certificate of registration issued under this Ordinance to any other person; or

(d) wilfully gives or causes to be given any false information knowing or having reason to believe that such information may be used for any application or other matter under the provisions of this Ordinance, shall be guilty of an offence and liable on conviction to a fine of one hundred pounds and to imprisonment for one year.

Regulations.

13. (1) The Council may, with the approval of the Governor-General, make regulations prescribing or providing for—

(a) the manner and procedure of meetings of the Council;

(b) the establishment, constitution and powers of regional committees;

(c) the form of registers kept under this Ordinance, the manner in which they shall be kept and in which they may be amended or revised;

(d) the holding of examinations and the persons or bodies who may hold examinations;

(e) the issue of certificates of registration under this Ordinance and the uniform or badges to be worn by registered nurses or nurses-in-training;

(f) fees and exempting any persons or class or classes of persons from the payment thereof;

(g) the keeping of indexes and records of nurses-in-training;

(h) generally for carrying into effect the provisions of this Ordinance.

(2) Regulations made under this section shall be signed by the Chairman of the Council and shall be published in the Gazette of the Federation in accordance with the provisions of subsection (3) of section 19 of the Interpretation Ordinance.

14. The office of member of the Council shall not be an office of emolument under the Crown for any of the purposes of the Nigeria (Constitution) Order in Council, 1954.

15. The Governor-General may by order amend any of the Schedules.

16. (1) Any person whose name was, immediately before the coming into operation of this Ordinance, included in the register of nurses for the sick kept in accordance with the Registration of Nurses Ordinance referred to in section 17 shall, without application or payment of a fee, be entitled to be registered in the appropriate register under the provisions of this Ordinance in respect of the qualifications held by such persons.

(2) Any certificate granted and any other thing done under and in accordance with the Ordinance referred to in subsection (1) by the former Nursing Council for Nigeria established under the Registration of Nurses Ordinance referred to in section 17, shall so far as is consistent with the provisions of this Ordinance, continue to be effective and be deemed to have been granted or done under and in accordance with this Ordinance, by the Council established under this Ordinance.

17. (1) The Registration of Nurses Ordinance is repealed in respect of Lagos.

(2) To the extent that any provisions of the Registration of Nurses Ordinance or of any other enactment relating to nurses are inconsistent with the provisions of this Ordinance, that Ordinance or other enactment is superseded by this Ordinance in respect of each Region.

FIRST SCHEDULE (sections 3 and 15)

CONSTITUTION OF COUNCIL

1. The Chairman of the Council shall be the Chief Medical Adviser to the Federal Government of Nigeria or, if he is absent from Nigeria or otherwise unable to carry out the functions of Chairman, the person for the time being carrying out the functions of Chief Medical Adviser.

Cap. 94.

Membership of Council not an office of emolument under Crown. L.N. 16 of 1959.

Amendment of Schedule.

Persons previously registered and past acts Council.

Cap. 196.

Repeal Cap. 196.

2. The following shall, in addition to the Chairman, be members of the Council:—

the Principal Matron of the Federation;

the Principal or Regional Matron from each Region and the Southern Cameroons;

the Principal Tutor of the School of Nursing, University College Hospital, Ibadan;

one representative nominated by the Federal Minister of Health after consultation with such professional associations connected with matters relating to health as the Minister may deem appropriate;

two representatives nominated by the Federal Minister of Health after consultation with such voluntary agencies operating hospitals as the Minister may deem appropriate;

five registered nurses trained in Nigeria comprising one from each Region, one from the Southern Cameroons and one from Lagos nominated by the Minister charged with responsibility for matters relating to health in the territory concerned on the recommendation of the Professional Head of the Medical Service of that territory;

one Woman Education Officer nominated by the Federal Minister of Education;

five Sister Tutors comprising one from each Region, one from the Southern Cameroons and one from Lagos nominated by the Minister charged with responsibility for matters relating to health in the territory concerned on the recommendation of the Professional Head of the Medical Service of that territory.

SECOND SCHEDULE (sections 6 (1) and 15)

PERSONS ENTITLED TO REGISTRATION ON GENERAL REGISTER

(a) Any person holding a valid certificate of competency in nursing issued by the Council in pursuance of regulations made under section 13.

(b) Any person holding a valid certificate of competency in nursing issued by University College Hospital, Ibadan.

(c) Any person holding a valid certificate of competency in nursing issued by the head of the Medical Services in Nigeria, however designated, prior to the 1st August, 1957.

(d) Any person registered as, or possessing the qualifications entitling him or her to registration as, a Mental Nurse in the United Kingdom.

(e) Any person holding a valid certificate of competency in Mental Nursing issued by the Council in pursuance of regulations made under section 13.

(f) Any person registered as, or possessing the qualifications entitling him or her to registration as, a Mental Deficiency Nurse in the United Kingdom.

(g) Any person registered as, or possessing the qualifications entitling him or her to registration as a Sick Children's Nurse in the United Kingdom.

(h) Any person holding a valid certificate of competency in Sick Children's Nursing issued by the Council in pursuance of regulations made under section 13.

(i) Any person registered as, or possessing the qualifications entitling him or her to registration as, a Health Visitor in the United Kingdom.

(j) Any person holding a valid certificate of competency in Health Visitor training issued by the Council in pursuance of regulations made under section 13.

THIRD SCHEDULE (sections 6 (2) and (3) and 13)

RECOGNISED NURSING BODIES

The General Nursing Council for England and Wales.

The Nursing and Midwives Council of Northern Ireland.

The General Nursing Council for Eire.

The General Nursing Council for Scotland.

FOURTH SCHEDULE (sections 6 (4) and 15)

PERSONS ENTITLED TO REGISTRATION ON SUPPLEMENTARY REGISTER

(a) Any person holding a valid certificate of the British Tuberculosis Association.

(b) Any person holding a valid certificate of competency in Community Nursing issued by the Council in pursuance of regulations made under section 13.

(c) Any person registered by or holding a valid certificate of the Royal Medico Psychological Association.

(d) Any person holding a valid Sister Tutor Diploma or such diploma or certificate in the teaching of nurses as the Council may approve.

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

PRODUCE (ENFORCEMENT OF EXPORT STANDARDS)
ORDINANCE 1959

A 111

ARRANGEMENT OF SECTIONS

1. Short title, commencement and application.
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5. Constitution and proceedings of Board.
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7. Power to make regulations.
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9. Export of damaged produce.
10. Wrongful grading an offence.
11. Unauthorised use or possession of seals, etc.
12. Pest infestation.
13. Powers of entry and seizure.
14. Treatment of detained produce.
15. Powers to re-examine produce.
16. Offences generally.
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18. Offences in relation to inspection, grading, etc.
19. Forfeiture of produce.
20. Duty to provide labour for inspection.
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22. Prosecutions.
23. Power to sue for fees.
24. Presumption as to intention to export.
25. Offence by public officer.
26. Effect of inspection, passing or grading.
27. Repeal of No. 24 of 1950.

SCHEDULE

FIRST SCHEDULE. Produce to which Ordinance applies.

SECOND SCHEDULE. Constitution and proceedings of Board.

R. F. A. GREY,
*Officer Administering the
Government of the Federation*

(L.S.)

No. 21

1959



Federation of Nigeria

IN THE EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR RALPH FRANCIS ALNWICK GREY, K.C.M.G., K.C.V.O., O.B.E.
Officer Administering the Government of the Federation

AN ORDINANCE TO MAKE PROVISION FOR THE INSPECTION OF COMMODITIES FOR EXPORT FROM NIGERIA IN THE FEDERAL TERRITORY OF LAGOS AND AT PORTS OF SHIPMENT, FOR THE PURPOSE OF ENFORCEMENT OF GRADES AND STANDARDS OF QUALITY IN RESPECT OF SUCH COMMODITIES, AND FOR MATTERS INCIDENTAL TO THE EXECUTION OF THE POWERS CONFERRED BY THIS ORDINANCE.

Title.

[1st December, 1959]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows—

1. (1) This Ordinance may be cited as the Produce (Enforcement of Export Standards) Ordinance, 1959, and shall come into operation on the 1st day of December, 1959.

Short title,
commence-
ment
and
application.

(2) This Ordinance shall apply in respect of the Federal Territory of Lagos and also at any port of shipment of produce for export from Nigeria.

Interpretation.

2. (1) In this Ordinance, unless the context otherwise requires—

“assistant produce officer” means an officer of that rank in the Produce Inspection Service of the Government, whether of the Government of the Federation or of a Region ;

“Board” means the Produce Inspection Board established under section 4 ;

“buy” includes exchange or barter, whether for goods or services, and any agreement or contract to buy, exchange or barter ;

“buyer” means the person who himself conducts the transaction of buying, whether for himself or for another ;

“chief produce inspector”, subject to the provisions of subsection (2), means an officer of that rank in the Produce Inspection Service of the Federation ;

“clean” means to free produce from any foreign, superfluous or inferior matter by picking, boiling or other means, and includes the extraction of excessive moisture from produce ;

“export”, with its grammatical variations and cognate expressions, means to take or cause to be taken out of Nigeria ;

“exportable standard” means a standard which is not lower than that prescribed for produce intended for export, under the provisions of the Export of Nigerian Produce Ordinance, 1958, or any other law ;

“expose for sale” includes to place any produce on premises on which produce is habitually bought by, or for eventual delivery to, any exporter of produce or licensed buying agent, whether the person so placing such produce states that he intends to offer it for sale or not ;

“Government” means the Government of the Federation or of a Region ;

“inspector”, subject to the provisions of subsection (2), means a produce inspector of the Produce Inspection Service of the Federation, and includes any person appointed as an inspector or examiner for the purposes of this Ordinance ;

“licence” means a licence issued in accordance with the provisions of this Ordinance ;

“licensed buying agent” means a person or firm or a servant of such person or firm, holding a licence in that behalf issued by the Western Region Marketing Board under the provisions of the Western Region Marketing Board Law, 1954 ;

“licensing authority” means an authority empowered under this Ordinance to grant a licence ;

“Minister” means the member of the Council of Ministers for the time being charged with responsibility for matters relating to external trade ;

“pest” means any vermin, insect, parasite, fungus, bacterium or disease harmful to produce ;

“port of shipment” means the place from which produce is exported by any means and for such purpose the whole of the Federal Territory of Lagos shall be deemed a port of shipment ;

“produce officer”, subject to the provisions of subsection (2), means any officer of the Produce Inspection Service of the Federation of or above the rank of produce officer or pest infestation control officer ;

No. 36 of 1958.

W.R. Law
10 of 1954.

"possess for sale" include constructive possession of produce which is exposed for sale, or of produce which is found upon the premises of any store in respect of which there is in force a certificate of registration issued in accordance with the provisions of any regulations made under this Ordinance;

"sell" includes exchange or barter, whether for goods or services, and any agreement or contract to sell, exchange or barter;

"senior produce inspector" subject to the provisions of subsection (2), means an officer of that rank in the Produce Inspection Service of the Federation;

(2) Except in any respect that the Governor-General may otherwise direct, officers of the Produce Inspection Service of the Western Region—

(a) shall have and may exercise in respect of Lagos all the powers and duties conferred in this Ordinance upon officers of the Produce Inspection Service of the Federation; and

(b) shall have and may exercise in respect of Lagos all the powers and duties conferred upon them in the Western Region under any law in force in that Region dealing with the inspection and grading of produce for export,

with the exception of powers and duties relating to the final re-examination of produce at the time of shipment.

(3) Subsection (2) shall not come into operation until the Minister shall have notified in the Gazette of the Federation the consent of the Governor of the Western Region thereto.

3. (1) This Ordinance shall apply to the produce described in the First Schedule, being produce intended for export, and the word "produce" in this Ordinance shall be construed accordingly.

(2) The Minister may by order add to or delete from the First Schedule any description of produce.

4. (1) Upon the coming into operation of this Ordinance the Produce Inspection Board established under the provisions of section 5 of the Produce Inspection Ordinance, 1950, without prejudice to anything lawfully done under that ordinance shall cease to exist and there shall be established a Produce Inspection Board (hereinafter referred to as the Board) constituted as hereinafter mentioned.

(2) The Board shall be appointed by the Minister and shall consist of a chairman and nine other members as follows—

(a) six members, of whom two shall be appointed from the Northern, Western and Eastern Regions respectively with the consent of the Governor of the Region, and who shall in respect of each Region consist of one officer in the public service of the Region with technical experience of produce inspection and one person (not being a public officer) appearing to the Minister to have special knowledge of or interest in produce subject to inspection;

(b) two members, not being public officers, of whom one shall be appointed from the Federal Territory of Lagos, and one from the Southern Cameroons with the consent of the Commissioner of the Cameroons, such persons appearing to the Minister to have special knowledge of or interest in produce subject to inspection, and

(c) one member who shall be appointed by name or by office with the consent of the Governor-General and who shall be an officer of the public service of the Federation.

Produce to which Ordinance applies.

First Schedule.

Establishment of the Produce Inspection Board.

Constitution
and
proceedings
of Board.
Second
Schedule.

Functions
of the
Board.

No. 38 of
1958.

5. The provisions of the Second Schedule shall apply in relation to the constitution and proceedings of the Board.

6. The functions of the Board shall be as follows—

(a) to advise the Minister under section 4 (1) of the Export of Nigerian Produce Ordinance, 1958;

(b) to advise the Minister upon the making of regulations under section 7, or the making of any order under subsection (2) of section 3;

(c) to advise the Regions of the Federation, upon request, on matters concerning produce inspection legislation under Regional produce inspection laws;

(d) to advise the Minister concerning the Ordinance or its application or any matter concerning produce inspection generally.

7. (1) The Minister with the advice of the Board may make regulations prescribing or providing for—

(a) the precautions which shall be taken to prevent the occurrence and spread of pest infestation in produce at Lagos by means of inspection thereof and for such purposes prescribing or providing for the powers and duties of officers concerned in pest control;

(b) the inspection and grading according to its quality and purity of any produce at its port of shipment, and prohibiting or regulating the export of any produce which has not been so inspected and graded, or which does not conform to standards prescribed in accordance with the Export of Nigerian Produce Ordinance, 1958, or any other law;

(c) the structural conditions to which stores or buildings used or partly used for the inspection, grading and storage of produce in Lagos must conform, and providing for the registration, licensing, classification and numbering of such stores or buildings by the Western Region Produce Inspection Service and for the conditions under which produce shall be stored;

(d) prohibiting the inspection and grading of produce on any premises in Lagos which do not conform to the prescribed conditions, or which have not been registered;

(e) in the Federal Territory of Lagos, prohibiting the transport of adulterated produce or produce which cannot be passed or graded in accordance with any written law, and generally prohibiting the traffic in such produce;

(f) the type of containers to be used for produce and the packing, closing, marking or sealing the same;

(g) the type of marking appliances to be used by an inspector and the designs or letters to be placed on such marking appliances and for the Federal Territory of Lagos only the types of seals, presses or punch dies to be used by any officer of the Produce Inspection Services and the designs or numbers to be placed on such seals presses or dies;

(h) the form and place in which registers shall be kept by the person in charge of any store or building licensed under paragraph (c) hereof for storage of specified produce, and for the inspection of such registers by specified officers;

Power to
make regu-
lations.

(i) what shall be deemed to constitute adulteration for the purposes of this Ordinance, in respect of any description of produce;

(j) penalties for offences against any regulation made hereunder not exceeding a fine of one hundred pounds or imprisonment for six months or both;

(k) powers and duties of produce officers, assistant produce officers or inspectors, to permit or require the cleaning of any produce, and the removal and destruction of any extraneous matter or siftings separated from produce, and empowering pest infestation control officers to require the fumigation or treatment of produce, stores, buildings or platforms used or partly used for the storage of produce, for the purpose of decontamination;

(l) the fees to be paid including those for inspection or re-inspection, or overtime;

(m) conditions for the working of overtime by assistant produce officers or inspectors, and the officers who may issue permits for overtime work;

(n) the appointment of licensing authorities, and the grant, renewal, form and duration of any licences which may be prescribed, and the conditions which may be attached thereto;

(o) the appointment of markets and inspection stations;

(p) generally for the better carrying into effect of the provisions of this Ordinance;

(2) In relation to the making of regulations the Minister shall not be bound to accept the advice of the Board.

(3) The Minister may make regulations without the advice of the Board in any case in which the matter is, in his judgment, too urgent to admit of the giving of their advice in the time within which it may be necessary to make the same.

(4) Any such regulations shall be laid before the House of Representatives at the next meeting thereafter and the House of Representatives may approve or revoke such regulations but any revocation shall be without prejudice to anything lawfully done thereunder or to the making of further regulations.

8. (1) In the event of an outbreak of serious pest infestation, the Minister may by Order notified in the Gazette provide for the immediate steps which, in his opinion are necessary in Lagos to combat such infestation and to prevent its spread, and, without prejudice to the generality of this provision, may provide by such Order for the prohibition of the movement or for the destruction of any produce.

(2) An Order made under this section may prescribe penalties for offences against any provision of such Order not exceeding a fine of one hundred pounds or imprisonment for six months or both.

(3) When an Order has been made under this section, the Minister shall convene a meeting of the Board within thirty days of the making of such Order and shall seek the advice of the Board and if so advised shall by regulation under section 8 make such provision as may be necessary in the circumstances, and upon such provision being made by the Minister the Order made under this section shall without prejudice to anything lawfully done thereunder expire unless it shall previously have expired under the provisions of the Order itself.

Emergency
orders for
pest control
on Lagos.

Export of
damaged
produce.

9. (1) Notwithstanding anything in this Ordinance, where any produce which has been inspected and passed for export has subsequently suffered damage or deteriorated in quality to such an extent that it can no longer be made to conform to an exportable standard, the Minister or officer deputed by him in writing in that behalf may grant a special permit authorising the export of such produce upon such conditions and for such purposes as may be specified in the permit.

(2) Notwithstanding anything in this Ordinance, where any produce has suffered damage or deteriorated in quality to such an extent that it no longer conforms to an exportable standard, the Minister or officer deputed by him in writing in that behalf may, if satisfied that such damage or deterioration was due to circumstances beyond the control of the owner of such produce, grant a special permit authorising the export of the produce upon such conditions and for such purposes as may be specified in the permit.

(3) Where produce is exported under the authority of a special permit granted under the provisions of subsection (1), any seals or other marks indicating that such produce has been graded for export shall be removed or obliterated by the person exporting the same to the satisfaction and in the presence of a produce officer, assistant produce officer, or inspector of the Produce Inspection Service of the Region in which the port of shipment is situated, or in respect of Lagos, the Produce Inspection Service of the Western Region.

Wrongful
grading an
offence.

10. (1) A produce officer, assistant produce officer, chief produce inspector, senior produce inspector or inspector who knowingly passes or grades produce for export which is not of exportable standard shall be guilty of an offence, and liable to a fine of two hundred pounds or to imprisonment for one year, or to both such fine and imprisonment.

(2) Where in any prosecution under this section the person charged alleges that unauthorised use was made of any seal, press, punch-die or other sealing or marking appliance used for sealing produce or for marking containers without his consent, the onus of proving such unauthorised use shall be on him.

(3) In any prosecution under this section it shall be sufficient for the prosecution to prove the person charged to be a produce officer, assistant produce officer, chief produce inspector, senior produce inspector or inspector, and that he passed or graded the produce in question for export and that such produce was not of exportable standard, and thereupon the onus of proof that such wrong grading was not done knowingly shall be upon the person charged.

Unauthorised
use or
possession
of seals,
etc.

11. Any person who—

(a) makes unauthorised use of any prescribed type of seals, presses, punch-dies or other sealing or marking appliances used for sealing produce or for marking containers or of any apparatus for sampling or testing produce, or for extracting any of the contents of bags of produce intended for export or detained under the provisions of this Ordinance; or

(b) is found in possession of any such article or of any article so closely resembling the same as reasonably to be mistaken therefor without lawful excuse (the onus of proving such lawful excuse being upon the person charged)

shall be guilty of an offence, and shall be liable to a fine of two hundred pounds or to imprisonment for one year, or to both such fine and imprisonment.

12. Where any produce is found within Lagos to be infested or suspected to be infested with any pest—

Pest infestation.

(a) a produce officer may make such order as he may deem necessary for the treatment of such pest; and

(b) upon the failure of the owner of the produce to comply with any such order, the officer who made the order, or any person authorised by him in that behalf in writing, may enter upon any land or premises and carry out such measures as he may deem necessary to prevent the spread of the pest, at the owner's expense.

13. (1) For the purpose of carrying out his duties under this Ordinance, any produce officer, assistant produce officer, chief produce inspector, senior produce inspector or inspector in uniform shall have power—

Powers of entry and seizure.

(a) to enter at all times which are reasonable, having regard among other things to the religious beliefs and social customs prevailing in the area in question, any building or place in which he has reason to suppose that any produce which is subject to regulations made under this Ordinance is stored, and inspect and take samples of any such produce stored therein, whether or not such produce has previously been inspected or graded;

(b) to stop any person carrying or believed to be carrying any such produce and to examine such produce, and to stop and search any vehicle, boat, canoe or animal carrying or believed to be carrying such produce and to call upon the person in charge of such vehicle, boat, canoe, or animal or, if he cannot be ascertained, the person appearing to be in charge of such vehicle, boat, canoe or animal, and the person or persons in charge of such produce to unload any such produce for examination;

(c) to direct the person in charge of the vehicle, boat, canoe or animal, and the person or persons in charge of any produce seized under the provisions of paragraph (b), to proceed in or with the particular conveyance employed to the nearest suitable place for the purpose of depositing therein the seized produce and containers thereof;

(d) to seize and detain any produce which he reasonably suspects to have been adulterated, or in respect of which an offence against this Ordinance appears to him to have been committed, together with any receptacle in which such produce is contained, and to seize and detain any article, register or document believed to be connected with the offence;

(e) in cases where he is satisfied that the owner of any produce which has been seized and detained under the provisions of paragraph (d) did not know that the produce was adulterated, to permit the owner to clean the produce, and, when it has been cleaned, to release the produce and any receptacle in which the produce was contained; and

(f) to call upon any person to furnish him with any information he may reasonably require for the purpose of investigating any offence against this Ordinance.

(2) No person who obtains any information by virtue of the foregoing paragraph shall, otherwise than in the execution of his duties under this Ordinance, disclose that information except with the permission of the Minister.

(3) Except as provided in paragraph (e) of subsection (1), any person who seizes and detains any produce or receptacle under the provisions of subsection (1) shall forthwith report the fact to the nearest magistrate.

Treatment
of detained
produce.

14. (1) Where any produce which has been seized and detained is not already packed in receptacles, a produce officer, assistant produce officer or inspector may order that it shall be so packed, and the owner of the produce and the person in charge thereof at the time of seizure shall be responsible for the provisions of suitable receptacles and the labour necessary to carry out the order.

(2) Save as is provided to the contrary in this section, any produce which has been seized and detained shall be sealed in receptacles to the satisfaction of a produce officer, assistant produce officer or inspector, and shall not be removed or cleaned except with the written permission of a produce officer or until any charge which may be brought against any person for an offence in respect of the produce or any complaint laid for the purpose of forfeiture under the provisions of subsection (2) of section 19 has been determined: Provided that—

(i) unless a charge against some person is made, or a complaint under the provisions of subsection (2) of section 19 is laid, within the space of three months after the seizure, the seized produce shall be released from detention;

(ii) notwithstanding anything contained in section 263 of the Criminal Procedure Ordinance, where a person charged with an offence against this Ordinance in respect of any produce has been acquitted or discharged, the Court shall not order the release of the produce until fourteen days have elapsed from the date of the judgment of acquittal or discharge, or until a produce officer has notified the Court in writing of his intention not to institute further proceedings in respect of the produce, whichever date is the earlier;

(iii) if a produce officer notifies the Court in writing within the said period of fourteen days of his intention to institute further proceedings in respect of the produce or to appeal against the judgment of acquittal or discharge, the Court shall not order the release of the produce pending the determination or withdrawal of such proceedings or appeal.

(3) Notwithstanding the provisions of subsection (2), where a produce officer deems it advisable he may order that any produce which has been seized and detained shall be removed and kept under detention in other premises approved by him.

(4) Where the owner of the produce or the person in charge thereof considers that the condition of the produce which has been seized and detained is such that the storage thereof in that condition will result in further damage or deterioration, he may make application in writing to a produce officer for the purpose of obtaining permission to clean the produce.

(5) Where application has been made to a produce officer under the provisions of subsection (4), the produce officer may permit the owner or person in charge of the produce to clean it, and when the produce has been cleaned, it shall then be dealt with in accordance with the provisions of subsection (2) or (3).

(6) Where an application made under the provisions of subsection (4) has been granted, there shall be prepared in the presence of the applicant and the produce officer or an officer deputed by him in that behalf, a document showing the net weight of the produce, the number of receptacles in which it is packed, and the gross weight of any samples taken, and such document when signed by both the applicant and the produce officer or his deputy shall be conclusive evidence of the particulars therein contained.

(7) Where any produce which has been seized and detained is, in the opinion of the produce officer or assistant produce officer, in such condition that its storage in that condition will result in further damage or deterioration, and whether an application under subsection (4) has been made or not, a produce officer or assistant produce officer may order the person in charge of the produce or any person claiming to be the owner thereof to clean it, and may permit the temporary release of such produce for the purpose, and where such order has been given, the provisions of subsection (6) shall apply.

15. (1) If a produce officer, assistant produce officer, chief produce inspector, senior produce inspector or inspector, in his discretion, considers it advisable, he may re-examine any produce which has been inspected, passed or graded, and for such purpose may take all such steps in that behalf, including the opening of packages, as he may deem necessary: Provided that where seals have to be removed such seals shall be removed only by officers of the Regional Produce Inspection Service who are carrying out duties at the port of shipment.

Power to
re-examine
produce.

(2) If, upon such re-examination, the produce officer, assistant produce officer, chief produce inspector, senior produce inspector or inspector finds that the produce has not been properly passed or graded or has deteriorated to such an extent as no longer to conform to the quality or grade assigned thereto on its previous examination, such produce shall not be exported until it has been properly graded, passed and marked in accordance with the provisions of any regulations made under this Ordinance or until a special permit for its export has been granted in accordance with the provisions of section 10.

(3) If, upon such re-examination, the produce officer, assistant produce officer, chief produce inspector, senior produce inspector or inspector finds that the produce has been adulterated, or that any offence has been committed in respect of the produce, he shall deal with the produce in accordance with the provisions of sections 14 and 15.

(4) If, upon such re-examination, the produce officer, assistant produce officer or inspector finds that the produce has been properly passed or graded, he shall cause it to be re-packed, sealed and marked in accordance with the provisions of any regulations made under this Ordinance.

(5) The owner of any such produce re-examined under the provisions of this section may appeal within twenty-one days to the head of the Produce Inspection Service of the Region which has re-examined this produce, or to an officer deputed by him in that behalf, against the decision made on either the examination or the re-examination.

16. (1) Any person who in Lagos or at any port of shipment—

(a) hinders or molests any produce officer, assistant produce officer, chief produce inspector, senior produce inspector, inspector or other person charged with any duties or powers under this Ordinance or any regulations made hereunder in the exercise of any of his duties or powers;

(b) without lawful excuse, fails to comply with any order lawfully given under the provisions of this Ordinance or of any regulations made hereunder;

(c) without lawful excuse, removes, cleans or in any way tampers with any produce or any receptacle, which has been seized or detained, by a produce officer, assistant produce officer, chief produce inspector, senior produce inspector, or inspector in accordance with the provisions of this Ordinance or of any regulations made hereunder;

Offences
generally.

(d) without lawful excuse, breaks or removes any seal placed upon a receptacle containing produce by a produce officer, assistant produce officer or inspector, whether after the grading of the produce contained therein or after the seizure and detention of such produce and receptacle in accordance with the provisions of sections 14 and 15, or any twine, wire or other means of securing such receptacle or seal;

(e) without lawful excuse, substitutes for any produce which has been inspected and passed or graded any other produce, or adds extraneous matter or any uninspected produce to any produce which has been so inspected and passed or graded;

(f) without lawful excuse, fails to furnish any information lawfully demanded under the provisions of this Ordinance, or furnishes information which he knows to be false in a material particular, or does not believe to be true;

(g) without lawful excuse possesses or has in his custody or under his control whether for sale or other purpose, and whether for the use or benefit of himself or any other person or whether as agent or servant of any other person—

(i) any produce which has been inspected or passed or graded, and of which the containers have been tampered with as described in this section, or

(ii) any produce which has been substituted for produce which has been passed or graded; or

(h) without lawful excuse, ships or exports or attempts to ship or export or delivers or causes to be delivered for shipment or export any produce which is not of exportable standard,

shall be guilty of an offence, and shall be liable to a fine of two hundred pounds or to imprisonment for one year, or to both such fine and imprisonment.

(2) In any prosecution for an offence against this section, the onus of proving the existence of a lawful excuse shall lie on the person charged.

(3) No person shall be convicted of an offence under paragraph (g) of subsection (1) if he proves to the satisfaction of the court—

(a) that he did not know and could not with reasonable diligence have known that the produce or containers thereof had been tampered with or suffered substitution as aforesaid;

(b) that he had taken all reasonable precautions against the commission of the offence;

(c) that as soon as he discovered or became aware that an offence had been or was being committed he made immediate report in writing to a produce officer; and

(d) that on demand made by a produce officer, assistant produce officer, chief produce inspector, senior produce inspector or inspector he gave all the information in his power with respect to the produce and containers thereof, the person from whom he obtained the produce and the person who conveyed or delivered it to him or to any other person on his behalf or into the possession, custody, control of himself or any other such person.

17. Any person authorised to take samples of produce under the provisions of this Ordinance, who employs or disposes of such samples or any part thereof for his own gain or use or for any purpose other than that for which provision is made under any written law, shall be guilty of an offence and liable to a fine of two hundred pounds or to imprisonment for one year, or to both such fine and imprisonment.

18. (1) Any produce officer, assistant produce officer, chief produce inspector, senior produce inspector or inspector who, without lawful excuse, proof of which shall lie upon him, delays, detains or refuses to inspect, pass or grade produce for export shall be guilty of an offence and liable to a fine of two hundred pounds or to imprisonment for one year, or to both such fine and imprisonment.

Offences in relation to inspection, grading, etc.

(2) The provisions of subsection (1) of section 22 shall not apply to a prosecution brought for an offence against this section.

19. (1) Upon the conviction of any person for an offence against this Ordinance in respect of any produce of which he is the beneficial owner, the Court may, in addition to any penalty which may be imposed therefor, order that the produce in respect of which the offence was committed and the receptacles thereof shall be destroyed or forfeited or that such produce shall be cleaned by the owner thereof to the satisfaction of a produce officer, assistant produce officer or inspector and shall thereafter be released for sale or export.

Forfeiture of produce.

(2) Where any produce or receptacle has been seized and detained under the provisions of sections 14 and 15—

(a) the owner thereof is unknown or cannot be found, or

(b) the produce is adulterated or is of such inferior quality that—

(i) it cannot be cleaned to an exportable standard; or

(ii) its retention in that condition may endanger the quality of any other produce with which it may come into contact; or

(iii) a produce expert considers by reason of its inferiority that it should be destroyed;

and whether or not any person has been convicted of an offence in respect of such produce, a complaint shall, as soon as may be after the expiry of seven days from the date on which such produce was seized, be laid before the magistrate having jurisdiction in the place where such produce or receptacle is detained for the purpose only of enforcing forfeiture of such produce or receptacle, and the magistrate may cause notice to be given in such manner as he may think proper, stating that unless cause is shown to the contrary at the time and place stated in the notice such produce or receptacle may be forfeited, and at such time and place the magistrate shall, unless cause is shown to the contrary, order that the produce or receptacle shall be forfeited and disposed of in such manner as may be directed by the head of such Produce Inspection Service as in the opinion of the magistrate is appropriate.

20. Where a produce officer, assistant produce officer, chief produce inspector, senior produce inspector or inspector is about to inspect or re-inspect any produce for any of the purposes of this Ordinance, the person in charge thereof shall provide the necessary labour to enable such inspection or re-inspection to be made.

Duty to provide labour for inspection.

21. (1) The Minister may by notice in the Gazette declare suitably experienced persons to be produce experts in respect of any kind of produce.

Produce experts.

(2) In any proceedings for an offence against the provisions of this Ordinance, in which the quality or condition of any produce is a fact in issue, the court may, if it thinks fit, direct any produce expert to examine such produce, or samples thereof, and to report to the Court on its quality or condition, and the written report of such produce expert shall be sufficient evidence of the facts stated therein unless the person charged requires the produce expert to be called as a witness.

Prosecutions.

22. (1) No prosecution (other than a prosecution by or on behalf of a law officer of the Federation or a Region) for any offence against this Ordinance (other than an offence under section 18) shall be commenced except with the consent of an officer not below the rank of produce officer.

(2) A prosecution for an offence against this Ordinance may be brought in the name of the head of the Produce Inspection Service of the Federation or of a Region and may be conducted by him or by a produce officer or assistant produce officer or chief produce inspector or senior produce inspector, and any prosecutions so instituted shall be deemed, *prima facie* to have been commenced with due consent.

Power to
sue for fees.

23. (1) Any fees due under the provisions of this Ordinance or any regulations made hereunder may be recovered as a civil debt by—

- (a) the head of a Produce Inspection Service of a Region or
- (b) by the Board of Customs and Excise.

(2) All such fees shall be paid into the general revenue of the Region concerned or of the Federation as the case may be.

Presump-
tion as to
intention to
export.

24. In any proceedings against any person for an offence against this Ordinance, it shall not be necessary to prove that produce the subject of the charge was intended for export and such produce shall be presumed to have been intended for export unless the contrary be proved.

Offences by
public
officer.

25. (1) Where any proceedings, whether civil or criminal, are brought against any public officer in respect of any act done in pursuance of any of the provisions of this Ordinance, it shall be a good defence to show that there was reasonable and probable cause for the act in respect of which such proceedings are brought.

(2) No act of thing done by any public officer, if it was done *bona fide* for the purpose of executing this Ordinance, shall subject him personally to any action, liability, claim or demand whatsoever: Provided that nothing herein contained shall exempt any person from any proceeding by way of *writ*, injunction, prohibition or similar order.

Effect of
inspection,
passing or
grading.

26. In any action relating to the quality or purity of any produce inspected and passed or graded under the provisions of this Ordinance, the inspection, passing or grading of such produce shall not be conclusive as to the quality or purity thereof.

Repeal of
No. 24 of
1950.

27. (1) Without prejudice to the continuance of any provision of the Produce Inspection Ordinance, 1950, which takes effect as a law enacted by each Regional Legislature until amended or repealed by such Legislature in accordance with the Nigeria (Constitution) Orders in Council, 1954 to 1959, such Ordinance is repealed in so far as it applies to ports of shipment of produce and to the Federal territory of Lagos.

(2) Without prejudice to the continuance of any provision of the regulations made under the Produce Inspection Ordinance, 1950, which has Regional application until amended or revoked in accordance with any law enacted or taking effect as if enacted by any Regional legislature, such regulations shall continue in effect in accordance with section 12 of the Interpretation Ordinance in respect of ports of shipment of produce and the Federal territory of Lagos until amended or revoked in accordance with section 7 of this Ordinance.

FIRST SCHEDULE (s. 3)

PRODUCE TO WHICH THE ORDINANCE APPLIES

- | | |
|-------------------|-------------------------------------|
| 1. Bannised | 9. Fruit Products (other than oils) |
| 2. Capsicums | 10. Ginger |
| 3. Cassava Starch | 11. Groundnuts |
| 4. Cocon | 12. Groundnut Cake |
| 5. Copra | 13. Palm Kernels |
| 6. Cotton Seed | 14. Palm Oil |
| 7. Cotton Lint | 15. Rubber |
| 8. Fruit | 16. Soya Beans |

SECOND SCHEDULE (s. 6)

CONSTITUTION AND PROCEEDINGS OF THE BOARD

1. (1) A member of the Board, other than a public officer, may by notice in writing to the Chairman of the Board resign his membership, but, save as aforesaid and subject to the other provisions of this paragraph, a member other than a public officer shall hold office for three years from the date of his appointment.

Tenure and vacation of office by members.

(2) If the Minister is satisfied that a member other than a public officer—

(a) has been absent from two consecutive meetings of the Board without the permission of the Board ;

(b) is incapacitated by physical or mental illness ; or

(c) is otherwise unable or unfit to discharge the functions of a member, the Minister may declare his seat upon the Board vacant and shall notify the fact in such manner as he may think fit and thereupon such vacancy may be filled according to the provisions of subsection (2) of section 4 of the Ordinance.

(3) Where a member is temporarily incapacitated or is temporarily absent from Nigeria, the Minister may appoint any person qualified under section 4 (2) to be temporarily a member of the Board during such incapacity or absence.

(4) A member of the Board other than a public officer shall not be deemed by virtue of being such a member to be the holder of an office of emolument under the Crown for any of the purposes of the Nigeria (Constitution) Orders in Council, 1954 to 1959.

2. (1) Subject to the provisions of this paragraph, the Board may make standing orders providing for the proper conduct of its business.

Meetings and proceedings of the Board.

(2) Meetings of the Board shall be convened by the Chairman but any three members may by notice in writing signed by them request the Chairman to convene a special meeting of the Board for the purposes specified in such notice, and, upon receipt of such notice, the Chairman shall convene a special meeting for such purposes at the earliest convenient date.

(3) Where upon any special occasion the Board desires to obtain the advice of any person upon any matter, the Board may co-opt such person to be a member for such meeting or meetings as may be required, and any such person shall, whilst so co-opted, have all the rights and privileges of a member of the Board, save that he shall not be entitled to vote on any question.

(4) All questions proposed for decision shall be determined by the majority of the votes of the members present and voting.

(5) The Chairman shall have an original vote and also, if upon any question the votes are equally divided, a casting vote.

(6) At a meeting of the Board, the Chairman and four other members, two of whom shall be members other than public officers, shall form a quorum.

(7) The Board shall not be disqualified for the transaction of business by reason only of any vacancy among the members, and in case of the absence of the Chairman from any meeting the Board may appoint a temporary Chairman from amongst their own number.

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,
Clerk of the House of Representatives

R. F. A. GREY,
*Officer Administering the
Government of the Federation*

(L.S.)

No. 22

1959



Federation of Nigeria

IN THE EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR RALPH FRANCIS ALNWICK GREY, K.C.M.G., K.C.V.O., O.B.E.

Officer Administering the Government of the Federation

AN ORDINANCE TO ACCORD RECOGNITION TO AN APPROVED METHOD FOR THE SELECTION WHEN NECESSARY OF THE OBA OF LAGOS, TO AUTHORIZE EXPENDITURE UPON THE IGA IDUNGANRAN AS THE OFFICIAL RESIDENCE OF THE OBA, TO PROVIDE FOR THE APPOINTMENT AND RECOGNITION OF CHIEFS IN LAGOS, AND FOR PURPOSES INCIDENTAL AND SUPPLEMENTARY TO THE MATTERS AFORESAID

Title.

[8th October, 1959]

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows—

1. This Ordinance may be cited as the Oba and Chiefs of Lagos Ordinance, 1959, and shall be of application in respect of the Federal Territory of Lagos.

Short title,
and
application.

Interpretation.
Second
Schedule.

2. In this Ordinance, except where the context otherwise requires—
 "Iga" or "Iga Idunganran" means the structure, walls, gates and land specified in the first part of the Second Schedule;
 "chief of Lagos" means a chief recognised by the Governor-General on the recommendation of the Oba as a white-cap chief and as one of the Akarigbere, Idejo or Ogalade classes or as a war-chief of Lagos;
 "Minister" means the Minister charged with responsibility for matters relating to Lagos municipal affairs.

Declaration
as to Oba.

First
Schedule.

3. (1) Whenever it may be desirable in the opinion of the Governor-General to make public from time to time official recognition of the person accepted to be the Oba of Lagos he may require a declaration from a Committee of Chiefs constituted in accordance with the provisions of the First Schedule.

(2) The declaration of the Committee of Chiefs shall be formulated by them after consultation together and after such other procedure has been followed as may in their opinion be consonant with native law and custom.

(3) If the opinion of the Committee of Chiefs is not unanimous the Governor-General may either accept the opinion of the majority or may refer the declaration back for further consideration by the Committee, as he may in any case deem appropriate.

(4) Subject to the provisions of this Ordinance, the Governor-General, if he thinks fit, may make, vary and revoke standing orders respecting the proceedings of the Committee of Chiefs, or the time in which or the form in which any declaration shall be made.

Occupation
of the Iga.

4. (1) The Iga Idunganran shall be the official residence of the Oba of Lagos.

(2) The Iga, as the same is described in the first part of the Second Schedule, may be renovated, demolished or rebuilt in whole or in part with the consent of the Oba from time to time in such manner as may be approved by the Minister after hearing such representations as he may consider desirable, at the public expense and with monies to be provided for by vote of the Federal Legislature.

(3) The provisions of this section shall take effect without prejudice to the manner of devolution of any part of the land referred to in the Second Schedule in the event of the Iga ceasing to be the official residence of the Oba: Provided that while the Iga remains the official residence of the Oba any rights in the land described in the Second Schedule shall be subject to the public rights and rights of the Oba specified in this section and in the Second Schedule.

(4) The Iga and the land referred to in the Second Schedule shall, while the Iga remains the official residence of the Oba, be exempt from rates levied under the provisions of the Lagos Local Government Law, 1953.

W.R. Law of
1953.

Appointment
and
recognition
of chiefs of
Lagos.

5. (1) Upon the death or abdication of any Chief of Lagos, the Oba of Lagos may recommend a successor for recognition by the Governor-General.

(2) In making such recommendation the Oba shall be the channel for nomination to the Governor-General of the successor to such chieftaincy decided upon according to such principles and after such procedure as may be consonant with native law and custom.

(3) Upon such recognition the Oba may carry into effect such appointment in accordance with native law and custom.

(4) The Governor-General, after due inquiry and after consultation with the Oba of Lagos, may withdraw recognition of any chief of Lagos whether appointed before or after the commencement of this Ordinance, if he is satisfied that such withdrawal is expedient according to native law and custom or is necessary in the interests of peace, or order or good government.

6. The Governor-General may, upon the recommendation of the Oba of Lagos, signify his recognition of the persons who according to principles of native law and custom are chiefs of Lagos upon the coming into operation of this Ordinance.

Existing chiefs of Lagos.

7. Notwithstanding anything in any Ordinance or Law whereunder jurisdiction is conferred upon a court, whether such jurisdiction is original, appellate or by way of transfer, a court shall not have jurisdiction, whether by way of prerogative writ or order or otherwise, to entertain any civil cause or matter instituted for—

Chieftaincy disputes not to be entertained by courts.

(a) the determination of any question relating to the selection, appointment, recognition, installation, deposition or abdication of a chief of Lagos; or

(b) the recovery or delivering up of any property in connection with the selection, appointment, recognition, installation, deposition or abdication of a chief of Lagos.

8. Where in any criminal proceedings it is necessary to name the person to whom any property belongs and that property is that of a chief of Lagos by virtue of his chieftaincy, it shall be sufficient to name such chief by whichever title such chief is known notwithstanding that no person has been duly recognized or appointed as such chief, and the provisions of sections 146, 147 and 154 of the Criminal Procedure Ordinance and any similar provisions in any other Ordinance shall be construed accordingly.

Description of ownership of property.

9. The Appointment and Deposition of Chiefs Ordinance and the Chieftaincy Disputes (Preclusion of Courts) Ordinance, 1948, are repealed in respect of the Federal Territory of Lagos.

Repeal Cap. 12 No. 30 of 1948.

FIRST SCHEDULE (section 3(1))

CONSTITUTION OF COMMITTEE OF CHIEFS

(1) The Committee shall be constituted of the following chiefs—

(a) the Eletu Odibo, representing the Akarigberes;

(b) the Olumegbon, representing the Idejos;

(c) the Obanikoro, representing the Ogalades;

(d) the Ashogbon, representing the war chiefs,

together with two other chiefs who shall be the most senior in point of time, having regard to the respective dates of their appointment as chiefs, amongst the classes of chiefs specified in paragraphs (a), (b) and (c), such senior chiefs not themselves being the Eletu Odibo, the Olumegbon or the Obanikoro,

(2) The Chairman of the Committee shall be such one of the six members as the Committee shall elect by majority vote of those present, and failing such election, or if the members shall be equally divided, shall be the senior of the six members having regard to the respective dates of their appointment.

(3) A declaration for the purpose of the Ordinance—

(a) shall be in writing and given by or with the authority of the Chairman;

(b) shall specify which chiefs have taken part in the proceedings of the Committee;

(c) shall specify the opinion of each chief taking part in the proceedings of the Committee, unless the declaration is unanimous.

(4) The Committee of Chiefs shall be deemed properly constituted notwithstanding the absence of any one or more chiefs who are unable or unwilling to attend: Provided that at any meeting a quorum of four shall be sufficient if the Governor-General is satisfied that all members of the Committee have been notified of that meeting.

(5) If any member of the Committee of Chiefs is unwilling to take part in its proceedings, or is in the opinion of the Governor-General unable to take his proper part in the proceedings, or if a chieftaincy is vacant, the Governor-General may appoint a substitute to act in the place of such chief for the purpose of the Committee.

SECOND SCHEDULE

(section 4)

PART I.—THE IGA

(1) The building constituting the Iga Idunganran with its fixtures and fittings as the same exists upon the date of coming into operation of the Ordinance.

(2) The walls and gates surrounding or appurtenant to that building, as the same exist upon such date.

(3) Such structure and such walls and gates, as the same may be rebuilt or altered in accordance with plans approved by the Minister.

(4) The exclusive right to use the land occupied by the building and by the walls and gates referred to in paragraphs (1), (2) and (3).

PART II.—APPURTENANT RIGHTS

(1) The exclusive right to use or to give consent to the use of the following buildings within the walls referred to in paragraphs (2) and (3) of Part I, as such structures may be rebuilt or altered from time to time—

- (i) the Iga Igbedu, including the Oba Ado's shrine;
- (ii) Oba Ologun Kutere's shrine;
- (iii) the vaults of the late Obas.

(2) The right of access to the buildings, walls, gates and land referred to in this Schedule and the right to restrict or deny access thereto.

(3) The right of access to any part of the land described in a plan deposited at the Land Registry at Lagos dated the 24th July, 1959, and signed by the Chief Federal Land Officer, and the right to restrict or deny access thereto.

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,

Clerk of the House of Representatives

SPECIAL CONSTABLES ORDINANCE, 1959**ARRANGEMENT OF SECTIONS**

1. Short title, commencement and application.
2. Interpretation.
3. Establishment.
4. General duties of Special Constabulary.
5. Number and qualification of special constables.
6. Appointment.
7. Resignation or termination.
8. Equipment.
9. Powers, duties and ranks.
10. Refusal to serve.
11. Impersonation.
12. Drills and instruction.
13. Allowances.
14. Death.
15. Injury.
16. Application of other pensions laws.
17. Application of pensions provisions to persons in public service.
18. Exemption from jury service.
19. Repeal.