

Supplement to Official Gazette Extraordinary No. 91, Vol. 49, 22nd November,  
1962—Part C

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

ESCORT OF PRISONERS AND OTHER PERSONS BILL

EXPLANATORY MEMORANDUM

The main object of this Bill is to amend the Criminal Procedure Act to legalise an already existing practice whereby Police Officers escort persons in custody on remand to and from courts of trial instead of prison officers who should legally perform this duty.

2. It will however still be possible for warders and others to act as escorts if it is found at any time desirable or expedient.
3. Opportunity is also taken by this Bill to make provision for warrants of committal to be addressed to police officers. This is to clarify the effect of sundry amendments made last year to the Sheriffs and Civil Process Act, and it will be necessary to back-date the law on this subject to the 1st June, 1961. (Clause 2 of this Bill reflects this).

ABUBAKAR TAFAWA BALEWA  
*Prime Minister*

# A BILL

FOR

**AN ACT TO MAKE PROVISION FOR MEMBERS OF THE POLICE FORCE TO ACT AS ESCORTS FOR PERSONS REMANDED IN CUSTODY OR COMMITTED TO PRISON IN THE FEDERAL TERRITORY.**

[

]

Date of assent.

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) Where for the purposes of any adjournment of proceedings under section two hundred and thirty-six of the Criminal Procedure Act (which provides for the remand of defendants in custody where not admitted to bail) it is necessary to remand any defendant in custody, the form of commitment on remand may require such defendant to be escorted from a court to the place of remand and back to the court by any police officer ; and form twelve in the Schedule to the Criminal Procedure Act may be amended to the extent necessary to give effect to this subsection, and the said section two hundred and thirty six shall be construed accordingly.
- 10     (2) This section shall be read together with and deemed part of the Criminal Procedure Act.

Escort of defendants on remand.  
Cap. 43.

- 15     2.—(1) In any order or warrant made or issued on or after the first day of June nineteen hundred and sixty one by a court for the committal of any person to prison, it shall, for all purposes of section thirty eight of the Sheriffs and Civil Process Act (which relates to the issue of warrants of committal), be sufficient if the order or warrant is directed to any police officer ; and that section shall be read and construed accordingly.

Warrants of committal may be directed to police officers.

- (2) This section shall be read together with and deemed part of the Sheriffs and Civil Process Act.

- 20     3.—(1) This Act may be cited as the Escort of Prisoners and Other Persons Act 1962 and shall apply to the Federal Territory only.

Cap. 189.

- (2) This Act shall, as to section one, come into operation on the date of assent ; and as to section two shall be deemed to have come into operation on the date mentioned therein.

Short title application and commencement.

(Bills 833)

**OFFICIAL SECRETS (AMENDMENT) BILL****EXPLANATORY MEMORANDUM**

This Bill ensures that the enactments repealed by the Official Secrets Act, 1962, will continue to operate as part of the law of the Regions in relation to matters which are not regulated by the Act of 1962.

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

**A BILL**  
FOR

**AN ACT TO LIMIT, IN RELATION TO THE REGIONS, THE REPEAL BY THE OFFICIAL  
SECRETS ACT, 1962, OF OTHER ENACTMENTS RELATING TO PUBLIC SAFETY.**

[

]

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) Subsection (3) of section ten of the Official Secrets Act,  
1962, shall not be construed as repealing the Official Secrets Act (hereinafter referred to as “the former legislation”) in so far as, apart from that subsection, the former legislation has effect as part of the law of a Region and is not inconsistent with or made redundant by the said Act of 1962; and the former legislation shall have effect accordingly.
- 10      (2) Nothing in this section shall affect any power of the Legislature of a Region to make laws with respect to public safety which are not inconsistent with the provisions of the said Act of 1962 and, in particular, to make laws repealing the former legislation in so far as it has effect as part of the law of the Region.
- 15      2.—(1) This Act may be cited as the Official Secrets (Amendment) Act, 1962.  
(2) This Act shall apply throughout the Federation, and shall apply to citizens of Nigeria elsewhere than in the Federation.

Limitation  
of repeal  
made by  
1962, No. 29.  
Cap. 144.

Short title.  
and extent.

(780)

## VEHICLE LICENCES BILL

## EXPLANATORY MEMORANDUM

This Bill provides for the issue in the Federal territory of vehicle licences expiring at the end of twelve or three months from the beginning of the month of issue instead of licences expiring at the end of a calendar year or quarter,

F. S. OKOTIE-EBOH,  
*Minister of Finance*

# A BILL

FOR

AN ACT TO PROVIDE, AS RESPECTS LAGOS, FOR THE ISSUE OF LICENCES IN RESPECT OF MOTOR VEHICLES AND TRAILERS FOR PERIODS OF TWELVE MONTHS AND THREE MONTHS FROM THE BEGINNING OF THE MONTH OF ISSUE IN THE PLACE OF LICENCES EXPIRING AT THE END OF THE CALENDAR YEAR OR QUARTER IN WHICH THEY WERE ISSUED; AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

[See section 2 (2)]

Commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows:—

1.—(1) A licence issued for the purposes of Part II of the Road Traffic Act (which relates to the registration and licensing of motor vehicles and trailers) shall, instead of expiring at the end of, or of a quarter of, the current calendar year as provided by subsection (3) of section five of that Act, expire at the end of the period of twelve months or, where the applicant so requires, of three months beginning in either case with the first day of the month in which the licence is issued.

Duration of vehicle licences.  
Cap. 184.

(2) Accordingly, the said subsection (3) is hereby repealed.

(3) Nothing in this section shall apply to a licence issued before the commencement of this Act or a licence issued for a period not exceeding fourteen days or a special trade licence.

15 2.—(1) This Act may be cited as the Vehicle Licences Act, 1962, and shall apply to the Federal territory only.

Short title,  
extent and  
commencement.

(2) This Act shall come into force on such date as the Minister of the government of the Federation responsible for finance may by order appoint.

**ADMIRALTY JURISDICTION BILL****EXPLANATORY MEMORANDUM**

This Bill seeks to confer original jurisdiction in admiralty matters on the High Courts of the Regions and Lagos. In consequence, it abolishes the original jurisdiction in admiralty matters of the Federal Supreme Court, though the appellate jurisdiction of that court in admiralty matters, as in other matters, is preserved by the Constitution of the Federation.

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

# ADMIRALTY JURISDICTION BILL

## A BILL

FOR

**AN ACT TO CONFER JURISDICTION IN ADMIRALTY MATTERS ON THE HIGH COURTS OF THE REGIONS AND LAGOS AND TO ABOLISH THE ORIGINAL JURISDICTION IN ADMIRALTY MATTERS OF THE FEDERAL SUPREME COURT ; AND FOR PURPOSES CONNECTED THEREWITH.**

[See Section 2 (2)]

Commencement.

**BE IT ENACTED** by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

- 5      1.—(1) Any exclusion from the jurisdiction of the High Courts of the territories (within the meaning of the Constitution of the Federation) of original jurisdiction in relation to Admiralty matters is hereby abolished ; and the enactments conferring original jurisdiction on those courts shall be construed accordingly, and in particular the words “other than Admiralty jurisdiction” in section ten of the High Court of Lagos Act shall cease to have effect.
- 10     15     (2) Section seventeen of the Federal Supreme Court Act, 1960 (which confers on that court a limited jurisdiction in Admiralty matters) is hereby repealed ; but nothing in this Act shall be construed as purporting to prejudice the jurisdiction to hear and determine appeals from High Courts which is exerciseable by the Federal Supreme Court by virtue of section one hundred and ten of the Constitution.
- 15     (3) Nothing in this Act shall affect any proceedings pending immediately before the commencement of this Act, and any such proceedings may be continued as if this Act had not been passed.
- 20     2.—(1) This Act may be cited as the Admiralty Jurisdiction Act, 1962, and shall apply throughout the Federation.
- 20     (2) This Act shall come into force on such day as the Governor-General may by order appoint.

(781)

Exercise of original admiralty jurisdiction by High Courts instead of by Federal Supreme Court.

Cap. 80.  
No. 12 of  
1960.

Short title,  
extent and  
commencement.

# TAFAWA BALEWA SQUARE (ADJUSTMENT OF BOUNDARIES) BILL

## EXPLANATORY MEMORANDUM

Completion of Independence House and the forecourt in front of it will require the re-alignment of King's College Road. To this end, a small strip of land has had to be excised from the area of Tafawa Balewa Square as shown in Part I of the First Schedule to the Tafawa Balewa Square Management Act, 1961 and an equivalent area of Crown land contiguous to the area of the Square substituted therefor and embodied in the total area. This Bill seeks to regularise that substitution.

MUSA YAR'ADUA,  
*Minister of Lagos Affairs*

# A BILL

FOR

**AN ACT TO ADJUST THE BOUNDARIES OF TAFAWA BALEWA SQUARE IN THE FEDERAL TERRITORY.**

[ See Section 2 (2) ]

Commence-  
ment.

WHEREAS it is desirable and in the public interest that in order to provide better access thereto the boundaries of Tafawa Balewa Square in the Federal Territory (in this Act called "the Square") be adjusted by the substitution of the land in the Schedule to this Act for that described as Parcel 1 in the Schedule to the Tafawa Balewa Square Management Act, 1961 (in this Act called "the principal Act"):

1961, No. 65.

AND WHEREAS the land to be affected is all Crown land and it is expedient that rights of user (if any) by the public as a roadway over any land added to the Square be extinguished :

10 BE IT THEREFORE ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

15 1. That part of the Schedule to the principal Act described therein as parcel 1 shall be replaced by the Schedule to this Act and the area thereof shown as approximately 35.19 acres shall be increased to approximately 35.20 acres ; and all rights of user (if any) by the public as a roadway over any land added to the Square by the substitution of the Schedule to this Act shall cease and they are hereby extinguished.

Amendments  
of Schedule  
to Tafawa  
Balewa  
Square  
Management  
Act, 1961.

20 2.—(1) This Act may be cited as the Tafawa Balewa Square (Adjustment of Boundaries) Act, 1962 and this Act and the principal Act may be cited together as the Tafawa Balewa Square Management Acts, 1961 and 1962.

Short title  
commencement  
and extent.

25 (2) This Act shall be deemed to have come into operation on the twenty-ninth day of October nineteen hundred and sixty-two and shall apply to the Federal Territory only.

## SCHEDULE

## Section 1

*Parcel 1.*—Starting from a concrete pillar marked PBLS 1994, the co-ordinates of which are 24386.87 feet South and 10603.15 East of a concrete pillar marked LCS 165P the origin of the Lagos Cadastral Surveys. The boundaries run in straight lines the bearings and lengths of which are as follows:—

From	Bearing	Length	To
PBLS 1994	100° 45'	285.1 feet	PBL 3252
PBL 3252	102° 27'	631.0 feet	PBL 3251
PBL 3251	115° 51'	145.0 feet	PBL 3250
PBL 3250	132° 17'	443.8 feet	PBL 3249
PBL 3249	148° 17'	114.6 feet	PBL 3277
PBL 3277	180° 09'	88.6 feet	PBL 3276
PBL 3276	202° 04'	157.6 feet	PBL 3275
PBL 3275	218° 59'	163.8 feet	PBL 3274
PBL 3274	224° 01'	169.6 feet	PBL 3265
PBL 3265	233° 24'	66.3 feet	PBL 3273
PBL 3273	225° 07'	138.1 feet	Point 'B'
Point 'B'	134° 23'	17.0 feet	PBLS 952
PBLS 952	224° 22'	255.1 feet	Point 'A'
Point 'A'	236° 17'	38.0 feet	PBLS 953
PBLS 953	261° 14'	85.8 feet	PBLS 954
PBLS 954	279° 00'	34.5 feet	PBLS 955
PBLS 955	311° 36'	20.2 feet	PBL 3271
PBL 3271	314° 13'	306.5 feet	PBL 3270
PBL 3270	321° 35'	265.7 feet	PBL 3269
PBL 3269	319° 42'	252.7 feet	PBL 3268
PBL 3268	313° 07'	152.8 feet	PBL 3267
PBL 3267	301° 59'	39.2 feet	PBLS 2000
PBLS 2000	318° 58'	370.1 feet	PBLS 1999
PBLS 1999	319° 00'	30.0 feet	PBLS 3161
PBLS 3161	348° 03'	50.0 feet	PBLS 3162
PBLS 3162	12° 02'	24.4 feet	PBLS 3163
PBLS 3163	33° 21'	62.7 feet	PBLS 3164
PBLS 3164	25° 36'	35.0 feet	PBLS 3146
BPLS 3146	25° 38'	223.1 feet	PBLS 3145
PBLS 3145	52° 08'	78.8 feet	PBLS 1995
PBLS 1995	72° 37'	105.0 feet	PBLS 1994

(the starting point).

All property beacons are concrete pillars, all bearings and lengths are approximate and all bearings are referred to True North.

Bills 840

## FLAGS AND COATS OF ARMS BILL

### EXPLANATORY MEMORANDUM

The purpose of this Bill is to replace the Flags and Coats of Arms (Amendment) Act, 1961, and to provide for the circumstances in which the National Flag, the Flag of any Region or the Flag of any Commonwealth or foreign country may be flown. Provision has also been made for the flying by any ship, other than a Nigerian ship, of the National Flag and the Flag of the country where the ship is registered.

ALHAJI USMAN SARKI,  
*Federal Minister of Internal Affairs,*  
*Lagos*

# A BILL

FOR

## AN ACT TO AMEND THE FLAGS AND COATS OF ARMS ACT, 1960 BY MAKING BETTER PROVISION FOR THE NATIONAL FLAG AND OTHER FLAGS IN NIGERIA.

[ ]

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) Subject to the provisions of this section, if in any public place in Nigeria the National Flag is to be exhibited or flown for any purpose, it shall not be exhibited with or be flown on the same staff or cross bar with the flag of any Region, or the flag of any Commonwealth or foreign country. The National Flag or any other flag when exhibited or flown shall not appear in a defaced or tattered condition ; but the  
 10     National Flag shall not be deemed to be defaced by reason only of the fact that it is embodied in or forms part of a Regional flag.

15     (2) Where the flag of any Region is flown in the Region to which it relates or elsewhere than in the Federal Territory, it shall not be necessary for the National Flag to be flown at the same time ; but if the flag of a Region and the National Flag are to be flown at the same time in a public place in that Region or elsewhere in Nigeria, the National Flag of at least the same size as the Regional flag shall fly above that of any Regional flag.

20     (3) The Federal Minister charged with responsibility for internal affairs may from time to time by notice either generally or specially authorise the flying of the flag of any Commonwealth country or of any foreign country in any public place, either alone or at the same time as the National Flag, and upon such terms and conditions as he thinks fit. For the avoidance of doubt and to give effect to any diplomatic convention, no embassy, high commission, or consulate shall be a public place, and no means of transport when used by members of any embassy, high commission, or consulate shall, for the purposes only of this subsection, be deemed to be operating in a public place.

25     (4) Nothing in this section shall be construed so as to prohibit the flying by any ship other than a Nigerian ship, of the flag of the country where the ship is registered, or the flying of the National Flag by any ship entering or leaving a port in Nigeria.

30     (5) The failure to comply with the requirements of this section shall be an offence against this Act.

35     (6) Subsection (3) of section three of the Flags and Coats of Arms Act, 1960 (as amended by the Flags and Coats of Arms (Amendment) Act, 1961) is hereby repealed.

40     2. For the avoidance of doubt, nothing in the Flags and Coats of Arms Act, 1960 shall be construed so as to require a licence to exhibit or fly any flag within the meaning of subsection (2) of section three of that Act, if the person flying or exhibiting any such flag in a public place is actuated by no other motive than that of patriotism, the proof whereof shall lie upon such person.

45     3.—(1) This Act may be cited as the Flags and Coats of Arms Act, 1962 and this Act and the Flags and Coats of Arms Act, 1960 may be cited together as the Flags and Coats of Arms Act, 1960 and 1962.

(2) This Act shall apply throughout the Federation.

Flying of  
National  
Flag in  
public.

No. 48 of  
1960.  
1961, No. 32.

Power to  
fly certain  
flags without  
a licence.

Short title,  
application,  
etc.

## LAGOS SPORTS COUNCIL BILL

## EXPLANATORY MEMORANDUM

The purpose of this Bill is to establish a Lagos Sports Council which will be primarily concerned with the development of and participation in amateur sports for the physical well-being of the community in the Federal Territory. There were recently a few cases of maladministration of sports clubs resulting in loss of interest and low standard of performance by their members to a point of public concern. This is so because the public has in recent years shown interest not only in the games as an entertainment but also in the standard of performance by and in the discipline of participants. In the wider context of international matches, the public expects that Nigerian teams should perform in a manner to do credit to the reputation and respect which Nigeria enjoys in the world.

2. The Bill provides that the Council should exercise control, where necessary, over the activities of sports clubs, matches, competitions and their participants. This will enable the Council to prevent situations that may militate against the healthy development and administration of sports in the interest of the community.

J. M. JOHNSON,  
*Federal Minister of Labour*

21st November, 1962.

# LAGOS SPORTS COUNCIL BILL

## ARRANGEMENT OF CLAUSES

*Clause*

1. Establishment of Lagos Sports Council.
2. Temporary members.
3. Tenure of office.
4. Power to sue and hold land, etc.
5. Seal and execution of documents.
6. Members not personally liable.
7. Meetings of council.
8. Duty of Council.
9. Power to appoint representatives on other sports councils.
10. Travelling expenses of members.

11. Appointment of secretary, etc.
12. Power for Minister to give directions and require information, etc.
13. Funds, etc., of council.
14. Accounts and audit.
15. Annual report and estimates.
16. Offences.
17. Ratification of acts of provisional council.
18. Interpretation.
19. Short title, commencement and application.

## A BILL

FOR

**AN ACT TO CONSTITUTE A SPORTS COUNCIL FOR THE FEDERAL TERRITORY; TO PROVIDE FOR THE PROVISIONAL MEMBERSHIP AND RATIFY THE EXERCISE OF POWERS; TO CONFER ON THE SPORTS COUNCIL SUNDRY POWERS AND DUTIES; AND FOR CONNECTED PURPOSES.**

[ *By notice Section 19 (1)* ]

Commencement.

WHEREAS a provisional council to promote, develop and regulate sport in the Federal Territory of Nigeria has been appointed and it is expedient and necessary to constitute the council and define its powers and to make provision for the continuing membership of the council:

**5 BE IT THEREFORE ENACTED** by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows:—

**10 1.—(1) There shall be established as a body corporate with perpetual succession and a common seal a council to be known as the Lagos Sports Council; and the provisional council which immediately before the commencement of this Act exercised the powers of a sports council in Lagos shall cease to function.**

Establishment of the Lagos Sports Council.

**15 (2) The council shall consist of a chairman and such number of other members not being more than eight as the Minister may by notice from time to time appoint from among persons appearing to him to be interested in any form of sport and in the physical fitness and development of the youth of the Federal territory.**

(3) The Minister may if he thinks fit, on the coming into operation of this Act, replace all or any of the members of the provisional council, and subject thereto the persons holding office as chairman and members of the provisional council immediately before the commencement of this Act shall be deemed to have been appointed under this Act and the chairman and members shall hold office for the term stated in their respective notices of appointment; and if no term is stated therein the appointment shall not exceed the term prescribed by this Act exclusive of any period of service as a member of the provisional council.

5

Temporary  
members.

2. Subject to the provisions of this Act, the Minister may appoint any person to act temporarily in the case of the absence or incapacity of the chairman; and the Minister may if he thinks fit fill any other vacancy by appointing any person as a temporary member of the council.

10

Tenure of  
office.

3.—(1) Members shall hold office for the term stated in the notice of appointment, and where no term is stated the appointment shall be for a term not exceeding three years.

15

(2) The chairman may at any time resign his office either as chairman or member or both by letter addressed to the Minister; and such resignation shall take effect as from the date of receipt of the letter by the Minister. If the chairman retains office as a member only the Minister shall appoint a chairman from amongst the members of the council.

20

(3) Any other member may at any time resign his office by letter addressed to the Minister and transmitted through the chairman; and such member shall cease to be a member of the council as from the date of receipt of the letter by the Minister.

25

Power to sue  
and hold  
land, etc.

4.—(1) The council may sue and be sued in its corporate name; and subject to the next succeeding subsection, may acquire on any tenure and dispose of or mortgage land or other property of whatever kind.

30

(2) No land shall be acquired, or disposed of without the consent in writing of the Minister; and moneys may be borrowed only for the purposes of this Act on such security as the Minister may approve.

Seal and  
execution of  
documents.

5.—(1) The seal of the council shall be authenticated by the signature of the chairman or any member authorised by the council and by that of the secretary of the council; and judicial notice shall be taken of the seal on any document.

35

(2) Any contract or document whatsoever not required by law to be under seal and decisions of the council may be executed or signed by one member being the chairman or any member authorised by the council, and by the secretary.

40

Members  
not person-  
ally liable.

6.—No member of the council shall be personally liable for acts or defaults of the council done or omitted in good faith while engaged on the business of the council.

Meetings of  
Council.

7.—(1) The council shall meet not less than four times in any year, the first of such meetings to be convened within one month after the commencement of this Act; and the council shall meet as often as may thereafter be necessary, not being in any case later than at three monthly intervals for the transaction of business. Any meeting shall be held at such place and time as the council may determine, and if the council fails to agree, the chairman or member for the time being presiding shall fix the place and time for the next meeting.

45

50

(2) The chairman may at any time convene a meeting of the council, and shall if the Minister or not less than two members request it in writing, convene a special meeting of the council. If the chairman fails to convene the meeting it may be convened by the Minister.

5 (3) The chairman shall preside at every meeting of the council at which he is present, and if he is absent the members present may appoint one of their number to preside at the meeting.

10 (4) The chairman or member presiding at a meeting of the council shall have a deliberative vote and if there is an equality of votes, he shall have a casting vote.

(5) A quorum for any meeting shall be four members of the council.

(6) Proceedings of the council shall not be affected by any vacancy among the members or any defect in the appointment of a member; and, subject to the provision of this section the council may regulate its own proceedings, and any standing order may empower members or members of committees to co-opt persons for any particular meeting to assist in the performance of any duty, but with no voting power.

Duty of the Council.

20 8.—(1) It shall be the duty of the council where not inconsistent with this Act to improve standards of performance in all forms of sports in the Federal territory and without prejudice to their status to encourage amateurs taking part herein; and for such purposes and subject to the provisions of this Act, the council may borrow money and do all things incidental thereto as are necessary to give effect to this section.

25 (2) In the performance of its duty under this section the council shall have power to do all or any of the following things that is to say,—

30 (a) to arrange, promote or organise the holding of matches, competitions or contests between amateurs in any sports, ceremonies and functions likely, in the opinion of the council, to encourage sport and interest therein generally in the Federal territory or elsewhere;

(b) to establish and maintain centres for the training of persons as instructors in, or organisers of, any form of sport;

35 (c) to assist in any way it thinks fit in the training of Nigerians as instructors in or organisers of any form of sport and in the encouraging of any school, club, association, or other sports body to participate in any form of sport;

(d) to maintain playing fields and premises for the practice of, or for the holding of matches, competitions or contests between amateurs;

40 (e) to supervise, control and where necessary take over the activities of sports clubs whether corporate or unincorporated for purposes of and incidental to this Act and for such time as it thinks fit;

(f) to exercise effective control over matches, competitions and contests and over the participants;

45 (g) generally by means of participation in sport to encourage the physical well-being of the inhabitants or residents of the Federal territory.

9. The council may from time to time appoint such members as it thinks fit to represent it on any sports councils elsewhere in Nigeria and however established; and the members appointed shall have during the period of appointment, and may exercise while members of the Lagos Sports Council, such powers not inconsistent with this or any other Act as may be conferred upon them after appointment as representatives under this section.

Power to appoint representatives on other sports councils.

Travelling expenses of members.

Appointment of secretary etc.

Power for Minister to give directions and require information etc.

Funds etc. of council.

Accounts and audit.

Annual report and estimates.

Offences.

Ratification of acts of provisional council.

**10.** Members of the council shall receive such travelling expenses for attendance at meetings of the council as the Federal Minister charged with responsibility for finance may from time to time approve or allow.

**11.** The council may appoint on such terms and conditions as it thinks fit, a secretary and such other employees and agents as the Minister is satisfied are necessary for the proper administration of this Act. 5

**12.—(1)** The Minister may give general or special directions to the council on matters of policy ; and where not inconsistent with the provisions of this Act, the council shall comply with and give effect to any such directions of the Minister. 10

(2) The council shall give to the Minister such information and returns relating to its activities or proposed activities as the Minister may from time to time require, and shall allow him all facilities for the verification of the information or returns furnished.

**13.** The funds and resources of the council shall consist of— 15

- (a) such sums as may from time to time be provided by the Federal Government ;
- (b) such sums as may be borrowed by the council under this Act ;
- (c) all other sums collected or received by or payable to the council for the purposes of this Act. 20

**14.** The council shall keep proper accounts consistent with ordinary commercial standards of its receipts, payments, credits and liabilities ; and the accounts shall, as and when required by the Minister, be audited by a duly qualified auditor approved by him.

**15.—(1)** The council shall on or before the first day of October in each year prepare and present to the Minister a report of its proceedings and operations during the period of twelve months ending on the thirty-first day of March in such year, and the report shall be accompanied by a certified copy of the audited accounts of the council for that period. Any period between the setting up of the provisional council and the end of the financial year after the commencement of this Act shall for the purposes of this section be deemed to be a period of twelve months. 25

(2) A copy of every report under this section together with the audited accounts shall be laid before both Houses of Parliament as soon as may be after the presentation thereof to the Minister. 30

(3) The council shall, not later than the first day of August in each year or as soon thereafter as the Minister in proper case may allow, submit to the Minister for approval its estimates of revenue and expenditure in respect of the year commencing on the first day of April in the following year. 35

**16.** The council may give directions not inconsistent with this Act to any person ; and if the person to whom the directions are given refuses without lawful excuse to comply with them it shall be an offence under this Act and the offender shall be liable on conviction, to a fine of five pounds. 40

**17.** It is hereby declared that all acts matters and things done by the provisional council before the commencement of this Act with the approval of the Minister in purported exercise of any power however conferred, shall be deemed to have been lawfully done. 45

18.—(1) In this Act unless the context otherwise requires—

Interpreta-  
tion.

“amateur” means any person who by the council is recognised as such in any sport either individually or as a member of a class or section of the public for the purposes of this Act;

5 “the council” means the Lagos Sports Council under this Act;

“functions” includes powers;

“member” means a member of the council and includes the chairman;

10 “the Minister” means the Federal Minister charged with responsibility for matters relating to social welfare;

“sport” includes any game or recreational activity approved by the council for the purposes of this Act;

15 “sports club” means any body, group or number of persons however associated for the organising of sport, and includes any schools or other places of learning indulging in organised sport.

(2) For the purposes of this section the council may regard and treat as amateurs, either individually or as members of a class or section of the public, persons participating in any form of sport in which no discriminatory treatment or distinction is apparent between persons who

20 are amateurs and those who are professionals.

19.—(1) This Act may be cited as the Lagos Sports Council Act, 1962 and shall come into operation on such date as the Minister may by notice appoint.

Short title,  
commence-  
ment and  
application.

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

Bills 843

C 479

## IMMIGRATION BILL

### EXPLANATORY MEMORANDUM

Non-Nigerians coming into Nigeria are controllable under the Immigration Act (Cap. 84) and the Aliens Restriction Act (Cap. 10). The former deals with all immigrants while the latter, which is exercised through regulations applied by the Nigeria Police deals with non-Commonwealth persons only. A further Act, the Aliens (Deportation) Act (Cap. 9) deals with the deportation of undesirable aliens. These laws are in many respects out-of-date : they do not reflect the status of Nigeria as an independent country, and between them there is much over-lapping.

2. The purpose of the Bill is therefore to provide an up-to-date and comprehensive Immigration Act to replace the existing legislation and to protect the national economy and security in so far as these ends can be achieved by immigration control.

ALHAJI USMAN SARKI,  
*Federal Minister of Internal Affairs,*  
*Lagos*

## ARRANGEMENT OF CLAUSES

**PART I—ADMINISTRATION***Clauses*

1. Persons liable to examination.
2. Examination of persons landing or embarking.
3. Passenger lists and medical examination, etc.
4. Production of travel documents.
5. Appointment of immigration officers.
6. Appointment of medical inspectors and others.
7. Power for immigration officer to refuse entry, etc.
8. Entry for business purposes, etc.
9. Residence permits.
10. Control of visitors and transit passengers.
11. Power to exempt from certain entry or departure requirements.
12. Power to board ships, etc.
13. Recognition of aerodromes and ports.
14. Arrivals elsewhere than at a recognised port.
15. Control of immigrants by inland waters, etc.
16. Removal of immigrant where entry refused.

**PART II—DEPORTATION**

17. Prohibited immigrants.
18. Deportation orders in special cases.
19. Court deportation recommendations to be an order made on conviction.
20. Deportation order on recommendation by court.
21. Removal of persons subject to deportation orders.
22. Detention, etc., of persons liable to deportation.
23. Offences in connection with deportation orders.
24. Power to notify cases specially liable to deportation.

**PART III—CONTROL OF CREWS  
AND STOWAWAYS**

25. Examination of crews.
26. Control of members of crew of ship, etc.
27. Stowaways.
28. Discharge of crew in Nigeria.

**PART IV—MISCELLANEOUS AND  
SUPPLEMENTAL**

29. Determination of nationality in special cases.
30. General provisions as to detained persons.
31. Power to abolish, etc., entry permits in certain cases.
32. Power to prescribe entry conditions and fees.
33. Employment of immigrants.
34. Revocation or variation of permits.
35. Power to prohibit departure.
36. Application of Act to young persons and cases of dual nationality, etc.
37. Power to require young persons to obtain permit after entry.
38. Admission of insane persons.
39. Liability of master of a ship, etc., for costs of deportation.
40. Evidence as to orders, etc.
41. Expenses.
42. Court cases involving deportation to be accorded priority.
43. Power for court to recommend deportation.
44. Power to detain in lieu of deportation.
45. Offences in connection with control of immigration.
46. Offences by immigrant employers and workers.
47. Penalties, proceedings, etc.
48. Power to appoint receiver, etc., where owner deported.
49. Special cases where entry may be refused.
50. Regulations.
51. Interpretation.
52. Short title, application, etc., and repeals.

**SCHEDULE**

# A BILL

FOR

AN ACT TO CONSOLIDATE AND AMEND THE LAW AS TO IMMIGRATION ; TO CONTROL IN NIGERIA CERTAIN PERSONS ; AND FOR CONNECTED PURPOSES

[By notice Section 52]

Commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

## PART I.—ADMINISTRATION

- 5      1.—(1) Subject to the provisions of this section, this Act shall apply to persons entering or leaving Nigeria and to persons who are at any time therein after the commencement of this Act.
  - (2) Nothing in this section shall be construed—
    - (a) to require any Minister of the Federal Government or any Regional Government to complete entry or embarkation cards on entering or leaving Nigeria ;
    - (b) to impose any restriction or liability under this Act as to entry or deportation in respect of persons who satisfy an immigration officer that they are entitled under any rule of law or enactment to immunity from suit or legal process not being immunity in respect only of things done or omitted to be done in the course of their duties, and complete any other requirement of this Act before entry or departure ;
    - (c) in respect of any particular requirement, to affect persons exempted therefrom by the Minister under this Act ;
    - (d) to prohibit the entry of any person who satisfies an immigration officer as to his identity as a citizen of Nigeria or as the holder of a valid travel document he is a person in the employ of the Federal Government or any Regional Government, as the case may be ;
    - (e) to authorise the deportation from Nigeria of any citizen of Nigeria ;
    - (f) to exempt any person from medical examination if required by the immigration officer.
  - (3) Where a person enters Nigeria as an exempted person under this Act and while in Nigeria thereafter ceases to be entitled to such exemption, he shall as soon as possible report the fact in writing to the chief federal immigration officer, and this Act shall have effect as if the person ceasing to be exempted were a person desirous of entering Nigeria for the first time. The chief federal immigration officer may, if he thinks fit, refer the case to the Minister or may deal with the case himself; and a person affected by this subsection may, in the discretion of the Minister or such officer as the case may require, be issued with a permit to remain in Nigeria. If a permit is refused the person affected shall be deemed to be a prohibited immigrant and may be dealt with accordingly.
- 10
- 15
- 20
- 25
- 30
- 35

Persons liable to examination.

Examination  
of  
persons  
landing or  
embarking.

2.—(1) It shall be the duty of every person entering or leaving Nigeria to report to an immigration officer for examination, and to furnish such information in his possession as that officer may reasonably require for the purposes of this Act ; and the immigration officer may refuse admission in any proper case.

5

(2) Any person liable to be examined by an immigration officer shall if directed to do so by such officer in the course of his examination—

(a) declare whether or not he is carrying or conveying any documents of any description specified by that officer, being a description appearing to that officer to be relevant for the purposes of the examination ;

10

(b) produce to the officer any documents of any such description which he is carrying or conveying ;

and the power to examine any such person shall include power to search him and any baggage belonging to him or under his control with a view to ascertaining whether he is carrying or conveying any such documents ; but nothing in the foregoing subsection shall authorise the search of any woman or girl except by a woman.

15

(3) An immigration officer may examine, and may detain for such time as he thinks proper for the purposes of examination (not exceeding seven days) any document produced pursuant to or found on a search under this section.

20

Passenger  
Lists and  
medical  
examination,  
etc.

3.—(1) Where any ship or aircraft lands in Nigeria the captain or commander as the case may be shall supply to the immigration officer in charge, separate lists showing disembarking passengers and transit passengers and the immigration officer may, if he thinks fit, examine transit passengers as if they were immigrants.

25

(2) Any immigrants or transit passengers named in any such list whose international certificates of health fail to comply with the requirements of the chief federal immigration officer or whose state of health the immigration officer has cause to suspect, shall submit to such medical examination or vaccination as a medical inspector may reasonably require.

30

Production  
of travel  
documents.

4.—(1) Unless otherwise prescribed,—

(a) every passenger who enters or leaves Nigeria by any means at or from any recognised port shall in any proper case produce to an immigration officer landing or embarkation cards in such form as the Minister may by order direct the owners or agents of ships and aircraft to supply to passengers, and shall satisfy the immigration officer that he is the holder of a valid travel document ;

35

(b) every member of the crew of a ship or aircraft who lands in or leaves Nigeria shall produce such evidence or travel document as an immigration officer may require.

40

(2) No person whether in possession of a travel document or not who is a prohibited immigrant shall enter Nigeria without the consent of the Minister.

45

(3) For the purposes of this section, the expression "travel document" in the case of any member of the crew of a ship or aircraft includes any card or other document in a form approved by or acceptable to the chief federal immigration officer.

Appointment  
of immigra-  
tion officers.

- 5        5.—(1) Subject to the provisions of subsections (2) and (3) of this section, there shall be appointed a fit person to be chief federal immigration officer who shall, under the general direction of the Minister, be charged with the administration of this Act, and such number of other fit persons as deputy chief federal immigration officers and other officers as may from time to time be required to assist the chief federal immigration officer under this Act and to be subject to his direction and control. The chief federal immigration officer shall, where necessary for the purposes of this Act, co-ordinate the duties of his division with those of the division of any officer appointed for the control of aliens in Nigeria.

- 10      (2) There shall also be appointed a fit person to be chief federal aliens officer who shall have such duties and powers as may be conferred upon him by this or any other Act for the control of aliens in Nigeria, and such number of other fit persons as officers to assist the chief federal aliens officer and to be subject to his direction and control. The chief federal aliens officer in the performance of his duties under this Act shall where necessary co-operate with the chief federal immigration officer.

- 15      (3) Any person who, immediately before the coming into operation of this Act is the holder of any office designated in this section shall, on the commencement of this Act, continue in office and be deemed for the purpose only of this Act to have been appointed to his office under this section.

- 20      6.—(1) The Minister with the approval of the Federal Minister charged with responsibility for health may appoint any duly qualified medical practitioner as a medical inspector for the purposes of this Act, who shall act in accordance with such instructions as may be given by the Federal Minister charged with responsibility for health from time to time.

- 25      (2) The Minister may arrange with the Federal Minister charged with responsibility for customs and excise for the employment of members of the customs preventive service as immigration officers; and when so employed, such members shall have the powers of an immigration officer under this Act.

- 30      (3) Members of the Nigeria Police Force may be employed as immigration officers on such terms and conditions as the Federal Minister charged with responsibility for police may from time to time approve.

- 35      7.—(1) The power of an immigration officer to refuse entry into Nigeria or to admit into Nigeria subject to conditions shall unless the Minister in any case otherwise directs be exercised by notice in writing; and subject to subsection (2) of this section, any such notice shall be given by being delivered by the immigration officer to the person to whom it relates.

- 40      (2) Where an immigrant who is to be admitted into Nigeria subject to conditions is a member of a party in the charge of a person appearing to the immigration officer to be a responsible person, the notice under this section shall be duly given if delivered to the person in charge of the party.

Appointment  
of medical  
inspectors  
and others.

Power for  
immigration  
officer to  
refuse  
entry, etc.

(3) A notice refusing a person admission into Nigeria may at any time be cancelled by a subsequent notice in writing given to him by an immigration officer; and where a notice under this subsection cancelling such a notice is given to any person at any time, the immigration officer may at the same time give to that person a permit admitting him into Nigeria subject to conditions.

(4) Any conditions specified in a notice under this section may at any time be revoked or varied by the Minister or the chief federal immigration officer either by notice in writing given to the immigrant to whom those conditions apply or by order applying to immigrants of any class to whom such conditions for the time being apply.

(5) Any notice under this section and any condition specified in such a notice, shall, unless previously cancelled or revoked under the provisions of this Act, cease to have effect if the person to whom the notice was given again enters or seek to enter Nigeria.

Entry for business purposes, etc.

8.—(1) No person other than a citizen of Nigeria shall—

(a) accept employment (not being employment with the Federal Government or a Regional Government) without the consent in writing of the chief federal immigration officer; or

(b) on his own account or in partnership with any other person, practise a profession or establish or take over any trade or business whatsoever or register or take over any company with limited liability for any such purpose, without the consent in writing of the Minister given on such conditions as to the locality of operation and persons to be employed by or on behalf of such person, as the Minister may prescribe.

(2) Any person desirous of entering Nigeria for any of the purposes in subsection (1) of this section shall produce the consent to an immigration officer; and the failure to do so shall be an offence under this Act, and such person shall be liable to deportation as a prohibited immigrant.

(3) Where any person exempt from any provision of this Act restricting his employment ceases to be so exempt, he shall be deemed to be a person seeking entry into Nigeria for the first time; and the provisions of this section shall have effect accordingly.

Residence permits.

9.—(1) Any Commonwealth citizen or citizen of Eire may enter Nigeria for the purpose of residence (not being a tour of service with the Federal Government or any Regional Government in Nigeria) on production of a residence permit with his other travel documents, signed by or on behalf of the chief federal immigration officer and issued subject to such conditions as may be endorsed thereon. If the entry is for any such tour of service, such citizen shall on production of any evidence which an immigration officer may reasonably require, be deemed to be in possession of a residence permit.

(2) Any person not a Commonwealth citizen or citizen of Eire desirous of entering Nigeria for the purpose of residence shall, unless exempted under this Act, give security in such amount as the Minister may prescribe, and shall supply such information as the chief federal immigration officer may reasonably require. If the chief federal immigration officer is satisfied, he may issue a residence permit accordingly.

5

10

15

20

25

30

35

40

45

50

(3) The residence permit shall be in such form as may be prescribed and may be issued by endorsement on any travel document or otherwise as the chief federal immigration officer may direct. The chief federal immigration officer may endorse on a residence permit such conditions not inconsistent with this Act as he thinks fit, and may replace any valid permit issued or deemed to have been issued by a residence permit, and for such purpose the chief federal immigration officer may at any time require the holder to apply for a residence permit after entry into Nigeria.

5                   (4) The failure by any person to comply with the requirements of this section or of any conditions imposed shall be an offence under this Act, and such person may if the Minister thinks fit, be required to leave Nigeria. Any security furnished may be forfeited or, as the case may be, any bond may be estreated at suit of the chief federal  
10                  immigration officer.

15                  10.—(1) An immigration officer may by notice given at any time to any person who—

20                  (a) has arrived at a recognised port in Nigeria as a visitor or as a transit passenger on board a ship or aircraft ; and  
25                  (b) is for the time being on board the ship or aircraft on which he arrived at such port,

prohibit him from landing from that ship or aircraft as the case may be while it remains at such port unless authorised to do so by an immigration officer.

30                  25                  (2) If any person affected by subsection (1) of this section,—

35                  (a) lands from a ship or aircraft in contravention of a prohibition imposed on him under subsection (1) of this section ; or  
40                  (b) being a visitor refused admission or a transit passenger remains in Nigeria after the ship or aircraft has left the port ; or  
45                  (c) having been admitted as a visitor into Nigeria subject to a condition restricting the period for which he may remain there, remains in Nigeria in contravention of that condition,  
he shall, subject to the next succeeding subsection, where necessary be treated for the purposes of this Act as if he had been refused admission into Nigeria.

50                  (3) An immigration officer may, by notice in writing given at any time to any person who has landed or remained in Nigeria as mentioned in subsection (2) of this section, authorise him to remain in Nigeria either without conditions or subject to any conditions the Minister may impose, including in particular conditions requiring him—  
55                  (a) to leave Nigeria in a specified ship or aircraft ; or  
60                  (b) to leave Nigeria within a specified period in accordance with the conditions of his permit or as the case may be with arrangements made, and where such a notice is given to any person, he shall not be treated as a person to whom admission to Nigeria has been refused unless, in the case where he is subject to conditions requiring him to leave Nigeria as aforesaid, he fails to comply or is reasonably suspected of intending to fail to comply with those conditions.

Control of visitors and transit passengers.

(4) Any permit under this section shall be in such form as the Minister may from time to time prescribe, and any permit issued or conditions endorsed may at any time be varied or revoked by the chief federal immigration officer, or such officer may replace the permit in any proper case.

5

Power to exempt from certain entry or departure requirements.

11.—(1) The Minister by order may exempt from the requirements of entry under this Act any other person or class of persons, and with the concurrence of the Minister of Health may restrict the classes of cases where medical examination of persons landing in Nigeria is required.

10

(2) The Minister may likewise by order exempt any person or class of persons from the requirements of this Act as to departure from Nigeria.

Power to board ships, etc.

12. Any immigration officer or medical inspector may in Nigeria board any ship or aircraft and at any frontier may board a vehicle of any description whatsoever.

15

Recognition of aerodromes and ports.

13. For the purposes of this Act, the Minister may by order prescribe any aerodrome, airport or air line to be a recognised aerodrome, airport or air line, and may likewise recognise any port for shipping or point of entry by land or inland waters as a port of entry.

20

Arrivals elsewhere than at a recognised port.

14. Where any ship or aircraft lands by sea or air in Nigeria elsewhere than at a recognised port, the master of the ship or aircraft shall report to the nearest immigration officer, and no person on board shall leave the ship or aircraft without the authority of an immigration officer.

25

Control of immigrants by inland waters, etc.

15. Any person who enters Nigeria by inland waters or overland shall forthwith proceed to the nearest recognised port and appear before the immigration officer, and that officer after such examination as he may consider necessary, shall, if the person appears to him to be a prohibited immigrant detain that person; and the provisions of this Act as to deportation shall have effect accordingly.

30

Removal of immigrant where entry refused.

16.—(1) Where a person arriving by ship or aircraft is for any reason refused entry into Nigeria an immigration officer may give directions—

35

(a) to the master of the ship or commander of the aircraft in which the immigrant arrived in Nigeria, requiring him to remove the immigrant from Nigeria in that ship or aircraft; or

(b) to the owners or agents of the said ship or aircraft, requiring them to remove the immigrant from Nigeria in any ship or aircraft specified in the directions being a ship or aircraft of which they are the owners or agents'; or

40

(c) to the said owners or agents, requiring them to make arrangements for the removal of the immigrant from Nigeria in any ship or aircraft bound for a country or territory specified in the directions, being—

(i) a country of which the person refused entry is a citizen; or

45

(ii) a country or territory in which he has obtained a passport or other document of identity; or

(iii) a country or territory in which he embarked for Nigeria; or

(iv) a country or territory to which there is reason to believe that the immigrant will be admitted, and for securing him a passage to that country or territory.

5 (2) If it appears to the Minister that in the circumstances it is not practicable for directions to be given under subsection (1) of this section in respect of an immigrant, or that directions so given would be ineffective, the Minister or any person acting under his authority, may give to the owners or agents of any ship or aircraft the like directions as may be given under paragraph (c) of the said subsection (1)

10 to the owners or agents of the ship or aircraft in which the immigrant arrived in Nigeria; and for the avoidance of doubt in any such case, the cost of complying with the directions shall be defrayed by the owners or agents as the case may be, of the ship or aircraft.

15 (3) An immigrant in respect of whom directions are given under this section may be placed, under the authority of an immigration officer, or board any ship or aircraft in which he is to be removed in accordance with the directions.

## PART II—DEPORTATION

17.—(1) Any person within any of the following classes shall be deemed to be a prohibited immigrant and liable to be refused admission into Nigeria or to be deported as the case may be, that is to say,—

Prohibited Immigrants.

20 (a) any person who is without visible means of support or is likely to become a public charge;

25 (b) any idiot, insane person, or person suffering from any other mental disorder;

(c) any person convicted in any country of any crime wherever committed, which is an extradition crime within the provisions of the Extradition Act;

Cap. 65.

30 (d) any person whose admission would in the opinion of a Minister of State be contrary to the interest of national security;

(e) any person against whom an order of deportation from Nigeria is in force;

(f) any person who—

(i) has not in his possession a valid passport, or

35 (ii) being a person under the age of sixteen years has not in his possession a valid passport or is unaccompanied by an adult on whose valid passport particulars of such person appear;

(g) any prostitute;

(h) any person who is or has been—

40 (i) a brothel keeper;

(ii) a householder permitting the defilement of a young girl on his premises;

(iii) a person allowing a person under thirteen years of age to be in a brothel;

45 (iv) a person causing or encouraging the seduction or prostitution of a girl under thirteen years of age;

(v) a person trading in prostitution; or

(vi) a procurer.

(2) The Minister may at any time by notice add to or amend any class of prohibited immigrant in the foregoing subsection and if he deems it conducive to the public good may prohibit the entry into or stay in Nigeria of any other persons or class of persons not in any case citizens of Nigeria.

5

(3) In this section,—

(a) "brothel keeper" includes any person who appears, acts or behaves himself as the owner of, or the person having the care, government or management of, any premises, or room or set of rooms in any premises, kept for purposes of prostitution : .

10

(b) "householder permitting the defilement of young girl on his premises" means any person who, being the owner or occupier of any premises or having or acting or assisting in the management or control thereof, induces or knowingly suffers any girl under the age of thirteen years to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man or for any lewd purpose :

15

(c) "person allowing a person under thirteen years of age to be in a brothel" means any person having the custody, charge or care of a child or young person who has attained the age of four years and is under the age of thirteen years, who allows that child or young person to reside in or frequent a brothel :

20

(d) "person causing or encouraging the seduction or prostitution of a girl under thirteen years of age" means any person having the custody, charge or care of a girl under the age of thirteen years who causes or encourages the seduction, unlawful carnal knowledge, or prostitution of or the commission of an indecent assault upon that girl :

25

(e) "person trading in prostitution" means—

(i) a male person who knowingly lives wholly or in part on the earnings of prostitution or who, in any public place persistently solicits or importunes for immoral purposes ; or

30

(ii) a female who, for the purposes of gain, exercises control, direction or influence over the movements of a prostitute in such a manner as to show that such female is aiding, abetting or compelling her prostitution with any person or generally :

35

(f) "procurer" means any person who—

(i) procures or attempts to procure any female under twenty-one years of age, not being a common prostitute or of known immoral character, to have unlawful carnal connection, either within or without Nigeria with any other person ; or

40

(ii) procures or attempts to procure any female to become, either within or without Nigeria a common prostitute ; or

(iii) procures or attempts to procure any female to leave her usual place of abode (such place not being a brothel), with intent that she may, for the purpose of prostitution, become an inmate of a brothel, either within or without Nigeria ; or

45

(iv) by threats or intimidation procures or attempts to procure any female to have any unlawful carnal connection either within or without Nigeria ; or

50

1962, No. 5

(v) by false pretences or false representations procures any female, not being a common prostitute or of known immoral character, to have any unlawful carnal connection, either within or without Nigeria ; or

5 (vi) applies or administers to or causes to be taken by any female any drug, matter, or thing, with intent to stupefy or overpower her so as thereby to enable any person to have unlawful carnal connection with that female :

10 (g) "prostitution" (with its grammatical variations and cognate expressions) includes the offering by a female of her body commonly for acts of lewdness for payment, although there is no act, or offer of an act, of ordinary sexual connection.

(4) For the purposes of this section a person shall be deemed to possess a valid passport if,—

15 (a) being a citizen of any other Commonwealth country (including Eire), he produces with his passport for inspection under this Act a residence permit issued by or on behalf of the chief federal immigration officer or any document or authority other than a residence permit to enter Nigeria, satisfactory to the immigration officer ; or

20 (b) being a citizen of any other country not otherwise exempted under this Act, he produces for inspection with his passport a visa valid for entry into Nigeria for any purpose designated in the visa, and a residence permit.

25 18.—(1) Subject to subsections (2) and (3) of this section, any person who being a prohibited immigrant enters Nigeria except in accordance with this Act shall be guilty of an offence under this Act, and if convicted the court may make a recommendation for deportation of the offender.

Deportation  
orders in  
special cases.

30 (2) The Minister may if satisfied that it is in the public interest and whether or not any person has been prosecuted for an offence under this section, make a deportation order against that person as a prohibited immigrant ; and it shall be no defence that such person was not notified that his entry into Nigeria was prohibited, or that the entry was permitted by oversight or otherwise howsoever. This subsection shall have effect notwithstanding any other provision of this Act.

40 (3) If the Minister is of opinion that any person in Nigeria ought, at any time after his entry to be classed as a prohibited immigrant, he may make an order accordingly ; and the provisions of any such order shall have effect as if the person named in the order were a prohibited immigrant landing in Nigeria for the first time. Any person affected by an order made under this subsection may be deported.

45 (4) The provisions of this section shall, if the Minister thinks fit, extend and apply to any person who having entered Nigeria at any time in pursuance of a visitor's permit or transit permit remains in Nigeria beyond the time allowed by such pass or breaks any other condition subject to which such permit was issued, and whether or not he has been prosecuted for an offence under this Act.

Court deportation recommendations to be an order made on conviction.

19.—(1) Where a person convicted of an offence by any court is committed for sentence to another court, any power to make a recommendation for deportation in respect of him shall be exercisable by the court to which he is committed and not by the court by which he is convicted.

5

(2) For the purposes of any enactment relating to appeals in criminal cases, a recommendation for deportation shall be treated as an order made on conviction ; and the validity of such a recommendation shall not be called in question except on an appeal against the recommendation or against the conviction upon which it is made.

10

Deportation order on recommendation by court.

20.—(1) Where a recommendation by a court for deportation is in force, the Minister may, if he thinks fit, make a deportation order requiring him to leave Nigeria and prohibiting him from returning there so long as the order is in force.

15

(2) Subject to the provisions of this Act, an order under this section shall not be made in pursuance of a recommendation for deportation unless either—

20

(a) the time for bringing an appeal against the recommendation, or against the conviction upon which it was made, has expired without such an appeal having been brought ; or

20

(b) such an appeal has been brought and abandoned, or finally determined otherwise than by the quashing of the recommendation or the conviction ; or

(c) the recommendation was made on appeal and no further appeal lies.

25

(3) The Minister may, if he thinks fit, revoke a deportation order at any time, whether before or after the person to whom it relates has left or been removed from Nigeria, but the revocation of a deportation order shall not affect the validity of anything previously done thereunder.

Removal of persons subject to deportation orders.

21.—(1) The Minister or any person acting under his authority may, notwithstanding any other provision of this Act, give directions to the master of any ship or commander of any aircraft which is about to leave Nigeria, requiring him to afford to any person against whom a deportation order is in force, and to any dependants of his specified in the directions, a passage to any port so specified (being a port in a country of which that person is a citizen or a country or territory to which the Minister has reason to believe that he will be admitted, and at which the ship or aircraft is to call or land in the course of the voyage) and proper accommodation and maintenance during the passage.

30

(2) A person in respect of whom directions are given under subsection (1) of this section may be placed, under the authority of the Minister, on board any ship or aircraft in which he is to be removed in accordance with the directions.

35

(3) The employer of any person against whom a deportation order is in force shall pay the expenses incidental to the voyage from Nigeria of the person to be deported and his dependants (if any) and the maintenance until departure of such person and his dependants ; and in default of such payment the Minister may in any proper case sue for and recover the same, or in his discretion may apply in and towards any such expenses aforesaid moneys belonging to the person to be deported, or cause the expenses to be defrayed by the Government of the Federation.

45

50

22.—(1) Where a recommendation for deportation is in force in respect of an offender and the offender is neither detained in pursuance of the sentence or order of any court nor for the time being released on bail by any court having power so to release him, he shall, unless the court by which the recommendation is made otherwise directs, be detained until the Minister—

- 5                     (a) makes a deportation order in respect of him ; or  
10                  (b) notifies him that no such order is to be made ; or  
                     (c) directs him to be released pending further consideration of his case.

Detention,  
etc., of  
persons  
liable to  
deportation.

(2) Where a deportation order is in force in respect of an offender, the offender may be detained under the authority of the Minister until he is removed from Nigeria pursuant to this Act ; and if he is released from detention pending further consideration of his case or while liable to be detained is not so detained, the Minister may by order impose on him such restrictions as to place of residence and requirements as to reporting to the police as the Minister thinks fit.

23.—(1) If any person in respect of whom a deportation order is in force—

- 20                  (a) having left Nigeria after notice of the making of the order has been given to him on behalf of the Minister, subsequently returns to Nigeria ; or  
                     (b) having been placed on board a ship or aircraft under this Act, lands from that ship or aircraft before it has left Nigeria,  
25                  he shall be guilty of an offence ; and any offence under this subsection shall be deemed to continue throughout any period during which the offender is in Nigeria after its commission.  
                     (2) If any person upon whom any restriction or requirement is imposed under this Act fails to comply with that restriction or requirement, he shall be guilty of an offence.

Offences in  
connection  
with depor-  
tation orders.

- 30                  (3) Where a person in respect of whom a deportation order is in force is convicted of any offence under subsection (1) of this section, the operation of the deportation order shall be suspended and shall not cease to have effect.  
35                  (4) If any person knowingly harbours any person whom he knows or has reasonable grounds for believing to have committed an offence under subsection (1) of this section, he shall be guilty of an offence.

24.—(1) The Minister may from time to time by notice direct that persons within any category specified in the notice, entering Nigeria otherwise than by sea or air, shall be liable to deportation as prohibited immigrants without the intervention of any court ; and any person in any such category may be arrested and detained by an immigration officer and may, subject to subsection (2) of this section be deported forthwith. If any person is deported under this subsection, the immigration officer shall report the case as soon as possible to the chief federal immigration officer.

Power to  
notify cases  
specially  
liable to  
deportation.

- 40                  (2) The power to arrest or to deport under this section may be exercised by an immigration officer not below the rank of assistant immigration officer.

### PART III—CONTROL OF CREWS AND STOWAWAYS

Examination of crews.

25.—(1) An immigration officer may examine any person who arrives at a port in Nigeria as a member of the crew of a ship or aircraft whether or not he lands or seeks to land in Nigeria; and the provisions of this Act shall apply to any such person accordingly.

5

(2) The Minister may by order make provision for requiring masters of ships and commanders of aircraft arriving at ports in Nigeria to furnish to the immigration officer particulars of the members of the crews of those ships or aircraft, and for enabling the immigration officer to dispense with the furnishing of such particulars.

10

Control of members of crew of ship, etc.

26.—(1) An immigration officer may, by notice given at any time to any person who—

(a) has arrived at a port in Nigeria as a member of the crew of a ship or aircraft; and

(b) is for the time being on board the ship or aircraft on which he arrived at the port,

15

prohibit him from landing from that ship or aircraft as the case may be while it remains at the port unless authorised to do so by an immigration officer.

(2) If any person affected by subsection (1) of this section,—

20

(a) lands from a ship or aircraft in contravention of a prohibition imposed on him under subsection (1) of this section; or

(b) remains in Nigeria after his ship or aircraft has left the port; or

(c) having been admitted into Nigeria subject to a condition restricting the period for which he may remain there, remains in Nigeria in contravention of that conditions,

25

he shall, subject to the provision of the next succeeding subsection, be treated for the purposes of this Act as if he had been refused admission into Nigeria.

(3) An immigration officer may, by notice in writing given at any time to any person who has landed or remained in Nigeria as mentioned in subsection (2) of this section authorise him to remain in Nigeria either without conditions or subject to any conditions the Minister may impose, including in particular, conditions requiring him—

30

(a) to leave Nigeria in a specified ship or aircraft; or

35

(b) to leave Nigeria within a specified period in accordance with arrangements for his repatriation;

and where such a notice is given to any person, he shall not be treated as a person to whom admission to Nigeria has been refused unless, in the case where he is subject to conditions requiring him to leave Nigeria as aforesaid, he fails to comply or is reasonably suspected of intending to fail to comply with those conditions.

40

Stowaways.

27.—(1) If any person arrives at a port in Nigeria as a stowaway in a ship or aircraft, he shall, subject to the provisions of subsection (2) of this section, be treated for the purposes of this Act as if he were a prohibited immigrant and was refused admission into Nigeria accordingly.

45

(2) Subsection (3) of section twenty-six of this Act shall apply in relation to any such person refused admission as it applies in relation to any who has landed or remained in Nigeria as mentioned in subsection (2) of the said section twenty-six.'

5      28.—(1) Notwithstanding the provisions of any other Act or written law no member of the crew of any ship or aircraft who is not a citizen of Nigeria shall be discharged in Nigeria without the approval of the chief federal immigration officer given on such terms as he may think fit.

10     (2) For the avoidance of doubt, the provisions of this section shall extend and apply to the crew of any ship which operates solely or mainly within the territorial waters of Nigeria.

Discharge  
of crew in  
Nigeria.

#### PART IV.—MISCELLANEOUS AND SUPPLEMENTAL

29.—(1) The Minister may from time to time give such directions as he thinks fit for the determination of the nationality of any person, or if a deportation order is in force, for the disregarding of any change of nationality ; and where at any time before or after entry into Nigeria the nationality of any person is or may be questioned, or after entry into Nigeria a person for any reason changes his nationality, the burden of proof shall in any case lie upon the person asserting the nationality or the change of nationality, as the case may be.

Determina-  
tion of  
nationality  
in special  
cases.

(2) Save in the case of any person in or resident in Nigeria and claiming to be a citizen of Nigeria, no direction given under this section shall be questioned in any court.

30.—(1) Any person required or authorised to be detained under this Act may be detained in such places as the Minister may direct.

General  
provisions  
as to  
detained  
persons.

(2) Where a person is detained by virtue of this Act, any immigration officer, police officer, or prison officer, or any other person authorised by the Minister may do all things reasonably necessary for photographing, measuring or otherwise identifying him.

35     (3) Any person detained by virtue of this Act and any person who, being detained in pursuance of the sentence or order of a court, would otherwise be liable to be so detained, may be taken in the custody of a police officer or an immigration officer to and from any place where his attendance is required for the purpose of ascertaining his nationality or of making arrangements for his admission to any country or territory.

40     (4) Any person required or authorised by this Act to be detained may be arrested without warrant by an immigration officer duly authorised in writing either generally or specially by the chief federal immigration officer, or by any police officer ; and any person who is detained by virtue of this Act, or is being removed in pursuance of this section, shall be deemed to be in legal custody.

45     31.—(1) Where the Minister is satisfied that the Government of any other country or a Minister thereof permits the entry of citizens of Nigeria into that country without requiring a visa or other entry permit, he may by order abolish or suspend the requirement in Nigeria of a visa or other entry permit by nationals of that other country, but without prejudice to any other requirements of this Act.

Power to  
abolish, etc.,  
entry permits  
in certain  
cases.

50     (2) Notice of the making of any order under this section shall be given to such persons outside Nigeria as the chief federal immigration officer thinks fit as soon as may be after the making thereof.

Power to prescribe entry conditions and fees.

32.—(1) The Minister may from time to time prescribe the conditions for entry into Nigeria and the fees payable in respect of any travel document, visa, or permit ; and every Nigerian embassy shall give effect thereto in any proper case by the issue of a visa or other entry permit.

(2) Where there is no embassy in a country, any British consulate may issue a visa or other entry permit into Nigeria in any proper case.

(3) For the purposes of this section, "embassy" includes any Nigerian high commission or consulate.

Employment of immigrants.

33.—(1) Where any person in Nigeria is desirous of employing a person who is a national of any other country he shall, unless exempted under this section, make application to the chief federal immigration officer in such manner as may be prescribed and shall give such information as to the provision to be made for repatriation of that national and his dependants as the chief federal immigration officer may reasonably require ; and no such person shall be employed without the permission of the chief federal immigration officer given on such terms as he thinks fit. The provisions of this section shall extend and apply to persons in employment immediately before, as well as to those employed or to be employed at any time after, the commencement of this Act.

(2) The chief federal immigration officer shall record the information in such form as he thinks necessary ; and where he is not satisfied, the chief federal immigration officer may require provision to be made for repatriation either generally as to all persons so employed by a person in Nigeria and their dependants or with reference to any particular person, by payment into the Consolidated Revenue Fund by way of deposit of such amount as the Minister may prescribe for the repatriation, or by a bond in such form as the chief federal immigration officer may approve for such purpose.

(3) The Minister may by notice exempt any person from the requirements of this section on such conditions as he thinks fit, and subject thereto any person to whom this section applies who is employed in Nigeria, shall on ceasing for any reason to be so employed, be deemed to be a prohibited immigrant as from the date of his entry into Nigeria ; and the person who employed him shall be liable to pay all costs of and incidental to deportation of the prohibited immigrant and of his dependants.

(4) The failure to comply with the provisions of this section shall be an offence under this Act.

(5) For the purposes of this section, any person being a company or association shall be deemed to be in Nigeria if carrying out any work therein.

Revocation or variation of permits.

34.—(1) The chief federal immigration officer may if he deems it to be in the public interest, at any time revoke a residence permit or other permit under this Act or may issue a new permit of such conditions as he thinks fit ; and where any permit is revoked without replacement, the person affected shall be deemed to be a person seeking to enter Nigeria for the first time, and the Minister in his discretion, may issue a deportation order.

(2) The chief federal immigration officer may direct the holder of a permit to surrender it for replacement, or he may reissue it with such additional conditions or varied conditions, as the circumstances

5

10

15

20

25

30

35

40

45

50

may require ; and the failure to comply with any direction of the chief federal immigration officer under this subsection shall be an offence under this Act.

- 35.—(1) Subject to the provisions of subsection (2) of this section, 5 the Minister may if he thinks it to be in the public interest, by order prohibit the departure of any person from Nigeria ; and if the travel documents of any person are not in proper order or there is, to the knowledge of the immigration officer, an unsatisfied order of a court of competent jurisdiction or warrant of arrest relating to that person, 10 an immigration officer may refuse to allow such person to leave Nigeria, or in his discretion he may refer the case to the chief federal immigration officer for further consideration.

Power to prohibit departure.

- (2) Nothing in this section shall apply to or affect any person 15 entitled under any rule of law or enactment to immunity from suit or legal process, not being immunity in respect of things done or omitted to be done in the course of his duty.

Application of Act to young persons and cases of dual nationality, etc.

- 36.—(1) Subject to the provisions of this Act, any person of or above the apparent age of sixteen years who, on the coming into operation of this Act is in Nigeria but is not a citizen thereof, shall apply 20 to an immigration officer at such time and place as may be required under this section for a permit under this Act. Any person in Nigeria as aforesaid and under the apparent age of sixteen years shall apply to an immigration officer for such permit not later than three months after he attains that age, and notice of the requirement of this section 25 may be published in such manner as the chief federal immigration officer thinks fit.

(2) The provisions of this section shall extend and apply,—

- (a) to persons who being nationals of more than one country 30 including Nigeria, elect within the time prescribed by the Constitution of the Federation or any enactment to be nationals of some country other than Nigeria ;
- (b) to persons who having acquired nationality as citizens of Nigeria for any reason lose that nationality,

and the person concerned shall within one month after the election or loss of nationality, as the case may be, apply to the chief federal immigration officer for a permit to remain in Nigeria ; and the chief federal immigration officer may grant or refuse the permit. An appeal shall lie to the Minister from the grant or refusal of a permit under this subsection.

- 40 (3) The Minister may exempt any person or class of person from the requirements of this section ; and subject thereto, the chief federal immigration officer may from time to time in the Gazette and in some newspaper printed and circulating in Nigeria, give notice of the requirements of this section.

- 45 (4) A permit under this section shall be in such form and be subject to such conditions as the Minister may from time to time prescribe ; and the failure to apply when required by this section shall be an offence against this Act, and any person affected shall be deemed to be a person seeking to enter Nigeria for the first time, and may be 50 dealt with accordingly.

Power to require young persons to obtain permit after entry.

37.—(1) Any person under the apparent age of sixteen years may be permitted by an immigration officer to enter Nigeria without a permit and to remain in Nigeria for so long as such person is with his parents ; and any person so admitted shall not live elsewhere without the approval of an immigration officer. Any such person entering without a permit shall leave Nigeria as and when required by the chief federal immigration officer ; and if not having been required to leave he attains the age of sixteen years, he shall apply to an immigration officer for the issue of a permit under section thirty six of this Act to remain in Nigeria. The immigration officer may issue a permit upon such conditions as he thinks fit, or may refuse a permit. If a permit is refused the person affected shall be dealt with in such manner as the Minister may direct.

(2) The provisions of this section shall extend and apply to any person who entered Nigeria at any time after the thirtieth day of September, nineteen hundred and sixty and before the commencement of this Act, so however that if on the commencement of this Act he has attained the age of not less than sixteen years he shall be deemed for the purposes of this section to be of the age of sixteen years on the commencement of this Act.

(3) The failure to comply with the requirements of this section shall be an offence under this Act.

Admission of insane persons.

38.—(1) Any person who without the approval of the Minister given on such terms as he thinks fit brings into Nigeria any idiot or insane person, not being a citizen of Nigeria, shall be liable to pay to the Minister all expenses which may be incurred by the Minister in connection with the maintenance and transport of such idiot or insane person and his deportation from Nigeria.

(2) The amount of any expenses incurred shall be recoverable by action brought in the name of the Attorney-General of the Federation.

Liability of master of a ship, etc., for costs of deportation.

39.—(1) Where a prohibited immigrant disembarks from any ship or aircraft in Nigeria, the master, the owner and the agent of any such ship or aircraft shall be jointly and severally liable to pay to the Minister all expenses incurred by the Minister in connection with the transport and maintenance of the prohibited immigrant and of his deportation from Nigeria.

(2) The provision of the foregoing subsection shall extend and apply to the owner or agent of the owner of any vehicle whatsoever by means of which the prohibited immigrant entered Nigeria by land.

(3) The amount of any expenses incurred shall be recoverable by action brought in the name of the Attorney-General of the Federation.

Evidence as to orders, etc.

40. Any document purporting to be an order, notice or direction made or given by the Minister for the purposes of this Act, and to be signed by him or on his behalf, shall be received in evidence, and shall, until the contrary is proved, be deemed to be made or issued by him. *Prima facie* evidence of any such order, notice or direction may, in any legal proceedings, be given by the production of a document bearing a certificate purporting to be signed by or on behalf of the Minister and stating that the document is a true copy of the order, notice or direction.

5

10

15

20

25

30

35

40

45

50

41. There shall be defrayed out of moneys provided by Parliament any expenses incurred for the purposes of this Act by the Minister or the Minister of Health.

Expenses.

42. Where a person is charged with an offence upon conviction of which the offender may be recommended under this or any other Act for deportation, the case shall be dealt with in priority to any case, civil or criminal, other than a case part heard ; and notwithstanding the provisions of any other Act or written law, the offender at the hearing may be remanded in custody for a period not exceeding at any one time of twenty-one days, and thereafter as occasion may require the offender may be again so remanded from time to time ; but in no case shall the total period on remand exceed two months. If no order is made by the Minister within such period or extended period as aforesaid the offender may be dealt with as the court thinks fit ; and where a sentence of imprisonment is imposed, account shall be taken of the period during which the offender was held in custody on remand.

Court cases involving deportation to be accorded priority.

43. Where a court of competent jurisdiction convicts an offender under any enactment for an offence punishable by imprisonment without the option of a fine, the court may in addition to or in lieu of sentence recommend the deportation of the offender, and the Minister may order his deportation accordingly.

Power for court to recommend deportation.

44. Notwithstanding any other provision of this or any other Act, where a deportation order has been made, the Minister may direct the detention of the person affected for such period as he thinks fit if in his opinion the deportation is impracticable or prejudicial to the efficient prosecution of any war in which Nigeria may be engaged, and the detention of the person affected by the deportation order is necessary or expedient for securing public safety, the defence of Nigeria, or the maintenance of public order.

Power to detain in lieu of deportation.

45.—(1) If any person,—

(a) while a refusal of admission is in force in relation to him enters or remains within Nigeria otherwise than in accordance with the directions or under the authority of an immigration officer ; or

Offences in connection with control of immigration.

(b) contravenes or fails to comply with any condition imposed on him under this Act,

he shall be guilty of an offence ; and any offence under this subsection, being an offence committed by entering or remaining in Nigeria, shall be deemed to continue throughout any period during which the offender is in Nigeria thereafter.

40 (2) If any person knowingly harbours any person whom he knows or has reasonable grounds for believing to have committed an offence under subsection (1) of this section, being an offence committed by entering or remaining within Nigeria, he shall be guilty of an offence.

(3) If any person—

45 (a) makes or causes to be made to any immigration officer or other person lawfully acting in the execution of this Act, any return, statement or representation which he knows to be false or does not believe to be true ; or

(b) refuses or fails to produce or furnish to any such officer or person any document or information which he is required to produce or furnish to that officer or person under this Act, or otherwise obstructs any such officer or person in the exercise of his functions thereunder ; or

(c) without lawful authority, alters any document issued or made under or for the purposes of this Act, or uses for the purposes of this Act, or has in his possession for such use, any forged or altered passport or other travel document,—

he shall be guilty of an offence.

5

10

Offences by  
immigrant  
employers  
and workers.

46. It shall be an offence under this Act for any employer of persons liable to repatriation to discharge any such persons without giving notice to the chief federal immigration officer, or for any such employed person to change his employment without the approval of the chief federal immigration officer ; and upon conviction the employer if not a citizen of Nigeria and the employed person as the case may be and any dependants shall if the Minister thinks fit be deported, and the business of the employer may be wound up as prescribed by this Act.

15

Penalties,  
proceedings,  
etc.

47.—(1) A person guilty of an offence under this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both ; and the court may if it thinks fit recommend the deportation of the offender.

20

(2) For the purposes of the trial of a person for any offence under this Act, the offence shall be deemed to have been committed either at the place at which it actually was committed or at any place at which the offender may be.

25

(3) Any police officer or immigration officer may arrest without warrant any person whom he had reasonable grounds to believe has committed an offence under subsection (1) of section twenty three or subsection (1) of section forty five of this Act.

30

(4) Any powers exercisable under this Act in the case of any person may be exercised notwithstanding that proceedings for an offence under this Act have been taken against him.

35

40

Power to  
appoint  
receiver  
etc. where  
owner  
deported.

48.—(1) Where it appears to the Minister expedient that any business previously conducted or managed by any person who has been deported or under section forty four of this Act is detained should be wound up, he may cause application to be made to the High Court of a Region or of the Federal territory as the case may be, for the appointment of a receiver or receiver and manager in respect of such business, and the High court shall have power to appoint a receiver or receiver and manager for such time and subject to such conditions and with such modifications, restrictions or extensions of the ordinary powers and duties of a receiver or receiver and manager as that court may think fit.

(2) The High court shall also have power to direct how and by whom the costs of any proceeding under this section, and the remuneration, charges and expenses of the receiver or receiver and manager shall be borne, and may order that the costs and expenses be charged against the property of the person whose business is being wound up in such order of priority in relation to any existing charges thereto as it thinks fit.

45

50

49. Nothing in this Act shall be construed to prohibit an immigration officer from refusing entry into Nigeria of any person not a citizen of Nigeria if it appears to the immigration officer,—

Special cases where entry may be refused.

- (a) that the person concerned is a prohibited immigrant ; or
- 5 (b) that where a visa is required such person has no current visa ; or
- (c) that where a residence permit is required as a condition of entry it has not been obtained ; or
- (d) on the advice of a medical inspector it is undesirable for medical reasons to admit such person.

10 50.—(1) The Minister may make all such regulations as in his opinion are necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

Regulations.

(2) Without limiting the generality of the provisions of subsection (1) of this section, regulations may be made for all or any of the following purposes,—

- (a) for the control of aliens resident in Nigeria ;
- (b) for the establishment of a uniformed immigration service and the terms and conditions of employment therein ;
- (c) for the imposition of penalties for the breach of any regulations not exceeding a fine of fifty pounds or imprisonment for six months or of both.

51.—(1) In this Act unless the context otherwise requires,—  
“alien” means any person not a Commonwealth citizen or a citizen of Eire ;

Interpretation.

25 “aliens officer” means any person appointed for the control of aliens and includes an immigration officer ;

“crew” in relation to a ship or aircraft means all persons actually employed in the working or service of the ship or aircraft including the master of the ship and commander of the aircraft, and “member of the crew” shall be construed accordingly ;

“enter” with its grammatical variations and cognate expressions includes land ;

“immigrant” means any person other than a citizen of Nigeria or person accorded immunity by reason of diplomatic status who enters or seeks to enter Nigeria ;

“immigration officer” means any officer appointed for the control of immigration under this Act ;

“land” means (subject to subsection (2) of this section) land from a ship or aircraft, and “embark” shall be construed accordingly ;

“leave” with grammatical variations and cognate expressions includes embark ;

“Minister” means the Federal Minister charged with responsibility for immigration ;

“passport” means with reference to the person producing it, a travel document furnished with a photograph of such person and issued to him by or on behalf of the country of which he is a subject or a citizen and for a period which, according to the laws of that country,

has not expired, and includes any other similar document approved by the Minister establishing the nationality and identity of the person to whom it refers to the satisfaction of an immigration officer;

"permit" includes pass;

"prescribed" means prescribed by this Act or by regulations or any order under this Act;

"prohibited immigrant" includes any person liable to be refused entry or to be deported under this Act;

"recognized port" or "port-of entry" means in respect of persons landing from or embarking in an aircraft, any recognized aerodrome or air port where there are facilities for customs, health and immigration inspection, and in respect of persons landing from or embarking in a ship or otherwise arriving in or departing from Nigeria, means any place where there are the like facilities;

"travel documents" for entry into Nigeria includes in any proper case a visa and employment papers, and international certificates of health valid for such entry, and where a citizen of Nigeria is departing, includes any visa, employment papers and international certificates of health valid for entry into or travel through any other country, as the case may require;

"visa" means an impress or endorsement by any means on a travel document, purporting to be signed and dated by an officer appointed for that purpose by or on behalf of the Government of Nigeria, and authorising entry into or transit across Nigeria subject to compliance with any special requirements prescribed by the immigration authorities at a port of entry, and valid for specified time and for the number of journeys stated therein.

(2) References in this Act to persons landing in Nigeria from or arriving at ports in Nigeria as members of the crews of ships or aircraft, do not include references to persons landing from a ship or aircraft which began its voyage at a place in and has not during the voyage called at any place outside Nigeria, or arriving as members of the crew in such a ship or aircraft.

(3) Where by this Act any power to institute proceedings or to recover moneys is vested in the Attorney-General of the Federation that power may, with the consent given either generally or specially by such Attorney-General, be exercised in his name by any authorised immigration officer but without prejudice to the operation of section ninety seven of the Constitution of the Federation (which provides for the exercise of certain powers by or on behalf of the Director of Public Prosecutions).

(4) For the avoidance of doubt,—

(a) a person seeking entry shall be treated as in Nigeria after he has complied with all formalities prescribed for inspection by immigration, health and customs authorities, and whether the compliance is subject to conditions or otherwise;

(b) any permit issued under any repealed Act and valid immediately before the commencement of this Act, shall on the commencement thereof be deemed to have been issued under this Act for the unexpired balance of the term of the permit and may be dealt with accordingly.

5

10

15

20

25

30

35

40

45

50

- 5           52.—(1) This Act may be cited as the Immigration Act 1962 and shall apply throughout the Federation.

(2) This Act shall come into operation on a date to be appointed by the Minister by notice, and different dates may be appointed for different provisions of this Act, or for the application of this Act in any Region or in the Federal territory.

10           (3) The provisions of Part XLV of the Criminal Procedure Act (which relates to deportation) shall be read subject to the provisions of this Act, and the reference to "native" in the definition of the word "deported" in section four hundred and two shall be amended to "citizen" where it twice occurs.

(4) The Acts set out in the Schedule to this Act are hereby repealed to the extent therein set out.

**Short title,  
application,  
etc., and  
repeals.**

Cap. 43.

## SCHEDULE

### **Section 52 (3)**

### **ENACTMENTS AFFECTED**

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
9.	Aliens (Deportation) Act	The whole Act
10.	Aliens Restriction Act	The whole Act
43.	Criminal Procedure Act	The word "or" at end of sub-paragraph (i) and all sub-paragraph (ii) of paragraph (b) of section 402, and section 403
84.	Immigration Act	The whole Act

Bills 771

**WEIGHTS AND MEASURES****EXPLANATORY MEMORANDUM**

The object of this Bill is to make amended provision with respect to Weights and Measures with a view to establishing uniform standards of weights and measures throughout the Federation and to ensure that these standards correspond to internationally recognised ones and are periodically compared and adjusted.

The Bill also seeks to make punishable under the law, any attempts at fraud and misrepresentation in weighing and measuring.

Z. B. DIPCHARIMA,  
*Minister of Commerce and Industry*

## WEIGHTS AND MEASURES

### ARRANGEMENT OF CLAUSES

#### PART I—UNITS AND STANDARDS OF MEASUREMENT

##### *Clauses*

1. Units of measurement and primary standards.
2. Secondary standards.
3. Working standards.
4. Units of measurement, weights and measures lawful for use for trade.
5. Weighing or measuring equipment for use for trade.

#### PART II—ADMINISTRATION

6. Appointment of superintendent and other officers.
7. Provision of weighing and measuring instruments for use by inspectors.
8. Repair or adjustment of weights, etc.
9. Examination of weights, etc.
10. General powers of inspection and entry.
11. Obstruction of inspectors.
12. Offences by inspectors and others.
13. Fraud in use of weight, etc.
14. Refusal to produce weights, etc., an offence.
15. Importation, etc., of unjust weights and measures.
16. Forgery, etc., of stamp or mark.
17. Sale of weights, etc., with forged stamp.
18. Alteration of stamped or marked weight, etc.
19. Delivery on sale by false weight, etc.
20. Misrepresentation.
21. Sale of bread not by nett weight an offence.
22. Sale of certain meat and fish not by nett weight an offence.
23. Use of false or unjust weights, etc.
24. Refusal to weigh or measure goods delivered.

#### PART III.—MISCELLANEOUS AND GENERAL

25. Avoidance of sale.
26. Offences by corporations.
27. Loss by evaporation, etc., a defence in special cases.
28. Offence by person other than defendant.
29. Exemption for sale in containers.
30. Saving for civil remedies.
31. Transactions to be in accordance with Act.
32. Power to forfeit and dispose of certain weights, etc.
33. Use of weights, etc., in relation to wages.
34. Use of marked or stamped weights, etc.
35. Presumption of possession of weights, etc.
36. Power to make test purchases.
37. Onus of proof of knowledge, etc., in any offence.
38. Reference of certain cases to superintendent.
39. Limitation of actions.
40. Regulations.
41. Fees.
42. Penalties.
43. Restriction on operation of Act.
44. Interpretation.
45. Short title, application, commencement and repeal.

#### SCHEDULES

**A BILL**  
FOR

**AN ACT TO CONSOLIDATE AND AMEND THE LAW AS TO WEIGHTS AND MEASURES  
AND TO MAKE PROVISION FOR METRIC WEIGHTS AND MEASURES AND FOR  
CONNECTED MATTERS.**

Commencement.

*[By notice section 45]*

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 :—

**PART I—UNITS AND STANDARDS OF MEASUREMENT**

Units of measurement and primary standards.

5

1.—(1) The yard or the metre shall be the unit of measurement of length, and the pound or the kilogramme shall be the unit of measurement of mass by reference to which any measurement involving a measurement of length or mass shall be made in Nigeria ; and—

(a) the yard shall be 0.9144 metre exactly ;

(b) the pound shall be 0.45359237 kilogramme exactly. 10

(2) The Minister shall within two years after the commencement of this Act procure and thereafter at intervals of not more than ten years cause to be checked and maintained as standards for Nigeria, copies representing and corresponding to the units of measurement of length and of mass to which this section applies, and the copies when procured shall be verified— 15

(a) in the case of imperial units, against the corresponding standards of the Board of Trade in England ; and

(b) in the case of metric units, against the corresponding standards of the International Bureau of Weights and Measures in France, 20 and when brought into Nigeria, the Minister shall by order declare the copies to be the Nigerian primary standards, by reference to which all other standards of those units and of any other unit of measurement derived wholly or partly from any of those units shall be maintained.

(3) Subject to the next succeeding subsection, the First Schedule to this Act shall have effect for defining for the purposes of measurements falling to be made in Nigeria the units of measurement in that Schedule ; and for the purposes of any measurement of weight falling to be so made, the weight of any thing may be expressed by reference to the units of measurement set out in Part V of that Schedule, in the same terms as its mass. 25 30

(4) Until an order is made under subsection (2) of this section, the Nigerian primary imperial standards shall be—

(a) in the case of the yard, the bar and stand described in Part I of the Second Schedule to this Act; and

5 (b) in the case of the pound, the figure or shape described in Part II of the Second Schedule,—

and such yard and pound which with such parts or multiples thereof as were immediately before the date of the commencement of this section in the custody of the Treasury in the Federal Territory, shall on the

10 commencement of this section be the Nigerian primary imperial standards and continue to be under the control of the Accountant-General of the Federation and of the Director of Federal Surveys as joint wardens; and the Minister may make such order as to Nigerian primary metric standards, as he thinks necessary to implement the provisions of this

15 section.

(5) Any order made under this section shall be laid before both Houses of Parliament if then in session or within three days after the commencement of the next ensuing meeting after the making of the order; and if not so laid, the order shall be void but without prejudice to anything purporting to have been done thereunder before such date. Any such order may include provision for the custody of the Nigerian primary standards.

2.—(1) The Minister shall maintain secondary standards in accordance with the provisions of this section, which shall be known 25 collectively as Nigerian trade standards.

Secondary standards.

(2) The secondary standards shall consist of standards of all the measures set out in Parts I and IV and all the weights set out in Part V of the Third Schedule to this Act; and any such standard shall be constructed, and while it remains in use, from time to time at intervals 30 not exceeding five years have its value re-determined by reference to such one or more of the Nigerian primary standards, as may appear to the Minister to be appropriate.

(3) The Nigerian trade standards shall be provided or replaced at the direction of the Minister from time to time as may appear to him necessary or expedient, and they shall be in such form and of such material, and be kept under such control in the Ministry responsible for trade as the Minister may direct; and a secondary standard of any linear or capacity measure may as the Minister thinks fit,—

40 (a) be provided either as a separate standard or by means of divisions marked on a standard of a larger measure, and

(b) either be marked in whole or in part with subdivisions representing any smaller unit of measurement or multiples or fractions of such a unit or have no such marking.

(4) Any standard of any such measure or weight as aforesaid 45 provided under any Act repealed by this Act and in use as a secondary standard in the Ministry of Commerce and Industry immediately before the date of the commencement of this section, shall be deemed for the purposes of this Act, to be a secondary standard provided under this section.

## Working standards.

3.—(1) The Minister shall provide for use by inspectors under this Act and cause to be maintained or from time to time replaced such standards (in this Act referred to as "working standards") of such of the measures and weights set out in the Third Schedule to this Act, together with such testing equipment and stamping equipment as he may from time to time approve or require as being proper and sufficient for the efficient discharge by inspectors of their functions under this Act.

(2) Working standards and testing and stamping equipment provided under this section shall be of material and form approved by the superintendent of weights and measures, and except so far as may be necessary for the purposes of their use elsewhere, they shall be kept under such control as the superintendent may from time to time direct or approve; and a working standard of a linear or capacity measure shall as the superintendent may from time to time direct,—

(a) be provided either as a separate standard or by means of divisions marked on a standard of a larger measure, and

(b) either be marked in whole or in part with subdivisions representing any smaller unit of measurement or multiples or fraction of such a unit or have no such markings.

(3) The Minister shall by regulations make provision—

(a) for working standards to be from time to time tested by comparison with, and if necessary adjusted to within such limits of error as may be specified in the regulations by reference to other working standards more recently tested, or as the case may require, Nigerian trade standards;

(b) with respect to the testing, adjustment and limits of error of testing equipment provided under this section;

and no article shall be used by an inspector as a working standard or as testing equipment unless the relevant requirements of those regulations are for the time being satisfied with respect thereto.

(4) Any working standard or testing or stamping equipment lawfully in use by inspectors immediately before the commencement of this section, shall be deemed for the purposes of this Act, to have been provided under this section.

## Units of measurement, weights and measures lawful for use for trade.

## 4.—(1) No person shall—

(a) use for trade any unit of measurement of length, area, volume, capacity, mass or weight which is not included in the First Schedule to this Act;

(b) use for trade, or have in his possession for use for trade any linear, square, cubic or capacity measure which is not included in the Third Schedule to this Act or any weight which is not so included.

(2) No person shall use the carat (metric) for trade except for the purposes of transactions in precious stones or pearls; and no person shall use the ounce troy for trade except for the purposes of transactions in gold, silver or other precious metals or in articles made from gold or silver, including gold or silver thread, lace or fringe.

(3) No person shall use the ounce apothecaries, drachm, scruple, fluid drachm or minim for trade otherwise than for the purpose of transactions in drugs.

5

10

15

20

25

30

35

40

45

50

(4) Save as may be prescribed—

(a) a linear measure specified in Part I of the Third Schedule to this Act may be marked in whole or in part with divisions and subdivisions representing any shorter length or lengths;

5 (b) no capacity measure specified in Part IV of the said Third Schedule shall be used for trade by means of any division or subdivision marked thereon as a capacity measure of any lesser quantity.

10 (5) Any person who contravenes any of the foregoing provisions of this section shall be guilty of an offence, and any measure or weight used, or in the possession of any person for use, in contravention of any of those provisions shall be liable to be forfeited.

15 (6) The Minister may by order prescribe what may be treated for the purposes of use for trade as the equivalent of, or of any multiple or fraction of, any unit of measurement included in the First Schedule to this Act in terms of any other unit of measurement so included.

20 (7) Paragraph (a) of subsection (1) of this section shall not apply to the prescribing of, or to the dispensing of a prescription for, drugs, and nothing in any order under subsection (6) of this section shall apply to any transaction in drugs; but the Federal Minister charged with responsibility for health and the Minister acting jointly may by order which shall have effect notwithstanding anything in any other written law—

25 (a) prescribe what may be treated for the purposes of dealings with drugs as the equivalent of, or of any multiple or fraction of, any unit of measurement which is or at the date of commencement of this section was included in the First Schedule to this Act in terms of any other such unit;

30 (b) require that any person carrying out any such dealing with drugs as is specified in the order for the purposes of which the quantity of the drugs is expressed in terms of any such unit as aforesaid which is so specified shall carry out that dealing in terms of such equivalent quantity prescribed under paragraph (a) of this subsection as is so specified.

35 (8) The Minister may from time to time by order amend the said Third Schedule by adding to or removing from any of Parts I to IV thereof any measure of length, area, volume or capacity, as the case may be, or by adding to or removing from Part V thereof any weight.

40 5.—(1) The provisions of this section shall apply to the use for trade of weighing or measuring equipment of such classes or descriptions as may be prescribed, and regulations by virtue of this subsection may be made with respect to equipment whatever the nature of the measurement made thereby (including measurement in terms of number) and whether or not the equipment is constructed to give an indication of the measurement made or other information determined by reference to that measurement.

45 (2) No person shall use any article for trade as equipment to which this section applies, or have any article in his possession for such use, unless that article, or equipment to which this section applies in which that article is incorporated or to the operation of which the use of that article is incidental, has been passed by an inspector as fit for such use and, except as otherwise expressly provided by or under this

Weighing or  
measuring  
equipment  
for use for  
trade.

Act, bears a stamp indicating that it has been so passed which remains undefaced otherwise than by reason of fair wear and tear. If any person contravenes this subsection he shall be guilty of an offence, and any article in respect of which the offence was committed shall be liable to be forfeited.

(3) The requirements of subsection (2) of this section with respect to stamping and marking shall not apply to any weight or measure which is too small to be stamped or marked in accordance with those requirements.

## PART II.—ADMINISTRATION

Appointment  
of superin-  
tendent and  
other officers.

6.—(1) Subject to subsections (2) and (3) of this section, there shall be appointed a fit person to be superintendent of weights and measures who shall be charged with the administration of this Act, and such number of other fit persons as deputy superintendents and inspectors as may from time to time be required to assist the superintendent under this Act, and to be subject to his direction and control,

(2) The Minister, after consultation with the Governor of any Region other than the Federal Territory, may create inspectorial districts and assign thereto such number of duly appointed inspectors as may be required, and subject thereto the Minister may delegate to any local council or local authority established under any written law, the power to appoint inspectors within the area of administration of any such local council or local authority; but the question whether any consultation was held, or what was its substance, shall not be enquired into by any court.

(3) Where immediately before the commencement of this section—

(a) any person is the holder of an office designated in subsection (1) of this section, that person shall on the commencement of this section continue in office and be deemed for the purposes only of this Act to have been appointed to his office under this section:

(b) inspectorial districts are in existence in a Region, they shall, on the commencement of this section, continue in existence and be deemed to have been created under this section.

7.—(1) The Minister shall from time to time provide such weighing instruments and measuring instruments for use by inspectors as he may consider necessary for the purposes of their duties under this Act.

(2) Weighing instruments and measuring instruments for use by inspectors shall be verified at such time and in such manner as the superintendent may in writing from time to time direct.

8.—(1) Subject to the provisions of this section, no inspector shall repair, alter or adjust any weight, measure, weighing instrument or measuring instrument.

(2) If the Superintendent is satisfied that it is in the public interest that an inspector should be allowed to adjust weights, measures, weighing instruments and measuring instruments within the inspectorial district to which he is assigned, the superintendent may authorise the inspector to act as an adjuster accordingly; and it shall be an offence for an inspector so authorised to adjust any weight, measure, weighing instrument or measuring instrument without payment of the prescribed fee.

Provision of  
weighing and  
measuring  
instruments  
for use by  
inspectors.

Repair or  
adjustment  
of weights,  
etc.

5

10

15

20

25

30

35

40

45

50

Examination  
of weights,  
etc.

- 9.—(1) The superintendent may from time to time require any inspector to attend with his working standards and other equipment (if any) at such time and place as the superintendent may direct. An inspector shall attend where so required and examine and if necessary, verify any weight or measure brought to him or otherwise made available for inspection by him in the locality. If the inspector is satisfied that any weight or measure when produced to or inspected by him is accurate, or is otherwise within the requirements as prescribed, he shall verify the same by means of a stamp, and shall issue to the person entitled a certificate of verification in the form in the Fourth Schedule to this Act or to the like effect; and the certificate of verification shall, unless extended under this section, remain in force for a period of twelve months.

- (2) Where any weight or measure by reason of its shape or size may not conveniently be brought to the inspector he may, if requested to do so, attend at the premises where the weight or measure is, and there examine and verify the weight or measure. If for any reason it is not possible for the inspector to attend such premises, and the owner or user of any weight or measure in such premises produces to the inspector a current certificate of verification under this section, the inspector may by endorsement on that certificate, extend its operation for not more than one further period not exceeding twelve months.

- (3) The neglect or refusal by an inspector to deliver a certificate of verification under this section shall be an offence against this Act and the inspector shall be liable on summary conviction to a fine of five pounds.

- (4) For the purposes of this section, "weight or measure" includes any weighing instrument or measuring instrument; and for the avoidance of doubt a certificate of verification issued under any Act repealed by this Act shall in respect of any period unexpired on the commencement of this section continue in force for the unexpired period, as if it had been issued under this section.

- 10.—(1) Subject to the production of his credentials if requested, an inspector may within the area for which he was appointed inspector,—

35 (a) at all reasonable times—

(i) inspect and test any weighing or measuring equipment which is used for trade or which he has reasonable cause to believe may be so used, or which is in the possession of any person or upon any premises for such use;

40 (ii) inspect any goods to which any of the provisions of this Act or any instrument made thereunder for the time being applies or which he has reasonable cause to believe to be such goods;

45 (iii) enter any premises at which he has reasonable cause to believe there is any such equipment or goods as aforesaid, not being premises used only as a private dwelling-house; and

(b) at any time seize and detain any article for the purpose of comparing the article with the appropriate standard.

- (2) If a magistrate on sworn information in writing is satisfied that there is reasonable ground to believe that any such equipment, goods or articles as are mentioned in subsection (1) of this section are on any premises, or that any offence under this Act has been or is likely to be committed on any premises, and that—

General  
powers of  
inspection  
and entry.

(a) admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier ; or

(b) an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,—

the magistrate by warrant under his hand, which shall continue in force for a period of one month, may authorise an inspector to enter the premises, and if need be by force.

(3) Where an inspector enters any premises by virtue of a warrant under this section he may take with him such other persons and equipment as may appear to him necessary ; and on leaving any such premises which at the time of entry were unoccupied or from which the occupier during such entry was temporarily absent, he shall leave them as effectively secured against trespassers as he found them.

(4) If any inspector or other person who enters any work-place by virtue of this section discloses to any person any information obtained by him in the work-place with regard to any manufacturing process or trade secret he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence.

(5) In the exercise of his powers under this section an inspector shall exercise them so that as far as is practicable he will not impede or obstruct work in progress.

(6) Nothing in this section shall authorise an inspector to stop any vehicle on a highway.

#### Obstruction of inspectors.

11.—(1) Any person who—

(a) wilfully obstructs any inspector acting in the execution of his duty under this Act ; or

(b) wilfully fails to comply with any requirement properly made of him by an inspector entering under section ten of this Act ; or

(c) without reasonable cause fails to give to any inspector acting as aforesaid any other assistance or information which the inspector may reasonably require of him for the purposes of the performance by the inspector of his functions under this Act or any order or regulation made thereunder, shall be guilty of an offence.

(2) If any person, in giving to an inspector any such information as is mentioned in the foregoing subsection, gives any information which he knows to be false, he shall be guilty of an offence.

(3) Nothing in this section shall be construed as requiring a person to answer any question or give any information if to do so might incriminate him.

#### Offences by inspectors and others.

12.—(1) Any inspector who—

(a) stamps any weight, measure, weighing instrument, or measuring instrument without verifying it, as prescribed by this Act ; or

(b) unless authorised under this Act is paid for the making, adjusting or selling of any weight, measure, weighing instrument or measuring instrument ; or

5

10

15

20

25

30

35

40

45

(c) commits any breach of duty imposed on him under this Act, or otherwise misconducts himself in the execution of his office,— shall be guilty of an offence, and in addition to any other penalty imposed on conviction thereof, his appointment as an inspector may be cancelled.

5 (2) Any person who without proper authority, acts or purports to act as an inspector whether for the purposes of subsection (1) or not, shall be guilty of an offence against this Act.

10 13. Where any fraud is wilfully committed in the use of any weight, measure, weighing instrument or measuring instrument, the person committing such fraud, and every person party to such fraud, shall be guilty of an offence and shall be liable on summary conviction in respect of a first offence to a fine of fifty pounds, and in respect of a second or any subsequent offence to a fine of not less than fifty pounds or more than one hundred pounds or to imprisonment for a term of six months, or to both.

Fraud in use of weight, etc.

15 14. Any person who, refuses when requested by an inspector to produce to the inspector any weight, measure, weighing instrument or measuring instrument in his possession or custody or obstructs, or hinders any inspector in any examination under this Act of any weight, 20 measure, weighing instrument or measuring instrument, shall be guilty of an offence.

Refusal to produce weights, etc., an offence.

25 15. Any person who knowingly imports, makes or sells or knowingly causes to be imported, made or sold any unjust weight, measure, weighing instrument or measuring instrument, shall be guilty of an offence and shall be liable on summary conviction in respect of a first offence to a fine of not less than twenty pounds and, in respect of a second or any subsequent offence to a fine of not less than fifty pounds or more than one hundred pounds or to imprisonment for a term of six months, or to both.

Importation, etc., of unjust weights and measures.

30 16. Any person who forges or counterfeits or causes to be forged or counterfeited or knowingly assists in forging or counterfeiting, any stamp or mark used for stamping or marking any weight, measure, weighing instrument or measuring instrument under this Act, shall be guilty of an offence and shall on summary conviction be liable to a fine of not less than fifty pounds or more than one hundred pounds or to imprisonment for a term of six months, or to both.

Forgery, etc., of stamp or mark.

35 17. Any person who knowingly sells or disposes of any weight, measure, weighing instrument or measuring instrument with any forged or counterfeited stamp or mark thereon resembling or intended to resemble any stamp or mark used under this Act, shall be guilty of an offence.

Sale of weights, etc., with forged stamp.

40 18. Any person who with intent to defraud—

Alteration of stamped or marked weight, etc.

(a) alters any weight, measure, weighing instrument or measuring instrument stamped or marked in accordance with this Act ; or

45 (b) uses in any sale, contract, or other dealing any such altered weight, measure, weighing instrument or measuring instrument, shall be guilty of an offence.

Delivery on  
sale by false  
weight, etc.

19. Any person who sells any article by weight, measure, or number and delivers or causes to be delivered to the purchaser a less weight, measure, or number, as the case may be, than is purported to be sold, shall be guilty of an offence.

Misrepresen-  
tation.

20. Any person who, in connection with the sale or the exposing or offering for sale of anything makes any misrepresentation howsoever or does or omits any act, matter or thing calculated or likely to mislead the seller or purchaser or prospective seller or purchaser as the case may be, as to its weight or measure, or if sold or offered for sale by number, as to the number sold or offered for sale, shall be guilty of an offence.

Sale of bread  
not by nett  
weight an  
offence.

21.—(1) Subject to subsection (3) of this section, every person shall be guilty of an offence who—

(a) sells, offers, or exposes for sale any bread otherwise than by nett weight ; or

(b) sells or has in his possession for sale or delivery under a contract of sale any loaf of bread of less nett weight than one half pound or greater multiples thereof, or as may be prescribed from time to time.

(2) Every person selling or having in his possession for the purpose of sale or carrying to a purchaser for sale any bread, shall if so required by an inspector, permit the inspector to weigh the bread.

(3) Nothing in this section shall apply—

(a) to rolls or pieces of bread not exceeding four ounces in weight ; or

(b) to loaves supplied under contract where the contract provides for weighing of the bread on delivery.

Sale of  
certain meat  
and fish not  
by nett  
weight an  
offence.

22.—(1) Subject to the provisions of this Act as to the use of any indigenous weight or measure, any person who sells any butchers' meat or fresh fish otherwise than by nett weight shall be guilty of an offence.

(2) Nothing in this section shall apply to the sale or offer for sale of fresh fish on any beach, or to the sale or offer for sale anywhere of shell fish.

Use of false  
or unjust  
weights, etc.

23.—(1) Subject to the provisions of this section, any person who for the purposes of any sale, contract, or other dealing uses or has in his possession for use—

(a) any weight, measure, weighing instrument or measuring instrument which is false or unjust ; or

(b) any weight, measure, weighing instrument or measuring instrument not stamped or marked as required by this Act, or in respect of which no certificate of verification is in force,—

shall be guilty of an offence.

(2) Until the Minister by notice prescribes a date in respect of which paragraph (b) of subsection (1) of this section shall apply to any of the things referred to in paragraph (a), (b) or (c) of this subsection, nothing in that paragraph shall operate to create an offence in respect of any of the following, that is to say—

(a) tank wagons of any description ;

(b) any receptacle intended for use as a volumetric measure and forming part of a vehicle ;

(c) instruments used or specially designed for use for the measurement of liquid fuel, or lubricating oil.

5

10

15

20

25

30

35

40

45

24. Any person who sells goods by weight or measure for himself or on behalf of any other person in any warehouse, market, store, or other public place and when required by the person to whom the goods are delivered refuses to weigh or measure the goods in the presence 5 of the person to whom they are delivered, shall be guilty of an offence.

Refusal to weigh or measure goods delivered.

### PART III—MISCELLANEOUS AND GENERAL

25.—(1) Where there is a sale by weight or measurement and the weighing or measurement is to be done by any weight or measure prohibited by this Act, the sale shall be void.

Avoidance of sale.

10 (2) In this section, "sale" includes any contract or other transaction whatsoever.

26.—(1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, any such director or other person mentioned in this subsection as the case may be, as well as the body corporate shall be deemed to be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.

Offences by corporations.

(2) For the purposes of this section, the expression "director" in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body corporate.

27. In any proceedings under this Act in respect of an alleged deficiency in the weight of any article delivered to a purchaser it shall be a good defence on any prosecution if the defendant proves to the satisfaction of the court that the alleged deficiency was due to unavoidable evaporation or drainage, and that he took all reasonable care to avoid such deficiency.

Loss by evaporation, etc., a defence in special cases.

28.—(1) Any person prosecuted for an offence under this Act, on giving to the prosecution three clear days' notice of his requirement and with the leave of the court, shall be entitled to have brought before the court in the proceedings any other person to whose act or default the defendant alleges responsibility for the commission of the offence. If on proof of commission of the offence, the original defendant proves that its commission was due to the act or default of the other person brought before the court and that the original defendant took all reasonable care to avoid the commission of the offence by him or by any person under his control, he shall be acquitted and discharged; and the court, if it thinks fit, may enter a conviction against the other person brought before the court.

Offence by person other than defendant.

(2) Where it appears to any authority by or on whose behalf proceedings may be instituted that an offence under this Act has been committed and that authority is reasonably satisfied that the offence was due to any act or default of some other person, the authority may

Exemption  
for sale in  
containers.

cause proceedings to be taken against that other person alone ; and in any such proceedings that other person may be charged with, and may be convicted of that offence, notwithstanding the failure to prosecute the first mentioned person.

29. Unless otherwise prescribed by regulations under this Act, nothing in this Act shall— 5

(a) be construed to prohibit the sale, or subject any person to a penalty under this Act for the sale of an article in a container of any description where such container is not represented as containing any amount of imperial or metric measure ; or 10

(b) subject any person to a penalty under this Act for the possession of any such container where the court or an inspector, as the case may be, is satisfied that the container was not intended for use as a measure.

Saving for  
civil  
remedies.

30. The fact that any act or omission is an offence under this Act for which a person may be prosecuted shall not affect any civil remedy to which a person aggrieved by the offence may be entitled. 15

Transactions  
to be in  
accordance  
with Act.

31.—(1) Unless otherwise prescribed by this Act, every transaction of what nature soever in any Region involving the use of any weight or measure not in accordance with this Act shall be void, and any person who uses any such weight or measure shall be guilty of an offence against this Act. 20

(2) All tolls and duties charged or collected according to weight or measure shall be charged and collected according to one of the weights or measures under this Act or to some part or multiple thereof. 25

Power to  
forfeit and  
dispose of  
certain  
weights, etc.

32. Any weight, measure, weighing instrument or measuring instrument which is the subject matter of any proceeding leading to conviction for an offence under this Act may, unless otherwise prescribed by this Act be forfeited, and may be broken up or otherwise disposed of as the court may direct. 30

Use of  
weights, etc.,  
in relation  
to wages.

33. The provisions of this Act and of any other enactment for the time being in force in Nigeria relating to weights, measures, weighing instruments or measuring instruments used for the purposes of any sale, contract or dealing shall extend to any weight, measure, weighing instrument or measuring instrument used in any factory or workshop for the purpose of checking or ascertaining the wages of any person employed therein in like manner as if they were used for the purpose of any sale, contract or dealing under this Act. 35

Use of  
marked or  
stamped  
weights, etc.

34. No weight, measure, weighing instrument or measuring instrument marked or stamped by an inspector under this Act shall, during the currency of any certificate of verification given in respect thereof, be objected to unless the superintendent is satisfied on reasonable grounds that the certificate of verification was issued under a mistake of fact, or that the weight, measure, weighing instrument or measuring instrument when checked with the appropriate standard is incorrect. 40

Presumption  
of possession  
of weights,  
etc.

35. Where any weight, measure, weighing instrument or measuring instrument is found in the possession of any person upon premises of any description used for trade, that person shall be deemed to be in possession of the weight, measure, weighing instrument or measuring instrument for use for trade until the contrary is proved. 45

5

10

15

20

25

30

35

40

45

50



(j) prescribing articles not elsewhere included in this Act which are not to be sold otherwise than by weight or measure.

Fees.

41.—(1) The fees in the Fifth Schedule to this Act shall be the prescribed fees for the purposes of this Act.

(2) The Minister may by order from time to time amend, vary or replace the Fifth Schedule. Any order made under this section shall be laid before both Houses of Parliament as soon as possible after the commencement of the next meeting following the making thereof and if not so laid shall be void, but without prejudice to anything done or purported to have been done thereunder.

5

10

Penalties.

42.—(1) Any person guilty of an offence under any of the following provisions of this Act, that is to say—

- (a) subsection (5) of section four;
- (b) subsection (2) of section eight;
- (c) subsection (1) of section eleven; or
- (d) section fourteen,

15

shall be liable on summary conviction to a fine of fifty pounds.

(2) Any person guilty of an offence under any other provision of this Act shall unless otherwise prescribed, be liable on summary conviction to a fine of fifty pounds or in the case of a second or any subsequent offence under the same provision one hundred pounds or to imprisonment for a term of six months, or to both.

20

(3) Subject to the exercise by the Director of Public Prosecutions of the Federation of his powers, any proceedings under this Act may be instituted by any inspector.

25

(4) All penalties imposed under this Act shall, when recovered, be paid into the Consolidated Revenue Fund.

Restriction  
on operation  
of Act.

43.—(1) Nothing in this Act shall—

(a) without the approval of the Minister apply to any instrument, measure or meter of any description used or installed or to be used or installed for the purpose of—

30

(i) any dealing with land;

(ii) the measurement of consumption of electricity, gas or water; or

(iii) the hire of any taxi;

35

(b) in any case, be construed to permit or allow the use at one and the same time in any sale or computation by length or mass, of both imperial standards and metric standards.

(2) For the purposes of this section, “dealing with land” includes the survey or other admeasurement of land whether or not in respect of any sale, lease or mortgage thereof.

40

Interpreta-  
tion.

44.—(1) In this Act unless the context otherwise requires,—

“capacity measurement” means measurement in terms of a unit of measurement included in Part IV of the First Schedule to this Act;

5      "container" includes any form of packaging of goods for sale as a single item, whether by way of wholly or partly enclosing the goods or by way of attaching the goods to, or winding the goods round, some other article, and in particular includes a wrapper or confining band;

10     "food" includes drink, chewing gum or special products of a like nature and use, and articles or substances used as ingredients in the preparation of food or drink or of such products, but does not include—

- 15     (a) water, live animals or birds,  
         (b) fodder or feeding stuffs for animals, birds or fish, or  
         (c) articles or substances used only as drugs, or medicine for internal or external use;

20     "inspector" means an inspector of weights and measures appointed under this Act or as the case may be, the superintendent or any deputy superintendent of weights and measures so appointed;

25     "mark" includes label;

30     "measuring instrument" includes any instrument for the measurement of length, capacity, surface or volume;

35     "Minister" means the Federal Minister charged with responsibility for commerce and industry;

40     "occupier" in relation to any stall, vehicle, ship or aircraft or in relation to the use of any place for any purpose, means the person for the time being in charge of the stall, vehicle, ship or aircraft or, as the case may be, the person for the time being using that place for that purpose;

45     "premises" includes any place and any stall, vehicle, ship or aircraft;

50     "prescribed" means prescribed by this Act or regulations under this Act;

55     "ship" includes any boat and any other description of vessel used in navigation;

60     "stamp" means a mark for use as evidence of the passing of weighing or measuring equipment as fit for use for trade, whether applied by impressing, casting, engraving, etching, branding, or otherwise however, and cognate expressions shall be construed accordingly;

65     "superintendent" means the superintendent of weights and measures appointed under this Act;

70     "weighing instrument" includes scales with the weights applied thereto, scale-beams, balances, spring balances, steelyards, weighing machines, weighbridges, counter scales, automatic scales, self-indicating and semi-self-indicating scales, personal weighing machines and other instruments for weighing, including instruments constructed also to calculate and indicate the price in money.

75     (2) The expression "use for trade" means use in any Region in connection with, or with a view to, a transaction for—

80     (a) the transferring or rendering of money or money's worth in consideration of money or money's worth; or

(b) the making of a payment in respect of any toll or duty,  
where—

(i) the transaction is by reference to quantity in terms of measurement of length, area, volume, capacity or weight or in terms of number, or is a transaction for the purposes of which there is made or implied a statement of the quantity in such terms of goods to which the transaction relates; and

(ii) the use is for the purpose of the determination or statement of that quantity,

but, except where the transaction is a retail transaction or a transaction for the making of a payment in respect of a toll or duty leviable in Nigeria or in respect of carriage within or from Nigeria, does not include any case where the goods in respect of which the determination or statement of quantity is made are goods required for despatch to a destination outside Nigeria.

(3) Unless the context otherwise requires, any reference in this Act to any person, other than a reference to an inspector, shall be construed as a reference to that person or some other person acting on his behalf in the matter in question.

(4) A statement as to the weight or measure of a prepacked article shall, unless otherwise specified thereon, be deemed to be a statement of the nett weight or measure of such article.

(5) The Federal territory shall, unless the context otherwise requires, be deemed to be a Region for the purposes of this Act.

Short title,  
application,  
commencement  
and  
repeal.

45.—(1) This Act may be cited as the Weights and Measures Act 25 1962 and shall apply throughout the Federation.

(2) This Act shall come into operation on a day to be appointed by the Minister by notice, and the Minister may appoint different days for different sections of this Act, or may apply all or any of the provisions of this Act to any Region or part of a Region.

Cap. 214

(3) The Weights and Measures Act is hereby repealed.

## SCHEDULES

*Sections 1, 4 (6)*

### FIRST SCHEDULE

#### DEFINITIONS OF UNITS OF MEASUREMENT

##### PART I

###### *Measurement of length*

###### *Imperial Units*

1. Mile	= 1760 yards.
Furlong	= 220 yards.
Chain	= 22 yards.
YARD	= 0.9144 metre.
Foot	= 1/3 yard.
Inch	= 1/36 yard.

*Metric units*

2. Kilometre	= 1,000 metres.
METRE	shall have the meaning from time to time assigned by order by the Minister, being the meaning appearing to the Minister to reproduce in English the international definition of the metre in force at the date of the making of the order.
Decimetre	= 1/10 metre.
Centimetre	= 1/100 metre.
Millimetre	= 1/1000 metre.

## PART II

*Measurement of area**Imperial Units*

1. Square mile	= 640 acres.
Acre	= 4,840 square yards.
Rood	= 1,210 square yards.
SQUARE YARD	= a superficial area equal to that of a square each side of which measures one yard.
Square foot	= 1/9 square yard.
Square inch	= 1/144 square foot.

*Metric units*

2. Hectare	= 100 ares.
Dekare	= 10 ares.
Are	= 100 square metres.
SQUARE METRE	= a superficial area equal to that of a square each side of which measures one metre.
Square decimetre	= 1/100 square metre.
Square centimetre	= 1/100 square decimetre.
Square millimetre.	= 1/100 square centimetre.

## PART III

*Measurement of volume**Imperial units*

1. CUBIC YARD	= a volume equal to that of a cube each edge of which measures one yard.
Cubic foot	= 1/27 cubic yard.
Cubic inch	= 1/1728 cubic foot.

*Metric units*

2. CUBIC METRE	= a volume equal to that of a cube each edge of which measures one metre.
Cubic decimetre	= 1/1000 cubic metre.
Cubic centimetre	= 1/1000 cubic decimetre.

## PART IV

*Measurement of capacity**Imperial units*

1. GALLON	= the space occupied by 10 pounds weight of distilled water of density 0.998 859 grammes per millilitre weighed in air of density 0.001 217 gramme per millilitre against weights of density 8.136 grammes per millilitre.
Quart	= 1/4 gallon.
Pint	= 1/2 quart.
Gill	= 1/4 pint.
Fluid ounce	= 1/20 pint.
2. Bushel	= 8 gallons.
Peck	= 2 gallons.
3. Fluid drachm	= 1/8 fluid ounce.
Minim	= 1/60 fluid drachm.

*Metric units*

4. Hectolitre	= 100 litres.
LITRE	shall have the meaning from time to time assigned by order by the Minister, being the meaning appearing to the Minister to reproduce in English the international definition of the litre in force at the date of the making of the order.
Decilitre	= 1/10 litre.
Centilitre	= 1/100 litre.
Millilitre	= 1/1000 litre.

## PART V

*Measurement of mass or weight**Imperial units*

1. Ton	= 2,240 pounds.
Hundredweight	= 112 pounds.
Cental	= 100 pounds.
Quarter	= 28 pounds.
Stone	= 14 pounds.
POUND	= 0.45359237 kilogramme.
Ounce	= 1/16 pound.
Dram	= 1/16 ounce.
Grain	= 1/7000 pound.
2. Ounce troy	= 480 grains.
3. Pennyweight	= 24 grains.
4. Ounce	
apothecaries	= 480 grains.
Drachm	= 1/8 ounce apothecaries.
Scruple	= 1/3 drachm.

**Metric Units**

5. Metric ton	= 1000 kilogrammes.
Quintal	= 100 kilogrammes.
KILOGRAMME	shall have the meaning from time to time assigned by order by the Minister, being the meaning appearing to the Minister to reproduce in English the international definition of the kilogramme in force at the date of the making of the order.
Hectogramme	= 1/10 kilogramme.
Gramme	= 1/1000 kilogramme.
Carat (metric)	= 1/5 gramme.
Milligramme	= 1/1000 gramme.

**PART VI***Measurement of electricity*

1. The following units of measurement, that is to say—  
 (a) the AMPERE (as the unit of measurement of electrical current);  
 (b) the OHM (as the unit of measurement of electrical resistance);  
 (c) the VOLT (as the unit of measurement of difference of electrical potential); and  
 (d) the WATT (as the unit of measurement of electrical power), shall have the meanings from time to time respectively assigned by order by the Minister, being the meanings appearing to the Minister to reproduce in English the international definition of the ampere, ohm, volt or watt, as the case may be, in force at the date of the making of the order.

2. Kilowatt                    1000 watts.  
 Megawatt                    one million watts.

**SECOND SCHEDULE***Section 1 (4)***EXISTING NIGERIAN PRIMARY STANDARDS****PART I**

*Description of Nigerian Primary Standard of the yard as contained in a box bearing the letter "G" in the sub-treasury at Lagos*

FIRST a four sided brass stand with one sloping face, of a length of approximately  $37\frac{1}{2}$  inches with two flanges or feet each  $9\frac{1}{16}$  inches by  $15\frac{1}{16}$  inches, the top being of a width of approximately one inch on which is engraved the words and figures "LAGOS 1889"; the sloping face being marked starting approximately  $3\frac{1}{4}$  inch from one edge in divisions of eighths with thirty-six figures denoting inches, each inch division being the full width of the sloping face and with the internal divisions correspondingly reduced, and bearing between the top of the  $1\frac{1}{8}$  inch mark and the  $1\frac{1}{4}$  inch mark two fine parallel lines of width of approximately  $1\frac{1}{8}$  inch; having on one flange or foot the figure of a crown and the letters "VR" and on the other flange or foot the figure "1889" with a portcullis design; and the bottom being grooved  $1\frac{1}{4}$  inch from the square edge in a semi-circular channel of a diameter of approximately  $7\frac{1}{16}$  inch, there being in the channel the design of a head in profile with three diamonds as a pattern thereunder:

SECONDLY a circular metal rod 1/2 inch in diameter and 36 inches in length with three lines parallel to the axis of the bar, having each inch division circling the rod and bearing the numbers consecutively 1 to 35, the internal divisions of each inch marking 1/2 inch, 1/4 inch and 1/8 inch being graduated in length with the lines parallel to the axis of the bar ; the rod bearing the words "STANDARD YARD MEASURE", with at one end the design of a crown and the letters "VR", and at the other end the figures "1889" and a portcullis design.

### PART II

#### *Description of Nigerian Primary Standard of the Pound as contained in a box bearing the letter "D" in the sub-treasury at Lagos*

A brass figure or shape having engraved on the top "1 lb" ; on the neck or throat the figures "1890" accompanied by a portcullis design and the words "STANDARD WEIGHT" ; on one side in descending order a crown, the word "LAGOS", the figures "1890" and the letters "C" and "A" separated by an open arrowhead ; and on the base a face in left profile, with three diamonds as a pattern below ; such brass figure or shape being contained with sundry other weights and multiples or fractions thereof in the box aforesaid.

### THIRD SCHEDULE

*Sections 2(2), 3 (1), 4*

#### MEASURES AND WEIGHTS LAWFUL FOR USE FOR TRADE

### PART I

#### *Linear measures*

##### *Imperial system*

###### 1. Measures of—

100 feet	5 feet
66 feet	4 feet
50 feet	1 yard
33 feet	2 feet
20 feet	1 foot
10 feet	6 inches
8 feet	1 inch
6 feet	

##### *Metric system*

###### 2. Measures of—

20 metres	1 metre
10 metres	1 decimetre
3 metres	1 centimetre
2 metres	

### PART II

#### *Square measures*

##### *Imperial system*

###### 1. Measures of, or of any multiple of, 1 square foot.

##### *Metric system*

###### 2. Measures of, or of any multiple of, 1 square decimetre.

**PART III***Cubic measures*

Measures of, or of any multiple of, 1/4 cubic yard.

**PART IV***Capacity measures**Imperial system*

## 1. Measures of—

any multiple of 1 gallon

1 gallon	1 gill
1/2 gallon	4 fluid ounces
1 quart	1/2 gill
1 pint	2/5 gill
1/2 pint	1/3 gill
8 fluid ounces	1/4 gill
1/3 pint	1/5 gill
6 fluid ounces	1/6 gill

## 2. Measures of—

1 bushel
½ bushel
1 peck

## 3. Measures of—

4 fluid drachms	30 minims
2 fluid drachms	10 minims
1 fluid drachm	

*Metric system*

## 4. Measures of—

any multiple of 10 litres	100 millilitres
10 litres	50 millilitres
5 litres	25 millilitres
2½ litres	20 millilitres
2 litres	10 millilitres
1 litre	5 millilitres
500 millilitres	2 millilitres
250 millilitres	1 millilitre
200 millilitres	

**PART V***Weights**Imperial system*

## 1. Weights of—

56 pounds	7 pounds
50 pounds	5 pounds
28 pounds	4 pounds
20 pounds	2 pounds
14 pounds	1 pound
10 pounds	8 ounces

*Weights—continued**Imperial system—continued*

4 ounces	3 grains
2 ounces	2 grains
1 ounce	1 grain
8 drams	0.5 grain
4 drams	0.3 grain
2 drams	0.2 grain
1 dram	0.1 grain
$\frac{1}{2}$ dram	0.05 grain
100 grains	0.03 grain
50 grains	0.02 grain
30 grains	0.01 grain
20 grains	
10 grains	
5 grains	

## 2. Weights of—

500 ounces troy	0.4 ounce troy
400 ounces troy	0.3 ounce troy
300 ounces troy	0.2 ounce troy
200 ounces troy	0.1 ounce troy
100 ounces troy	0.05 ounce troy
50 ounces troy	0.04 ounce troy
40 ounces troy	0.03 ounce troy
30 ounces troy	0.025 ounce troy
20 ounces troy	0.02 ounce troy
10 ounces troy	0.01 ounce troy
5 ounces troy	0.005 ounce troy
4 ounces troy	0.004 ounce troy
3 ounces troy	0.003 ounce troy
2 ounces troy	0.002 ounce troy
1 ounce troy	0.001 ounce troy
0.5 ounce troy	

## 3. Weights of—

10 ounces apothecaries	1 drachm
8 ounces apothecaries	2 scruples
6 ounces apothecaries	$1\frac{1}{2}$ scruples
4 ounces apothecaries	1 scruple
2 ounces apothecaries	$\frac{1}{2}$ scruple
1 ounce apothecaries	6 grains
4 drachms	4 grains
2 drachms	

## 4. Weights of—

10 pennyweights	2 pennyweights
5 pennyweights	1 pennyweight
3 pennyweights	

## Weights—continued

*Metric system*

## 5. Weights of—

20 kilogrammes	2 grammes
10 kilogrammes	1 gramme
5 kilogrammes	500 milligrammes
2 kilogrammes	200 milligrammes
1 kilogramme	100 milligrammes
500 grammes	50 milligrammes
200 grammes	20 milligrammes
100 grammes	10 milligrammes
50 grammes	5 milligrammes
20 grammes	2 milligrammes
10 grammes	1 milligramme
5 grammes	

## 6. Weights of—

500 carats (metric)	1 carat (metric)
200 carats (metric)	0.5 carat (metric)
100 carats (metric)	0.25 carat (metric)
50 carats (metric)	0.2 carat (metric)
20 carats (metric)	0.1 carat (metric)
10 carats (metric)	0.05 carat (metric)
5 carats (metric)	0.02 carat (metric)
2 carats (metric)	0.01 carat (metric)

## FOURTH SCHEDULE

## Section 9

## FORM OF CERTIFICATE OF VERIFICATION

I hereby certify that the following weights and measures (or weighing instruments or measuring instruments) namely.....

---



---

brought to me by.....

---



---

residing at .....

.....were this day stamped by me as having been examined and found correct by me.

This certificate unless extended by endorsement hereon by an inspector shall cease to have effect twelve months after the date hereof.

Dated at ..... this ..... day of ..... 19 .....

(Signature).....

Inspector of Weights and Measures

## FIFTH SCHEDULE

## Section 41

## TABLE OF FEES

## A. MEASURES OF LENGTH :—

	£	s	d
Not exceeding 10 ft. (or 3 metres if a metric measure) each measure .. . . . .	1	0	
Above 10 ft. (or 3 metres if a metric measure) each measure .. . . .	4	6	
Where a measure of length is provided with both metric and imperial scales a fee shall be payable in respect of each scale.			

## B. MEASURES OF CAPACITY :—

Not exceeding one gallon (or 5 litres if a metric measure) each measure .. . . .	1	0	
Above one gallon (or 5 litres if a metric measure): for the first gallon (or 5 litre if a metric measure) ..	1	0	
for each additional gallon (or 5 litres if a metric measure)	0	6	

## C. WEIGHTS :—

*Avoirdupois :*

Not exceeding 5 lb., each weight .. . .	0	6	
Above 5 lb., each weight .. . . .	1	0	

*Troy weights, apothecaries weights and grain weights*

Not exceeding 5 oz., each weight .. . .	0	6	
Above 5 oz., each weight .. . . .	1	0	

*Metric weights and metric carat weights.*

Not exceeding 2 Kg., each weight .. . .	0	6	
Above 2 Kg., each weight .. . . .	1	0	

## D. WEIGHING INSTRUMENTS :—

(i) All types except instruments specified in D (ii) and (iii) below :—

Not exceeding 28 lb. (10 Kg. if metric) .. . .	2	0	
Above 28 lb. (10 Kg. if metric) but not exceeding 2 cwt. (100 Kg. if metric) .. . . .	4	0	
Above 2 cwt. (100 Kg. if metric) but not exceeding 5 cwt. (250 Kg. if metric) .. . . .	7	6	
Above 5 cwt. (250 Kg. if metric) but not exceeding 1 ton (1 metric ton if metric) .. . . .	12	6	
Above 1 ton (1 metric ton if metric) but not exceeding 5 tons (5 metric tons if metric) .. . . .	2	5	0
Over 5 tons (5 metric tons if metric) .. . . .	8	0	0

The fee payable where an instrument is provided with both imperial and metric graduations shall be an amount equal to one and a half times the fee appropriate to the maximum capacity of the machine; and where two or more weigh tables or platforms are connected to one indicating mechanism, a fee shall be payable in respect of each weigh table or platform.

(ii) Automatic machines and totalising machines :

Not exceeding 20 lb. (or 10 kg. if metric) each machine ..	1	10	0
Exceeding 20 lb. (or 10 kg. if metric) each machine ..	3	0	0

(iii) Egg grading machines :

Each machine .. . . . .	2	10	0
-------------------------	---	----	---

FIFTH SCHEDULE—*continued*

Section 41

## TABLE OF FISH

£	s	d
---	---	---

E. MEASURING INSTRUMENTS USED FOR THE MEASUREMENT  
OF LIQUID FUEL AND LUBRICATING OIL :—

(i) Piston type, each instrument .. .. ..	7	6
(ii) Container type (including batteries of can or barrel-filers) :		
Each container of capacity not exceeding 5 gallons (or 20 litres if metric) .. .. ..	5	0
Each container of capacity above 5 gallons (or 20 litres if metric) .. .. ..	1	0
For each subdivision of a container .. .. ..	2	6
(iii) Flowmeter type :		
Each instrument .. .. .. ..	1	15
(iv) Calibrated tanks and tank wagons :		
Each calibrated unit or compartment of capacity not exceeding 300 gallons (or 1,500 litres if metric) ..	2	2
Each calibrated unit or compartment above 300 gallons (or 1,500 litres if metric) .. ..	3	3

## F. ADJUSTING FEES :—

## (i) Weights :

Weights of 56 lb., 50 lb., 28 lb., 20 lb., 14 lb., 20 Kg., 10 Kg., 5 Kg. : Each weight .. .. ..	5	0
Weights below 14 lb. (or 5 kg. if metric) .. ..	1	0

## (ii) Measures of capacity :

Not exceeding one gallon (5 litres if metric) .. ..	1	0
Above 1 gallon (or 5 litres if metric) .. ..	3	0

## (iii) Weighing instruments :

Balancing, each instrument .. .. .. ..	2	0
Adjustment of sliding poise weights, each poise weight .. .. ..	2	0
Adjusting poise weights (other than sliding poises), each poise weight .. .. .. ..	1	0
Fitting of stamping plug or seal .. .. ..	5	0

## (iv) Measuring instruments used for liquid fuel and lubricating oil :

Adjustment of measure delivered, each instrument	5	0
--	---	---

(Bills 731)